



**HENDERSON**<sup>®</sup>  
STATE UNIVERSITY

# 2021 Clery Annual Security and Fire Safety Report



**The Henderson State University Police Department**

The Henderson State University Police Department employs 8 full-time officers and 5 part-time officers who are trained and certified under the guidelines of the Arkansas Commission on Law Enforcement Standards and Training. The officers of the HSU Police Department have the authority of commissioned police officers with full power of arrest under Arkansas law on all property owned and controlled by the university, including all streets and state highways contiguous to and running through the campus. The officers of the HSU Police Department exercise their law enforcement authority in a manner consistent with the educational mission and purpose of the institution. The Henderson State University Police Department is the law enforcement agency serving the main campus of Henderson State University. The HSU Police Department is dedicated to providing first-class service to the campus community.

The main campus of Henderson State University is within the law enforcement jurisdiction of the Arkadelphia Police Department, as well as the Arkansas State Police. The HSU Police Department maintains a close working relationship with the Arkadelphia Police Department. The HSU Police Department has a Memorandum of Understanding with the Arkadelphia Police Department to provide mutual aid and to work closely to enforce city ordinances and state laws. HSU Police Department coordinates efforts with the Arkadelphia Police Department, as well as the Arkansas State Police, to investigate alleged criminal offenses.

**Emergency Contacts and Resources**

HSU Police Department-Emergency. . . . . 911

Off-Campus Emergencies. . . . . 911

HSU Police Department-Non-Emergency. . . . . (870) 230-5098

Title IX Coordinator. . . . .(870) 210-9651

Public Safety (during a phone outage). . . . . (870) 403-6450

Physical Plant. . . . .(870)230-5179

Student Health & Counseling Center. . . . . (870)230-5102

Counseling Center . . . . . (870) 230-5102

Computer and Communication Services Helpdesk (Phone/internet outage).. . . . (870) 230-5678

Office of Marketing and Communications . . . . . (870) 230-5402

Arkadelphia Police Department . . . . . (870) 246-4545

### **Emergency Preparedness Guidance**

The safety and security of our students, faculty, staff and visitors is one of Henderson State University's top priorities. The safety of our campus is a responsibility we all share. Each of us plays a critical role in keeping our students, faculty, and staff safe on campus. Here's how you can do your part:

- **Review the university's Emergency Guidebook.** Please review and become familiar with these procedures. Keep the Emergency Guidebook accessible in your workspace.
- **Plan ahead.** The time to think about what you would do in an emergency is now. Also, consider how you can help co-workers and students with limited mobility or other impairments in the event of an emergency.
- **Subscribe to Emergency Alerts.** Important emergency alerts, notifications, and updates are sent through the Alertus phone application to all registered smartphones and Rave text message service. To receive notifications through Alertus, employees and students should follow the instructions found at this link: [Alertus App Setup](#). For Rave, registration is not necessary as phone numbers are automatically pulled from student, faculty, and staff contact information provided to the university for directory purposes. The database is updated every 24 hours. Members of the campus community are encouraged to keep their contact information up-to-date using myHenderson to ensure deliverability of messages.
- **In an emergency,** follow the procedures set out in the Emergency Guidebook.
- **If you see something, say something.** Reporting crimes, suspicious behavior, and safety concerns that are not emergencies to the HSU Police Department helps to keep us all safe. Do not hesitate to make a report.
- **Program HSU Police Department's telephone number (870-230-5098) into your cell phone.**
- **Always carry your Henderson employee identification card.** In an emergency, you may find yourself locked out of your building as some doors may be locked to keep intruders out. Carrying your ID will help you move about if doors are locked.
- **Carry your cell phone while on campus.** If you have a cell phone, keep it with you while you are on campus so that you can receive emergency alerts and can call for assistance if needed. If you do not have a cell phone and need assistance while on campus, use one of the "blue light" emergency telephones.
- **Learn the 911 address of your building.** Providing your building's exact address will help emergency personnel respond quickly. To find your 911 address go to [Henderson State University 911 Building Addresses](#)

### **Reporting crimes or emergencies**

Students, employees and guests are encouraged to report any suspected criminal activity, emergencies or public safety-related incidents on campus promptly as follows:

- In an emergency, call 911
- In situations in which you hear shots fired on campus or if you witness an armed person shooting or threatening people, following the university's Active Shooter/Violent Behavior protocol. The protocol includes the instructions to call 911 when it is safe to do so.
- In non-emergency situations on the Main Campus in Arkadelphia call the HSU Police Department at (870) 230-5098 (or 5098 from on-campus telephones).
- Some situations require special reporting pursuant to state law and university policy.
- In the event of a situation involving suspected abuse or neglect of a person under the age of 18, university employees are required to report what they know to the Arkansas Child Abuse Hotline at 1-800-482-5964. In an emergency situation, employees should first call 911. In all other situations, the first call they should make after becoming aware of a situation of child abuse or neglect is to the Arkansas Child Abuse Hotline.
- In the event of a situation involving sexual assault, rape, sexual harassment, or other misconduct that violates the university's Policy Prohibiting Sex-and Gender-Based Discrimination, Harassment, Misconduct and Retaliation (also referred to as the "Title IX Policy"), university employees are required to contact the Title IX Coordinator at 870-210-9651 or by e-mail to [title9@hsu.edu](mailto:title9@hsu.edu) in order to follow their duties as "Responsible Employees." Please note that individuals who report experiencing this type of conduct have the right to choose not to contact law enforcement.
- Authorities (CSAs) should submit certain information to the HSU Police Department at (870) 230-5098 or by e-mail to [campbej@hsu.edu](mailto:campbej@hsu.edu) with the following information: What: the nature of the incident; Where the incident occurred. Individuals reporting crimes to discharge duties as CSAs do not have to provide the name of the person reporting the offense.

HSU community members on the Main Campus are encouraged to notify HSU PD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on the main campus. HSUPD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, HSU PD has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the community. If so, federal law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

### **Response to reports of crime or emergencies**

Dispatchers are available at 911 24 hours a day to answer calls. In response to a call to 911 from the main campus, the dispatcher will determine if officers need to be dispatched. If officers need to be dispatched, officers from the City of Arkadelphia Police Department respond by proceeding to the caller's location or to the location of the incident that has been reported. If officers do not need to be dispatched, the caller may be asked to report to the HSU Police Department to file an incident report. The HSU Police Department will investigate reports as deemed appropriate and may request assistance from other law enforcement entities (i.e. City of Arkadelphia Police Department, or Arkansas State Police) as appropriate.

Calls to the HSU Police Department will be answered by HSU Police Department employees. In response to a call, the HSU Police will take the required action, either by dispatching an officer to the caller's location or asking the caller to report to the HSU Police Department to file an incident report. All HSU Police Department incidents reports are forwarded to the appropriate involved departments to handle as needed. The HSU Police Department will investigate reports as deemed appropriate and may request assistance from the City of Arkadelphia Police Department, Arkadelphia Fire Department, Arkansas State Police or other law enforcement agencies as appropriate.

Calls to Title IX will prompt a response from the Title IX Coordinator, or designee (who will be a trained Title IX Investigator). The response will follow the procedures set out in university's Policy Prohibiting Sex- and Gender-Based Discrimination, Harassment, Misconduct and Retaliation at <https://www.hsu.edu/pages/about/administration/title-ix/>. Every report of a violation of this policy will be evaluated and if further actions are deemed appropriate, the Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the university.

Call to the Arkansas Child Abuse Hotline, will be responded to by the Arkansas State Police Crimes Against Children Division. The Arkansas State Police Crimes Against Children Division will assess the report and may launch an investigation based on reports which meet the criteria of state and federal laws.

### **Accurate and prompt reporting of all crimes is encouraged**

The university encourages accurate and prompt reporting of all crimes to the appropriate law enforcement or reporting agency as set out in this report either by the victim of the crime, if he or she elects to do so, or by any other person who has information, if the victim elects not to or is unable to make such a report.

### **Timely Warnings**

Students, employees, community members and guests are encouraged to report all crimes and public safety-related incidents in a timely manner to aid in providing accurate and timely warning notices to the campus community when appropriate and to ensure inclusion in the annual security report. In the event of a serious incident which may pose an on-going threat to members of the HSU campus community, a timely warning will be issued. Timely warnings shall be provided to students and employees in a manner that is timely, that withholds the names of the victims, and that will aid in the prevention of similar occurrences.

The university will use some or all of the following methods to disseminate timely warnings to students, employees and visitors of emergency situations on campus:

- **Emergency Notifications:** Important emergency alerts, notifications, and updates are sent through the Alertus phone application to all registered smartphones and Rave text message service. To receive

notifications through Alertus, employees and students should follow the instructions found at this link: Alertus App Setup. For Rave, registration is not necessary as phone numbers are automatically pulled from student, faculty, and staff contact information provided to the university for directory purposes. The database is updated every 24 hours. Members of the campus community are encouraged to keep their contact information up-to-date using myHenderson to ensure deliverability of messages.

- Email: Broadcast emails are sent to Henderson students, faculty and staff.
- Outdoor alarm: Important emergency alerts are broadcast outside through the outdoor alarm system on the main campus.
- Alertus Desktop Notification-Pop-up alert screen on most networked computers on campus.
- Alertus Alert Beacons-devices located inside some campus buildings that flash and sound to capture the attention of individuals inside the building. The devices display emergency notifications on their screens.

In the event of situations that require the issuance of a timely warning under the Clery Act, designated personnel in the HSU Police Department or the Office of Marketing and Communication are authorized to issue a timely warning. The Office of Marketing & Communication is responsible for drafting the content of the timely warning. In the event of an Active Shooter, designated university personnel will follow the Active Shooter Communication Protocol including its protocol for issuing the timely warning.

Timely warnings are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and whether there is a continuing threat to the campus community.

#### **Other emergency notifications**

At the discretion of designated personnel in the HSU Police Department or the Office of Marketing and Communication, the university may use its emergency notification system to inform the campus community of situations other than arson, criminal homicide, robbery, aggravated assault or sex offense, that may cause an immediate threat to the campus community could including, but are not limited to

- Uncontrolled fire or explosion on campus
- Situations necessitating evacuation of campus or campus buildings (i.e. uncontained hazardous materials spill, significant flooding or structural damage to a university building)
- Hostage situation on campus
- Uncontrolled violent demonstration or riot
- Biological threat (i.e. anthrax)
- Credible threat of a bomb or a suspicious package with confirmation of a device on campus
- Tornado warning for Arkadelphia that includes the campus

To assist in the issuance of other emergency notifications, the Office of Marketing & Communication has drafted and uploaded pre-scripted statements into the Emergency Alert system.

#### **Confidential Reporting of Crimes**

Confidential reporting is available if you witness or are the victim of a crime and do not want to pursue action within the university systems or the criminal justice system. With your permission and at your request, a HSU Police Department Officer 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 university can keep an accurate record of the number of incidents involving students, employees, and visitors; determine whether there is a pattern of crime with regard to a particular location, method, or assailant, and when necessary alert the campus community to potential danger. Confidential reports are counted and disclosed in the annual crime statistic survey for the institution. It is the policy of the university to encourage the reporting of crimes even if the victim does not wish to file a complaint. In addition to reporting to an HSU Police Department official, reports may be made to any Campus Security Authority including but not limited to, the Dean of Students, Department of Student Services staff members, Residence Hall Directors, Resident Assistants, Peer Advisors, the Athletic Director, Athletic Coaches, and

Faculty or Staff Advisors of registered student organizations. The purpose of a confidential report is to maintain anonymity; yet it allows the HSU Police Department to take steps to ensure your future safety and that of others.

The HSU Police Department encourages all licensed mental health professionals and pastoral counselors to refer persons they are counseling to report crimes on a voluntary, confidential basis by contacting HSU Police Department. The university will disclose crimes regardless of whether the crimes have been investigated by the HSU Police Department or local police, and regardless of whether a finding of guilt or responsibility has been assigned. On occasion, the agency will receive a complaint that is determined through investigation to be false or baseless. If the investigation shows that no offense occurred nor was attempted, the reported offense can be classified as “unfounded”. Only sworn law enforcement may classify a reported offense as “unfounded.”

### **Emergency Response and Evacuation Procedures**

The Henderson State University Emergency Management Plan addresses the university response to emergencies by taking an all-hazards approach to natural, technological and human-caused emergencies or disasters. University administrators should familiarize themselves with the information in the plan. Individuals should familiarize themselves with the Emergency Guidebook at <https://www.hsu.edu/pages/campus-safety/>. The university’s executive administrators and HSU Police officers are trained in the Incident Command System (ICS) which is used to manage, mitigate, and recover from emergency conditions involving the university where such a situation cannot be controlled by routine measures.

The HSU Police Department conducts tests of the university’s emergency plans and capabilities on an annual basis. The tests include but are not limited to drills, tabletop exercises, functional exercises, and full scale simulations. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Information about the campus’s evacuation procedures is available in the Emergency Guidebook and at <https://www.hsu.edu/pages/campus-safety/building-evacuation/>. The university tests its evacuation procedures through drills, functional exercises, and/or full scale simulations. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

The university will use the following methods to disseminate immediate emergency response and evacuation procedures:

- Important emergency alerts, notifications, and updates are sent through the Alertus phone application to all registered smartphones and Rave text message service. To receive notifications through Alertus, employees and students should follow the instructions found at this link: [Alertus App Setup](#). For Rave, registration is not necessary as phone numbers are automatically pulled from student, faculty, and staff contact information provided to the university for directory purposes. The database is updated every 24 hours. Members of the campus community are encouraged to keep their contact information up-to-date using myHenderson to ensure deliverability of messages.
- Outdoor alarm: Important emergency alerts are broadcast outside through the outdoor alarm system.
- Alertus Desktop Notification-Pop-up alert screen on most networked computers on campus.
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### **Notification to the University Community about an Immediate Threat**

The HSU Police Department and the Office of Marketing and Communications monitor events on and around the main campus daily.

In the event that it appears that there may be an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the HSU community, the Chief of Police or the Office of Marketing and Communications will gather the best information available to attempt to confirm that there is an immediate threat, taking into consideration the need to act without undue delay. If possible, the Chief of Police will consult with the Office of Marketing and Communication to confirm whether there is a significant emergency

or dangerous situation that poses an immediate threat. The Chief of Police confirms that there is a significant emergency or dangerous situation and will determine what emergency notification is necessary unless the emergency is an Active Shooter. In the event of an Active Shooter, designated university personnel will follow the Active Shooter Communication Protocol. In the event of situations that requires the issuance of a “timely warning” under the Clery Act, other designated personnel in the HSU Police Department or the Office of Marketing and Communication are authorized to issue a warning without express authorization of the Chief of Police in order to protect human life and/or comply with federal law in accordance with established university procedure. The types of incidents that may cause an immediate threat to the campus community could include, but are not limited to, emergencies such as a/an:

- Tornado warning for Arkadelphia that includes the university’s main campus
- Active shooter or armed person threatening individual(s) on campus
- Uncontrolled fire or explosion on campus
- Situation(s) necessitating evacuation of campus or campus buildings (e.g. uncontained hazardous materials spill, significant flooding or structural damage to a university building)
- Hostage situation on campus
- Uncontrolled violent demonstration or riot on campus
- Biological threat (e.g. anthrax)
- Credible threat of a bomb or a suspicious package with confirmation of a device on campus

If the HSU Police Department or the Office of Marketing and Communications confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the HSU community, the Chief of Police or the Office of Marketing and Communications will activate emergency notification procedures to provide immediate notification of the threat to the university community, or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. (In the event of situations that require the issuance of a timely warning under the Clery Act, designated personnel in the HSU Police Department or the Office of Marketing and Communication are authorized to issue a timely warning. The Office of Marketing & Communication is responsible for drafting the content of the timely warning. In the event of an Active Shooter, designated university personnel will follow the Active Shooter Communication Protocol including its protocol for issuing the timely warning.)

For the purposes of this section, to “confirm” is to support the report of the situation with evidence, with due consideration of the quality of the evidence including an analysis of the following questions:

- Did the evidence comes from a witness or witnesses who had the opportunity to personally observe the situation (e.g. individuals on the scene when the incident occurred or first responders) or reputable sources of information (e.g. National Weather Service);
- Whether the details in the evidence gathered corresponds or conflict with details of the report; and
- Is there corroboration of any portion of the reported information from multiple first-hand witnesses or reputable sources of information?

The Chief of Police and the Office of Marketing and Communications will, without undue delay and taking into account the safety of the community, determine the content of the notification and the segment or segments of the university community to receive the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities (which may be first responders including, but not limited to: HSU Police Department, Arkadelphia Police Department, and/or the Arkadelphia Fire Department, depending upon the situation), compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. To assist in timely notification, the Office of Marketing & Communication has uploaded pre-scripted statements into the Emergency Notification system (e.g. Active Shooter/Active Shooter All Clear, Tornado Warning/Tornado Warning All Clear). (In the event of an Active Shooter, designated university personnel will follow the Active Shooter Communication Protocol including its protocol for issuing the timely warning.)

In the event of a serious incident that poses an immediate threat to members of the university community, the university has various systems in place for communicating information quickly. Some or all of these methods of

communication may be activated in the event of an immediate threat to the university campus community. The university will use some or all of the following methods to notify students, employees and visitors of immediate threats:

- Important emergency alerts, notifications, and updates are sent through the Alertus phone application to all registered smartphones and Rave text message service. To receive notifications through Alertus, employees and students should follow the instructions found at this link: [Alertus App Setup](#). For Rave, registration is not necessary as phone numbers are automatically pulled from student, faculty, and staff contact information provided to the university for directory purposes. The database is updated every 24 hours. Members of the campus community are encouraged to keep their contact information up-to-date using myHenderson to ensure deliverability of messages.
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HSU community members are encouraged to notify the HSU Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students, employees, or visitors on campus. However, in the event of an active shooting incident, the university community is directed to call 911 pursuant to the Active Shooting Communication Protocol.

HSU community members on the Main Campus are encouraged to notify HSU police department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on the main campus. However, in the event of an active shooting incident, the university community is directed to call 911 pursuant to the Active Shooting Communication Protocol.

HSU Police Department has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, HSU PD has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If so, federal law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

If there is an immediate threat to health or safety of students or employees occurring on campus, the university will post updates during critical incidents as deemed appropriate by the President and Office of Marketing & Communications through appropriate traditional media and some or all of the following methods:

- Important emergency alerts, notifications, and updates are sent through the Alertus phone application to all registered smartphones and Rave text message service. To receive notifications through Alertus, employees and students should follow the instructions found at this link: [Alertus App Setup](#). For Rave, registration is not necessary as phone numbers are automatically pulled from student, faculty, and staff contact information provided to the university for directory purposes. The database is updated every 24 hours. Members of the campus community are encouraged to keep their contact information up-to-date using myHenderson to ensure deliverability of messages.
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The university will disseminate information to visitors on campus through the outdoor alarm system and the Alertus Alert Beacons. The university will disseminate emergency information to the larger community outside of the campus through the university's website, [www.hsu.edu](http://www.hsu.edu); and press releases to appropriate traditional media outlets.

### **Emergency Response and Evacuation Procedure**

An evacuation drill is coordinated by the Department of Residence Life each semester for all residential facilities. The emergency response and evacuation procedures are tested twice a year. Students learn the locations of the emergency exits in the building and are provided guidance about the direction they should travel when exiting each facility for a building evacuation. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm systems.

Evacuation drills are monitored by the HSU Police Department and the Department of Residence Life staff members to evaluate egress and behavioral patterns. HSU Police Department and the Department of Residence Life prepare reports that identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation and shelter-in-place procedures during their first floor meetings and during other educational sessions that they can participate in throughout the year. The Residence Life staff members are trained in these procedures as well and act as an on-going resource for the students living in residential facilities.

Residence Life conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities, as described above, to test the emergency response and evacuation procedures, and to assess and evacuate the emergency evacuation plans and capabilities.

HSU will publicize its emergency response and evacuation procedures on an annual basis in conjunction with at least one drill or other test each. HSU will also publicize, on an annual basis, its procedures to test its emergency response and evacuation procedures on an annual basis including documentation for each test: a description of the exercise, the date, time, and whether it was announced or unannounced.

### **Monitoring and Recording of Criminal Activity at Off-Campus Locations**

The HSU Police Department has law enforcement jurisdiction on all property owned and controlled by the university in Arkadelphia, including all streets and state highways contiguous to and running through the main campus. Areas near the main campus that are outside of the HSU Police Department's jurisdiction are the jurisdiction of the Arkadelphia Police Department.

The university officially recognizes student organizations, including fraternities and sororities, which meet certain requirements. There are members of some recognized student organizations that live together in privately owned houses outside of the campus boundaries. However, the university has not approved nor does it recognize any student organization housing, including fraternity or sorority housing, which is outside of the boundaries of the university.

If Arkadelphia Police Department is called to respond to a report of criminal activity involving a student at a location outside of the HSU Police Department's jurisdiction, the Arkadelphia Police Department will typically notify HSU Police Department to respond with them or they will notify HSU Police Department after they have responded to inform HSU Police Department of the situation. However, Arkadelphia Police Department does this out of courtesy and is not "required" to notify or involve HSU Police Department when they respond to a call on private property. Students in these cases may be subject to arrest by the Arkadelphia Police Department and university disciplinary proceedings through the Office of the Dean of Students. Unless notified of a specific instance of criminal activity by another law enforcement agency or a member of the university community, the HSU Police

Department does not patrol or monitor outside of its law enforcement jurisdiction. Unless notified of a specific instance of criminal activity by another law enforcement agency or a member of the university community, the HSU Police Department does not patrol or monitor outside of its law enforcement jurisdiction.

The HSU Police Department works closely with the Arkadelphia Police Department, Clark County Sheriff's Department, and other local, state and federal law enforcement agencies in sharing information and investigating crimes that involve the university's students. In the event of any reported criminal activity involving a student or an officially recognized student organization that occurs at an off campus location including non campus housing facilities, the HSU Police Department will make every reasonable effort to obtain reports and information from the law enforcement agency that responded to the reported crime. If no report was made, the HSU Police Department will make an informational report and contact the law enforcement agency in whose primary jurisdiction the event occurred.

### **Campus Security and Access**

The main Arkadelphia campus is home to the majority of the university's academic buildings and administrative offices, as well as residences halls, the library, dining hall, athletic facilities, the Dunn Recreation Center and the Garrison Center. The academic buildings and administrative offices are open to the public, at a minimum, during normal business hours. Most other facilities have individual hours, and the hours may vary at different times of the year. Access to some of these buildings is also controlled by card readers after normal business hours. All of these buildings have varied levels of access. HSU Police Department officers patrol the academic and administrative buildings on a regular basis. For information about accessing a specific building, please contact the HSU Police Department at 870-230-5098.

Access to residence halls is restricted to residents, their approved guests and other approved members of the university community. Residence halls are locked 24 hours a day. Each resident has a key or a card to the front door of their residence hall which allows access to the residence hall in which they live. Guests of residents must be accompanied at all times by the resident they are visiting. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their access cards. HSU Police Department officers patrol the residence halls on a regular basis and work with Resident Assistants, Peer Advisors, and Area Coordinators to enforce security measures.

### **Maintenance of Campus**

On the main campus, facilities and landscaping are maintained in a manner that minimizes hazardous conditions. HSU Police Department officers regularly patrol the main Arkadelphia campus and report malfunctioning lights and other unsafe physical conditions to the university's plant operations management provider, SSC. Other members of the university community are encouraged to promptly report facilities and equipment problems on the main campus to SSC or the Office of the Vice President of Finance and Administration.

### **Safety and Security Awareness Programs**

Henderson State University offers many programs designed to inform students and employees about campus security procedures and practices. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus.

Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. The programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussion about topics such as alcohol abuse, prescription drug abuse, domestic and dating violence, fire safety, emergency response and evacuation procedures, sexual assault prevention and theft prevention. The HSU Police Department; the Division of Student Affairs, including Residence Life, Student Health & Counseling Center, and the Office of the Dean of Students; and the Title IX Coordinator participate in forums, presentations and programs during student orientation sessions and in Freshman Seminar classes, at events organized by student organizations, and in the residence halls to explain university security, public safety and fire safety measures with all incoming students. The Student Government Association sponsored a "Take Back the Night" March and Rally against domestic violence and dating violence in 2018. The Title IX Coordinator observed Sexual Assault Awareness Month in April 2018. During 2018, the Department of Residence

Life conducted programs presenting information regarding alcohol education, dating violence prevention, personal safety, and crime prevention for the university community. In addition, Residence Life conducts hall and floor meetings each semester to present campus and hall-specific safety and security procedures including fire-safety and crime prevention information. During new employee and new faculty orientations, the Chief of Police presents crime prevention and safety information and introduces the university's emergency procedures. In September 2018, the university observed National Campus Safety Awareness Month which included presentations that were open to the entire campus community on personal safety tips, fire safety, active shooter response and emergency preparedness. The Chief of Police also made visits to university offices and academic departments to discuss emergency procedures and crime prevention. The Chief of Police also conducted open campus forums to discuss safety concerns, active shooter scenarios, crime prevention tips and emergency procedures.

### **Alcohol and Drug Policies**

Henderson State University is committed to providing an educational and working environment which is free from the influence of unlawful drugs and the misuse of lawful drugs. The university complies with the federal Drug-Free Schools and Communities Act of 1989. The "Drug-Free Schools, Workplace and Communities Policy" is available on the university's website at [www.hsu.edu](http://www.hsu.edu). As part of the university's commitment to health and safety of the members of our community, the university publishes its "Drug-Free Schools, Workplace and Communities Policy" each year which provides information about the university's drug and alcohol policies, possible university sanctions for violations, state criminal law and penalties, federal criminal law and penalties, health risks and the available drug and alcohol counseling, treatment, rehabilitation and re-entry programs. It is the policy of Henderson State University to maintain an educational and working environment which is free from the influence of unlawful drugs and the misuse of lawful drugs. Therefore, the university prohibits the unlawful use or possession of alcoholic beverages or unlawful drugs on any property owned or maintained by the university or as a part of any university activity. The university also prohibits the manufacture, unlawful sale, or unlawful distribution of drugs and alcoholic beverages on any property owned or maintained by the university or as a part of any university activity.

The university enforces all Arkansas and federal laws regarding the possession, use, and sale of alcoholic beverages including those prohibiting the possession or consumption of alcoholic beverages by a person under the age of 21. The university also prohibits the possession, use and sale of alcoholic beverages on any property owned or maintained by the university or as a part of any university activity.

The university enforces all Arkansas and federal laws regarding the possession, use, and sale of illegal drugs. The university also prohibits the possession, use and sale of illegal drugs on any property owned or maintained by the university or as a part of any university activity.

The university does not condone violations of laws prohibiting the possession, use, or sale of alcoholic beverages and possession, use, sale, manufacture, or distribution of unlawful drugs. Members of the university community should be advised that violations of the laws concerning illegal drugs may lead to disciplinary action in order to protect the interest of the university and the rights and safety of others.

Students who are determined to have violated the university's drug and alcohol policies and/or state or federal law will have sanctions imposed in accordance with the Judicial Process outlined in the Code of Student Rights, Responsibilities, and Conduct and/or Residence Life Student Handbook. These sanctions range from educational sanctions to expulsion which permanently separates the offender from the university. If a student is found guilty of the use, possession, or distribution of illegal drugs and or other controlled substances/paraphernalia (except as expressly permitted by law or university policy), he or she will go through the sanctions process individually and a sanction will be imposed (sanctions may include but not be confined to community service, education modules, suspension or expulsion etc).

Employees who are determined to have violated the university's drug and alcohol policies and/or state or federal law will have sanctions imposed in accordance with the procedures outlined in either the Staff Handbook or the Faculty Handbook. These sanctions range from reprimands to termination. In addition to sanctions and/or disciplinary action, the university may refer violations to the appropriate legal authorities for criminal prosecution.

Each employee is required by law to inform the university within five days after he or she is convicted of violation of any federal or state criminal drug statute where the violation occurred on the university's premises.

The abuse of alcohol and drugs can have a profound and negative impact on professional, academic and family life. Henderson State University encourages members of the university community who may be struggling with drugs or alcohol to seek help. There are a number of groups, organizations, agencies, and hospitals which offer drug and alcohol abuse treatment and rehabilitation services and programs. The costs associated with these services and programs vary widely and are the responsibility of the patient. The Student Health Center can provide information and counseling for individuals with drug and/or alcohol-related problems and can provide assistance in locating off-campus professional assistance. Student Health Center: Mooney Hall, Suite 13; Phone: (870) 230-5102.

The university provides an education program to prevent the abuse of alcohol and illicit drugs by students and employees on an annual basis. The programs addressed topics such as common myths about drinking alcohol, the effects of unlawful drugs and alcohol abuse on the body and personal judgment, the personal and legal consequences of driving under the influence of alcohol, and healthy methods of stress reduction. The education program included presentations by counselors and nurses from the Student Health & Counseling Center, moderated small group discussions led by Resident Advisors and Peer Advisors in the residence halls, interactive events to simulate the impairment caused by alcohol.

### **Crime Statistics**

The information below provides a context for the crime statistics reported as part of compliance with the Clery Act.

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. Henderson State University submits its annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. In addition, a daily crime log is available for review during normal business hours at the HSU Police Department office located on the Main Campus. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the university community obtained from local law enforcement including the Arkadelphia Police Department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

A request for statistical information is made on an annual basis to all non-police officials who include campus security authorities. A campus security authority includes, but is not limited to residence life staff, advisors of registered student organizations and coaches. Statistical information is requested from university employees who work in the Student Health Center, even though they are not required by law to provide statistics for this compliance document. A request is sent each year to the Student Health and Counseling Center encouraging counselors to inform the individuals they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

**On-Campus:** Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes; and

Any building or property that is within or reasonably contiguous to a building or property described in the first paragraph of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

*Note: Statistics for university housing facilities are recorded and included in both the all on-campus category and the on-campus residential only category.*

**Non-campus:** 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.



**Henderson State University Crime Statistics**

**for Main Campus in Arkadelphia for 2020**

<b>Offense (Reported by Hierarchy)</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total Number of Offenses</b>	<b>Residential Facilities</b>	<b>Unfounded Crimes</b>
Murder/Non- negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	1	0	0	1	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0			
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	1	0	0	1	0	0
Motor Vehicle Theft	2	0	0	2	0	0
Liquor Law Arrests	0	0	0	0	0	0
Drug Law Arrests	2	0	2	4	0	0
Weapons Law Arrests	1	0	0	1	1	0
Liquor Law Violations Referred for Disciplinary Action	38	0	0	38	38	0
Drug Law Violations Referred for Disciplinary Action	25	0	0	25	25	0
Weapons Law Violations Referred for Disciplinary Action	4	0	0	4	0	0
Arson	1	0	0	1	0	0
Domestic Violence	1	0	0	1	1	0
Dating Violence	2	0	0	2	2	0
Stalking	1	0	0	1	0	0

**Henderson State University Crime Statistics**

for Main Campus in Arkadelphia for 2019

<b>Offense (Reported by Hierarchy)</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total Number of Offenses</b>	<b>Residential Facilities</b>	<b>Unfounded Crimes</b>
Murder/Non- negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	1	0	0	1	0	1
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	1	2	2	3	1	0
Aggravated Assault	1	0	0	1	1	0
Burglary	1	0	0	1	1	0
Motor Vehicle Theft	1	0	0	1	1	0
Liquor Law Arrests	1	0	0	1	0	0
Drug Law Arrests	2	0	0	2	0	0
Weapons Law Arrests	3	0	0	3	2	0
Liquor Law Violations Referred for Disciplinary Action	26	0	0	26	26	0
Drug Law Violations Referred for Disciplinary Action	15	0	0	15	15	0
Weapons Law Violations Referred for Disciplinary Action	3	0	0	3	3	0
Arson	0	0	0	0	0	0
Domestic Violence	2	0	0	2		
Dating Violence	7	0	0	7	0	0
Stalking	2	0	0	2	2	0

**Henderson State University Crime Statistics**

**for Hot Springs Campus for 2019**

<b>Offense (Reported by Hierarchy)</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total Number of Offenses</b>	<b>Residential Facilities</b>	<b>Unfounded Crimes</b>
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0
Weapons Law Arrests	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

## Henderson State University Crime Statistics

for Main Campus in Arkadelphia for 2018

Offense (Reported by Hierarchy)	On Campus	Non-Campus	Public Property	Total Number of Offenses	Residential Facilities	Unfounded Crimes
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	3	0	0	3	2	1
Fondling	0	1	0	1	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	1	0	0	1	1	0
Aggravated Assault	1	0	0	1	1	0
Burglary	1	0	0	1	1	0
Motor Vehicle Theft	1	0	0	1	1	0
Liquor Law Arrests	1	0	1	1	0	0
Drug Law Arrests	6	0	0	6	6	0
Weapons Law Arrests	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	42	0	0	42	42	0
Drug Law Violations Referred for Disciplinary Action	10	0	0	10	10	0
Weapons Law Violations Referred for Disciplinary Action	2	0	0	2	2	0
Arson	0	0	0	0	0	0
Domestic Violence	1	0	0	1	1	0
Dating Violence	3	1	0	4	3	0
Stalking	0	0	0	0	0	0



## Henderson State University Crime Statistics

for Hot Springs Campus for 2018

Offense (Reported by Hierarchy)	On Campus	Non-Campus	Public Property	Total Number of Offenses	Residential Facilities	Unfounded Crimes
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0
Weapons Law Arrests	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

### **Hate Crimes**

Henderson State University's core values include human value and difference: celebrating every human being and embracing our differences. We value an inclusive community where all individuals can explore, discover, and develop their unique abilities and interests.

The Hate Crimes statistics are separated by category of prejudice. If reported, the numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included

in the required reporting categories. Please note that a hate or bias-related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias.

There were no reported hate crimes for 2018, 2019 or 2020 for the Main Campus in Arkadelphia.

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

The FBI's National Incident-Based Reporting System from the Uniform Crime Reporting program (UCR) defines a sex offense as "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent." All forms of sexual violence including dating violence, domestic violence, sexual assault and stalking are prohibited by Henderson State University's Policy Prohibiting Sex- and Gender-Based Discrimination, Harassment, Misconduct and Retaliation.

Henderson State University aims to prevent all forms of sexual violence through education and awareness programs for students and employees; fair policies and effective procedures to address sex offenses; and well-trained personnel.

If a rape or other form of sexual assault occur on campus and the HSU Police Department is contacted, the officer will treat victims with courtesy, sensitivity, dignity, understanding and professionalism. If a rape or other form of sexual assault occurs on campus, university employees, including the HSU Police Department, will offer the victim many different services. The university employs a Title IX Coordinator who is trained to explain a victim's options, answer questions and assist victims in obtaining necessary resources. University employees will assist the victim in notifying appropriate law enforcement authorities, if the victim requests the assistance of these personnel.

#### *Education and Awareness Programs*

One of Henderson State University's strategies in the prevention of dating violence, domestic violence, stalking and sexual assault is through education. The university offers primary prevention and awareness programs for incoming students and new employees and ongoing prevention and awareness campaigns directed at all students and employees addressing all forms of sexual assault (including rape and acquaintance rape) domestic violence, dating violence, stalking and other sex offenses for students and employees.

The programs to prevent dating violence, domestic violence, sexual assault, and stalking are comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The university's primary prevention and awareness programs included: EverFi online education program was used as the primary prevention and awareness program for students. The university's Title IX Coordinator also presented to the incoming freshman class as part of the required "Henderson Seminar" course in small group sessions in the fall semester of 2020 on the issues of dating violence, domestic violence, sexual assault, and stalking. New employees received education on dating violence, domestic violence, sexual assault, and stalking through the same EverFi education programs.

The university's ongoing prevention and awareness campaigns include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout our institution. The university's ongoing prevention and awareness campaigns included: "Take Back the Night" rally was scheduled for April, 2020 (event canceled due to COVID). The Title IX Coordinator also presented programs regarding dating violence, domestic violence, sexual assault, and stalking to numerous student organizations and classes. The university observed National Sexual Assault Awareness month in April 2020. Student Health & Counseling staff, Residence Life staff and several recognized student organizations also held events throughout the year on the prevention of dating violence and sexual assault. DUE to COVID most all in person events were canceled. Online modules were still required.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. ii. For the purposes of this definition—A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. B) Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A Felony or misdemeanor crime of violence committed—A) By a current or former spouse or intimate partner of the victim; B) By a person with whom the victim shares a child in common; C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; D) 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 E) 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.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. (The UCR definitions for these offenses are set out below.)

**Sex Offense:** "Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent," as defined by the National Incident-Based Reporting System User Manual from the FBI UCR Program.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private 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:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

**Stalking:** i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—A) Fear for the person's safety or the safety of others; or B) Suffer substantial emotional distress. ii. For the purposes of this definition—A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicating to or about, a person, or interferes with a person's property. B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

#### *Definitions under Arkansas law:*

The campus of Henderson State University falls within the jurisdiction of the laws of the State of Arkansas. Arkansas's definition of some crimes are different from the FBI's Uniform Crime Reporting (UCR) program, which are used for the crime statistics used to prepare this report.

#### **Arkansas Definitions Regarding Sexual Assault**

Arkansas law does not have a single definition of "sexual assault", it has separate statutes prohibiting rape and the four degrees of sexual assault. Also, Arkansas Code 5-14-101 includes definitions of words and phrases that are necessary to understand the statutes regarding rape and the sexual assault crimes.

Arkansas Code 5-14-101 Sexual Assault Definitions-

1) "Deviate sexual activity" means any act of sexual gratification involving: (A) The penetration, however slight, of the anus or mouth of one person by the penis of another person; or (B) The penetration, however slight,

- of the labia majora or anus of one person by any body member or foreign instrument manipulated by another person;
- (2) "Forcible compulsion" means physical force or a threat, express or implied, of death or physical injury to or kidnapping of any person;
  - (3) "Mentally defective" means that a person suffers from a mental disease or defect which renders the person incapable of understanding the nature and consequences of sexual acts or unaware the sexual act is occurring. A determination that a person is mentally defective shall not be based solely on his intelligence quotient;
  - (4) "Mentally incapacitated" means that a person is temporarily incapable of appreciating or controlling the person's conduct as a result of the influence of a controlled or intoxicating substance: (A) Administered to the person without the person's consent; or (B) Which renders the person unaware the sexual act is occurring;
  - (5) "Physically helpless" means that a person is: (A) Unconscious or is physically unable to communicate lack of consent; or (B) Is rendered unaware the sexual act is occurring;
  - (6) "Public place" means a publicly or privately owned place to which the public or substantial numbers of people have access;
  - (7) "Public view" means observable or likely to be observed by a person in a public place;
  - (8) "Sexual contact" means any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, or buttocks, or anus of a person or the breast of a female;
  - (9) "Sexual intercourse" means penetration, however slight, of the labia majora by a penis; and
  - (10) "Guardian" means a parent, stepparent, legal guardian, legal custodian, foster parent, or anyone who, by virtue of a living arrangement, is placed in an apparent position of power or authority over a minor.

**Rape:** (A) A person commits rape if he engages in sexual intercourse or deviate sexual activity with another person: (1) By forcible compulsion; or (2) Who is incapable of consent because he is physically helpless, mentally defective or mentally incapacitated; or (3) Who is less than fourteen (14) years of age; or (4) Who is less than eighteen (18) years of age, and the actor: (a) The victim's guardian; (b) Uncle, aunt, grandparent or step-grandparent, grandparent by adoption; (c) Brother, sister or the whole or half-blood or by adoption; (d) Nephew, niece or first cousin. (e) It is an affirmative defense to prosecution under this subdivision (D) that the actor was not more than three (3) years older than the victim. (B) It is not a defense to prosecution under (3) or (4) of this section that the victim consented to the conduct. (C) It is an affirmative defense to prosecution under (3) of this section that the actor was not more than three (3) years older than the victim. (D) Rape is a Class Y felony. (Arkansas Code 5-14-103.)

**Sexual Assault First Degree:** (A) A person commits sexual assault in the first degree if the actor engages in sexual intercourse or deviate sexual activity with another person, not the person's spouse, who is less than eighteen (18) years of age and the actor: (1) Is employed with the Department of Correction, Department of Community Punishment, Department of Human Services, any city or county jail or juvenile detention facility, and the victim is in the custody of the Department of Correction, Department of Community Punishment, Department of Human Services, any city or county jail, or juvenile detention facility, or their contractors or agents; or (2) Is a professional under Arkansas Code 12-12-507(b) and is in a position of trust or authority over the victim and uses the position to engage in sexual intercourse or deviate sexual activity; or (3) Is an employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the victim. It is an affirmative defense to prosecution under this subdivision that the actor was not more than three (3) years older than the victim. (B) Is it no defense to prosecution that the victim consented to the conduct. (C) Sexual assault in the first degree is a Class A felony. (Arkansas Code 5-14-103.)

**Sexual Assault Second Degree:** (A) A person commits sexual assault in the second degree if the person: (1) Engages in sexual contact with another person by forcible compulsion; or (2) Engages in sexual contact with another person who is incapable of consent because the person is physically helpless, mentally defective, or mentally incapacitated; or (3) Being eighteen (18) years of age or older, engages in sexual contact with the sex organs of another person, not the person's spouse, who is less than fourteen (14) years of age. (4) Engages in sexual contact with another person who is less than eighteen (18) years of age and the person: (a) Is employed with the Department of Correction, Department of Community Punishment, any city or county jail or any juvenile detention facility, and the minor is in custody at one of the facilities operated by the agency or contractor employing the



person; (b) Is a professional under Arkansas Code 12-12-507(b) or is in a position of trust or authority over the minor; or (c) Is the minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust over the minor. (B) It is not a defense to prosecution under (4) of this section that the minor consented. (5) Is a teacher in a public school in grades kindergarten through twelve (K-12) and engages in sexual contact with another person who is a student enrolled in the school and who is less than twenty-one (21) years of age; or (6) Being less than eighteen (18) years old, the person engages in sexual contact with a person not the person's spouse who is less than fourteen (14) years old. (1) It is an affirmative defense to prosecution under this section that the person was not more than three (3) years older than the victim if the victim is less than twelve (12) years of age. (2) It is an affirmative defense to prosecution under this section that the person was not more than four (4) years older than the victim if the victim is twelve (12) years of age or older. (C) Sexual assault in the second degree is a Class B felony. (D) Sexual assault in the second degree is a Class D felony if committed by a person less than eighteen (18) years of age with a person, not the person's spouse, who is less than fourteen (14) years of age. (Arkansas Code 5-14-103.)

**Sexual Assault Third Degree:** (A) A person commits sexual assault in the third degree if the person engages in sexual intercourse or deviate sexual activity with another person, not the person's spouse, and the person: (1) Is employed with the Department of Correction, Department of Community Punishment, Department of Human Services, any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Punishment, Department of Human Services, or any city or county jail; or (2) Is a professional under Arkansas Code 12-12-507(b) or a member of the clergy, and is in a position of trust or authority over the victim and uses the position to engage in sexual intercourse or deviate sexual activity. (B) Is it no defense to prosecution under (A) of this section that the victim consented to the conduct. (C) A person commits sexual assault in the third degree if the person being under eighteen (18) years of age, engages in sexual intercourse or deviate sexual activity with another person not the person's spouse, who is less than fourteen (14) years of age. (D) It is an affirmative defense under (C) of this section that the person was not more than three (3) years older than the victim. (E) Sexual assault in the third degree is a Class C felony. (Arkansas Code 5-14-103.)

**Sexual Assault in the Fourth Degree:** (A) A person commits sexual assault in the fourth degree if, being twenty (20) years of age or older, the person engages in sexual intercourse, deviate sexual activity, or sexual contact with another person, not the person's spouse, who is less than sixteen (16) years of age; or (B) The person engages in sexual contact with another person, not the person's spouse, who is less than sixteen (16) years of age. (C) Sexual assault in the fourth degree under (A) of this section is a Class D felony. (D) Sexual assault in the fourth degree under (B) of this section is a Class A misdemeanor. (Arkansas Code 5-14-103)

### **Arkansas Law Regarding Dating Violence**

Arkansas does not specify a crime of dating violence. However, some of the criminal acts that are associated with dating violence are prohibited by Arkansas law. Arkansas criminal law prohibits committing a battery (causing a serious physical injury), assault (creating a substantial danger of death or serious physical injury) and terroristic threatening (threatening to cause serious death or serious physical injury) upon any person, regardless of the relationship between the perpetrator and the victim. (The Arkansas statutes prohibiting battery and assault can be found at Arkansas Code 5-13-201 et. seq and the terroristic threatening statute can be found at 5-13-301 et. seq.)

### **Arkansas Definitions Regarding Domestic Violence**

Arkansas law does not have a single definition of "domestic violence", it has separate statutes prohibiting four degrees of domestic battering, aggravated assault on a family or household member, and the three degrees of assault on a family or household member. Also, Arkansas Code 5-26-302 includes definitions of words and phrases that are necessary to understand the statutes regarding the domestic battery, aggravated assault on family or household members

and the assault on a family or household member.

**Arkansas law definition for the statutes prohibiting domestic battery, aggravated assault on family or household member and the assault on a family or household member: "Family or household member" means: (A) A spouse; (B) A former spouse; (C) A parent; (D) A child, including any minor residing in the household; (E) (i) Persons related**

by blood within the fourth degree of consanguinity. (ii) The degree of consanguinity is computed pursuant to § 28-9-212; (F) Persons who presently or in the past have resided or cohabited together; (G) Persons who have or have had a child in common; or (H) Persons who are presently or in the past have been in a dating relationship together; (3) "Harass" means an act of harassment as prohibited by § 5-71-208; (4) "Intimidate" means to force into or deter from an action by inducing fear; (5) "Sexual nature" means that an image, picture, video, or voice or audio recording depicts actual or simulated: (A) Sexual intercourse; (B) Deviate sexual activity; (C) Bestiality; (D) Masturbation; (E) Sadomasochistic abuse for the purpose of sexual stimulation; or (F) Lewd exhibition of the: (i) Genitals or pubic area of any person; (ii) Breast of a female; and (6) "State of nudity" means: (A) The appearance of a human anus, human genitals, or a female breast below a point immediately above the top of the areola; or (B) A state of dress that fails to opaquely cover a human anus, human genitals, or a female breast below a point immediately above the top of the areola. (Arkansas Code § 5-26-302)

Domestic Battering in the First Degree: (a) A person commits domestic battering in the first degree if: (1) With the purpose of causing serious physical injury to a family or household member, the person causes serious physical injury to a family or household member by means of a deadly weapon; (2) With the purpose of seriously and permanently disfiguring a family or household member or of destroying, amputating, or permanently disabling a member or organ of a family or household member's body, the person causes such an injury to a family or household member; (3) The person causes serious physical injury to a family or household member under circumstances manifesting extreme indifference to the value of human life; (4) The person knowingly causes serious physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger; or (5) The person: (A) Commits any act of domestic battering as defined in § 5-26-304 or § 5-26-305; and (B) For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction. (b)(1) Domestic battering in the first degree is a Class B felony. (2) However, domestic battering in the first degree is a Class A felony upon a conviction under subsection (a) of this section if: (A) Committed against a woman the person knew or should have known was pregnant; or (B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the first degree: (i) Domestic battering in the first degree; (ii) Domestic battering in the second degree, § 5-26-304; (iii) Domestic battering in the third degree, § 5-26-305; or (iv) A violation of an equivalent penal law of this state or of another state or foreign jurisdiction. (Arkansas Code § 5-26-303)

Domestic Battering in the Second Degree: (a) A person commits domestic battering in the second degree if: (1) With the purpose of causing physical injury to a family or household member, the person causes serious physical injury to a family or household member; (2) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a deadly weapon; (3) The person recklessly causes serious physical injury to a family or household member by means of a deadly weapon; or (4) The person knowingly causes physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger. (b)(1) Domestic battering in the second degree is a Class C felony. (2) However, domestic battering in the second degree is a Class B felony if: (A) Committed against a woman the person knew or should have known was pregnant; (B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the second degree: (i) Domestic battering in the first degree, § 5-26-303; (ii) Domestic battering in the second degree; (iii) Domestic battering in the third degree, § 5-26-305; or (iv) A violation of an equivalent penal law of this state or of another state or foreign jurisdiction; or (C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree. (Arkansas Code § 5-26-304)

Domestic Battering in the Third Degree: (a) A person commits domestic battering in the third degree if: (1) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member; (2) The person recklessly causes physical injury to a family or household member; (3) The person negligently causes physical injury to a family or household member by means of a deadly weapon; or (4) The person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to a family or

household member by administering to the family or household member, without the family or household member's consent, any drug or other substance. (b) (1) Domestic battering in the third degree is a Class A misdemeanor. (2) However, domestic battering in the third degree is a Class D felony if: (A) Committed against a woman the person knew or should have known was pregnant; (B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the third degree: (i) Domestic battering in the first degree, § 5-26-303; (ii) Domestic battering in the second degree, § 5-26-304; (iii) Domestic battering in the third degree; (iv) Aggravated assault on a family or household member, § 5-26-306; or (v) A violation of an equivalent penal law of this state or of another state or foreign jurisdiction; or (C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the third degree. (Arkansas Code § 5-26-305)

Aggravated Assault on a Family or Household Member: (a) A person commits aggravated assault on a family or household member if, under circumstances manifesting extreme indifference to the value of human life, the person purposely: (1) Engages in conduct that creates a substantial danger of death or serious physical injury to a family or household member; (2) Displays a firearm in a manner that creates a substantial danger of death or serious physical injury to a family or household member; or (3) Impedes or prevents the respiration of a family or household member or the circulation of a family or household member's blood by applying pressure on the throat or neck or by blocking the nose or mouth of a family or household member. (b) Aggravated assault on a family or household member is a Class D felony. (Arkansas Code § 5-26-306)

First Degree Assault on a Family or Household Member: (a) A person commits first degree assault on a family or household member if the person recklessly engages in conduct that creates a substantial risk of death or serious physical injury to a family or household member. (b) First degree assault on a family or household member is a Class A misdemeanor. (Arkansas Code § 5-26-307)

Second Degree Assault on a Family or Household Member: (a) A person commits second degree assault on a family or household member if the person recklessly engages in conduct that creates a substantial risk of physical injury to a family or household member. (b) Second degree assault on a family or household member is a Class B misdemeanor. (Arkansas Code § 5-26-308)

Third Degree Assault on a Family or Household Member: (a) A person commits third degree assault on a family or household member if the person purposely creates apprehension of imminent physical injury to a family or household member. (b) Third degree assault on a family or household member is a Class C misdemeanor. (Arkansas Code § 5-26-309)

### Arkansas Definition of Stalking

Stalking: (a)(1) A person commits stalking in the first degree if he or she knowingly engages in a course of conduct that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety, and the actor: (A) Does so in contravention of an order of protection consistent with the Domestic Abuse Act of 1991, § 9-15-101 et seq., or a no contact order as set out in subdivision (a)(2)(A) of this section, protecting the same victim, or any other order issued by any court protecting the same victim; (B) Has been convicted within the previous ten (10) years of: (i) Stalking in the second degree; (ii) Terroristic threatening, § 5-13-301 or terroristic act, § 5-13-310; or (iii) Stalking or threats against another person's safety under the statutory provisions of any other state jurisdiction; or (C) Is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon. (2)(A) Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure. (B) The no contact order remains in effect during the pendency of any appeal of a conviction under this subsection (a) of this section. (C) The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and the arresting law enforcement agency without unnecessary delay. (D) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter such orders as are consistent with § 5-2-305. (3) Stalking in the first degree is a Class B C [FN1] felony. (b)(1) A person commits stalking in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of placing that person in

imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family. (2)(A) Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure. (B) The no contact order remains in effect during the pendency of any appeal of a conviction under this subsection (b). (C) The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and arrested party by law enforcement agency without unnecessary delay. (D) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter such orders as are consistent with § 5-2-305. (3) Stalking in the second degree is a Class D felony. (c)(1) A person commits stalking in the third degree if he or she knowingly commits an act that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety. (2)(A) Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure. (B) The no contact order remains in effect during the pendency of any appeal of a conviction under this subsection (c). (C) The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and the arresting law enforcement agency without unnecessary delay. (D) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter orders as are consistent with § 5-2-305. (3) Stalking in the third degree is a Class A misdemeanor. (d) It is an affirmative defense to prosecution under this section if the actor is a law enforcement officer, licensed private investigator, attorney, process server, licensed bail bondsman, or a store detective acting within the reasonable scope of his or her duty while conducting surveillance on an official work assignment. (e) It is not a defense to a prosecution under this section that the actor was not given actual notice by the victim that the actor's conduct was not wanted. (f) As used in this section: (1)(A) "Course of conduct" means a pattern of conduct composed of two (2) or more acts, separated by at least thirty-six (36) hours, but occurring within one (1) year including without limitation an act in which the actor directly, indirectly, or through a third party by any action, method, device, or means follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person or interferes with a person's property. (B)(i) "Course of conduct" does not include constitutionally protected activity. (ii) If the defendant claims that he or she was engaged in a constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence; (2)(A) "Emotional distress" means significant mental suffering or distress. (B) "Emotional distress" does not require that the victim sought or received medical or other professional treatment or counseling; and (3) "Harasses" means an act of harassment as prohibited by § 5-71-208. (Arkansas Code § 5-71-229)

### **Arkansas Law and Consent**

Arkansas does not have a statutory definition of consent, in reference to sexual activity. However, that statutory definitions of rape and sexual assault in the second degree provide some guidance. The statutory definition of rape under Arkansas law includes "sexual intercourse or deviate sexual activity with another person: (1) By forcible compulsion; or (2) Who is incapable of consent because he is physically helpless, mentally defective or mentally incapacitated;" and the definition of sexual assault in the second degree includes "(2) Engages in sexual contact with another person who is incapable of consent because the person is physically helpless, mentally defective, or mentally incapacitated." Under Arkansas law:

- "mentally defective" means that a person suffers from a mental disease or defect which renders the person incapable of understanding the nature and consequences of sexual acts or unaware the sexual act is occurring;
- "mentally incapacitated" means that a person is temporarily incapable of appreciating or controlling the person's conduct as a result of the influence of a controlled or intoxicating substance: (A) Administered to the person without the person's consent; or (B) Which renders the person unaware the sexual act is occurring; and
- "Physically helpless" means that a person is: (A) Unconscious or is physically unable to communicate lack of consent; or (B) Is rendered unaware the sexual act is occurring.

### **Bystander Intervention: Helping to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking**

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. The following information is based on Bystander Intervention research being done at the University of New Hampshire. The university encourages the campus community to recognize the signs of danger and develop plans to help keep each other safe.

#### *Some simple steps to becoming an Active Bystander*

- Notice the situation. Be aware of your surroundings.
- Interpret it as a problem. Do I recognize that someone needs help?
- Feel responsible to act. See yourself as being part of the solution to help.
- Know what to do. Educate yourself on what to do.
- Intervene safely. Take action but be sure to keep yourself safe.

#### *How to Intervene Safely*

- Tell another person. Being with others is a good idea when a situation looks dangerous.
- Ask a person you are worried about if they are okay. Provide options and a listening ear.
- Distract or redirect individuals in unsafe situations.
- Ask the person if they want to leave. Make sure that they get home safely.
- Call the police (911) or someone else in authority or yell for help.

#### *What can my friends and I do to be safe?*

- Take care of each other.
- Have a plan. Talk with your friends about your plans BEFORE you go out. Having a clear plan ahead of time helps friends look after one another.
- Go out together. Go out as a group and come home as a group; never separate and never leave your friend(s) behind.
- Watch out for others. If you are walking at night with friends and notice a woman walking by herself in the same direction, ask her to join you so she doesn't have to walk alone.
- Diffuse situations. If you see a friend coming on too strong to someone who may be too drunk to make a consensual decision, interrupt, distract, or redirect the situation. If you are too embarrassed or shy to speak out, get someone else to step in.
- Trust your instincts. If a situation or person doesn't seem "right" to you, trust your gut and remove yourself, if possible, from the situation.

### **Risk Reduction**

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

With no intent to blame victims, and in recognizing that only abusers are responsible for the abuse they perpetrate, the following are some strategies to reduce one's risk of sexual assault and other forms of violence.

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
5. Make sure your cell phone is with you and charged, and that you have money.
6. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
7. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
8. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

9. Trust your instincts. If you feel unsafe or uncomfortable in any situation or location, go with your gut—it probably isn't the best place to be. If you see something suspicious, contact law enforcement immediately.
10. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
11. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
12. Watch out for your friends, and vice versa. If a friend seems out of it, is too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
13. If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie. If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
15. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
16. If you and/or the other person has been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

#### **University's Response to a Report of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

In the event the university receives a report of domestic violence, dating violence, sexual assault or stalking, the university will follow the procedures set out in the Policy Prohibiting Sex- and Gender-Based Discrimination, Harassment, Misconduct and Retaliation.

#### **Complaint Procedure**

All complaints or any concerns about conduct that may violate this policy should be submitted to the Title IX Coordinator, at 870-210-9651 or title9@hsu.edu.

The procedures in the university's Policy Prohibiting Sex- and Gender-Based Discrimination, Harassment, Misconduct and Retaliation are intended to apply to all sex-based and gender-based complaints 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 complaints by students, employees, or third parties shall be addressed through other conduct or grievance procedures. The university benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the university community.

The Title IX Coordinator shall determine which type of proceeding shall be used to resolve complaints of domestic violence, dating violence, sexual assault or stalking. If it is practicable and safe to do so, the university uses an informal complaint process to address allegations of the following: domestic violence, dating violence, or stalking. The university uses formal complaint resolutions procedures to address allegations of the following: domestic violence, dating violence, sexual assault or stalking.

#### **University's Commitment to Prompt, Fair and Impartial Process**

The university, through the procedures contained in its Policy Prohibiting Sex- and Gender-Based Discrimination, Harassment, Misconduct and Retaliation, will provide disciplinary actions and proceedings in cases of alleged

dating violence, domestic violence, sexual assault, or stalking that include a prompt, fair, and impartial process from the initial investigation to the final result. A prompt, fair, and impartial proceeding includes a proceeding that is (A) completed within reasonably prompt timeframes as designated in the university's policy, including a process that allows for the extension of time frames for good cause with written notice to the accuser and the accused of the delay and the reason for the delay; (B) conducted in a manner that (1) is consistent with the institution's policies and transparent to the accuser and accused; (2) includes timely notice of meetings at which the accuser or accused, or both, may be present; and (3) provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and C) conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

The university's investigation and proceedings conducted pursuant to the Policy Prohibiting Sex- and Gender-Based Discrimination, Harassment, Misconduct and Retaliation will be conducted by university officials who at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and review/appeal process that protects the safety of victims and promotes accountability. University officials who conduct investigations will also receive annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

#### Notice of Rights and Options

When a student or employee reports to the university that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options. The notice includes the procedures victims should follow; information about how the institution will protect the confidentiality of victims and other necessary parties; written notification to students and employees about victim services within the institution and in the community; a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and an explanation of the procedures for institutional disciplinary action.

#### Interim Protective Measures

When a student or employee report to the university that a student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the university will provide written notification of victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The university will make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

In all cases, the university 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.
- Reassigning on-campus housing.
- Dissolving a campus housing contract and offering a prorated refund.
- 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 the university.
- Providing alternative course completion options.
- Providing counseling services.



- Providing academic support services.

Following the initial meeting with the complainant and the individual reporting the conduct (if not the complainant), the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the complainant. Such determination will be promptly communicated to the complainant, and no later than the point at which it is communicated to the respondent.

#### Notice of Availability of Services Within the University

The university will provide written notification to students and employees about the availability of resources for victims within the institution including counseling, health, mental health, victim advocacy, legal assistance, visa, immigration assistance, student financial aid, and other services available for victims.

#### Notice of Availability of Services Within the Larger Community

The university will provide written notification to students and employees about the availability of resources for victims outside of the university in the larger community including counseling, health, mental health, victim advocacy, legal assistance, visa, immigration assistance, student financial aid, and other services available for victims.

#### Support Person or Advisor

The university provides the complainant and the respondent with the same opportunities to have others present during the proceedings pursuant to this policy. The university will not limit the choice of the individual who is present with either the complainant or the respondent.

Both the complainant and the respondent may be accompanied by one person to support or advise them during the investigation and the appeals process. The person can be anyone, including an attorney, but the support person may not take an active part in any interview. The person may not speak on behalf of the party, present evidence, make objections or statements, ask questions or otherwise participate in any interview, beyond privately communicating with the party that he or she is supporting or advising. The Title IX Coordinator may disallow the attendance of any support person or advisor if he or she is also a witness or if, in the discretion of the chair, such person's presence would be disruptive or obstructive to the interview, the investigative process or otherwise warrant removal. All support persons or advisors must agree to keep any and all information presented in the interview confidential in order to attend. Absent accommodation for disability, the parties may not be accompanied by any other individual during the investigative process except as set forth in this policy. University officials may seek advice from the university's Office of General Counsel on questions of law and procedure at any time during the process.

#### 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, no part of the investigative process or the appeals process will be open to the general public. Accordingly, documents created, gathered or presented during the investigation or appeal process (including the complaint and the investigative report) may not be disclosed to any individual other than university officials with a legitimate interest in the matter, except as may be required or authorized by law.

When the university compiles information and prepares reports for required disclosures of crime statistics and other information that will be public information, including Clery Act reporting and disclosures, it removes all personally identifying information about the victims. (What constitutes personally identifying information is defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)).)

The university will maintain the confidentiality of any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

### Informal Complaint Process

The university does not require a complainant to utilize the informal complaint process if doing so is impractical 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 or 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 immediate 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 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 will take steps, either directly with the complainant or through a reporting employee, to provide information about the university's complaint procedure, as well as available health and advocacy resources and options for criminal reporting.

#### **Title IX Coordinator**

- **870-210-9651**
- [Title9@hsu.edu](mailto:Title9@hsu.edu)

### Initial Meeting with Complainant and/or Reporting Party

As soon as is practicable, the Title IX Coordinator will contact the complainant and the individual reporting party (if not the complainant) to schedule an initial meeting to, as applicable:

- Provide a written explanation of the student or employee's rights and options
- Provide a copy of this policy.
- Request the current postal mailing address of the Complainant and Respondent for notices pursuant to this policy.
- Provide instructions on how to file a complaint, if he or she agrees to disclose the information.
- Complaints should provide details regarding the allegation, including the name of the respondent and the date, location, and general nature of the alleged violation of policy. If the complaint is dictated to the Title IX Coordinator, the Title IX Coordinator 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 wishes to pursue a resolution through the university or no resolution of any kind.
- Refer to law enforcement, counseling, medical, academic, or other resources, as appropriate.
- Discuss, as appropriate, possible interim measures that can be provided during the pendency of the investigative and resolution processes.

### Filing Report with Local Law Enforcement

In some instances, sexual misconduct may constitute both a violation of university policy and criminal activity. The university's process for Sex- and Gender-Based Discrimination, Harassment, and Misconduct Complaints that is set out in this document is not a substitute for instituting legal action by any party. The university encourages individuals to report alleged sexual misconduct promptly to university employees AND to law enforcement authorities, when appropriate. However, complainants have the right to decline to notify law enforcement. Individuals may file a report directly with local law enforcement agencies by dialing 911. If the complainants choose

to notify law enforcement, the Title IX Coordinator or other university official will offer to provide assistance. Individuals may also contact any of the following for assistance in filing a report with local law enforcement.

Henderson State University Police Department

Emergencies: 911  
Office: 870-230-5098

Arkadelphia Police Department

Emergencies: 911  
Office: 870-246-4545

Clark County Sheriff's Office

Emergencies: 911  
Office: 870-246-2222

The Simonson Biological Field Station is located in Hot Spring County

Hot Spring County Sheriff's Office

Emergencies: 911  
Office: 501-332-3671

#### Preserving Evidence

It is important that evidence of sexual assault be preserved because it may be needed for prosecuting a criminal case. Complainants and others should not alter the scene of the attack. The complainant should not change clothes, bathe or shower, drink or eat anything, or brush his or her teeth before reporting the assault. Any items worn by the complainant 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 plastic bag and brought along with the complainant to the local hospital emergency department that has kits to collect and preserve evidence of sexual assault.

#### Investigation

The Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the university. The Title IX Coordinator or his or 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 or her designee will apprise the Vice President of the area in which the employee(s) works, or, if the complaint is against a student, the Provost and Dean of Students.

The Title IX Coordinator or his or 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.

- 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 or her designee unless it is clear from the face of the complaint or the Title IX Coordinators 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 complainant, 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 complainants can be identified.
- 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 or she will determine and document (in consultation, as necessary, with the complainant, the respondent, and any other university 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 or his or her designee 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 complainant and the respondent and will forward the complaint to the investigator. Within three (3) days of such appointment, the investigator, the complainant, 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 reporting party (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.
- 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 information that is personally identifiable to the third-party 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 Respondent

If the complainant or individual reporting the conduct (if not the complainant) wishes to pursue resolution through the university, or if the university otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinator's initial meeting with the individual reporting the conduct (and, if applicable, the complainant), 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 a written explanation of the student or employee's rights and options

- 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/complainant, the date, location, nature of the alleged violation of policy, etc.).
- Provide a copy of this policy.
- Request the current postal mailing address of the Complainant and Respondent for notices pursuant to this policy explain the university'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 complainant that would directly affect the respondent (e.g., changing class schedule, moving to an alternate residence hall, etc.).
- Refer to law enforcement, counseling, medical, academic, or other resources, as appropriate.
- Discuss, as appropriate, possible interim measures that can be provided to the respondent during the pendency of the investigative and resolution processes.

#### Failure to Respond

If any party was provided proper notice of the proceedings but fails to respond to requests to meet with the Title IX Coordinator or his or her designee, fails to provide requested information to the university or fails to otherwise cooperate with the investigation, absent extenuating circumstances, that party will be deemed to have waived his or her opportunity to participate in the investigation.

Any party may choose not to participate in the investigation or any appeal; however, his or her exercise of that option will not preclude the Title IX Coordinator, the Title IX Coordinator's designee or the administrator designated to consider the appeal from making a determination regarding the complaint filed against the respondent.

#### Prior Sexual Conduct

- Evidence of the prior sexual conduct of the complainant and the respondent with others will not be considered during the investigation or appeal, with the following exceptions:
- Evidence is permitted to show that the complainant has in the past been formally disciplined by the university 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 the university for conduct which would violate this policy, if deemed relevant by the Title IX Coordinator (or the designated administrator, in the event of an appeal).
- 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 the policy currently being investigated, provided that (1) the respondent has not been found "not responsible" by the university in a proceeding related to such conduct and (2) the Title IX Coordinator (or the designated administrator, in the event of an appeal) 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 in this investigation to suggest a pattern of behavior.

#### 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 complainant 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 the individual reporting the conduct (if not the complainant) were interviewed.
- The date the respondent was interviewed.
- The name 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 name 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 the person reporting the conduct, 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, the person reporting the conduct (if different than the complainant), respondent, and other university officials, any remedial and/or disciplinary action deemed appropriate under the circumstances.
- The response of university personnel and, if applicable, university-level officials, including any interim measures and permanent steps taken with respect to the complainant, the person reporting the conduct (if different than the complainant) and the respondent.
- 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 to the extent 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 convene a Sanctions Panel of three Title IX Committee members who did not participate in the investigation and who do not have a material conflict of interest. The Sanctions Panel will determine the appropriate remedy and/or sanction to be imposed within three (3) working days. The Title IX Coordinator 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, the university will act to end the discrimination, harassment, retaliation or sexual misconduct, prevent its recurrence and remedy its effects on the complainant and/or university 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 the university, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions as deemed appropriate.

#### Standard of Proof

In considering a complaint of dating violence, domestic violence, sexual assault, or stalking, the Title IX Coordinator, the Title IX Coordinator's designee, or the designated administrator (in the event of an appeal that includes the proper presentation of new evidence as a ground for appeal) will determine if the information gathered and evidence presented during the investigation 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.

#### Possible Sanctions in Cases of Dating Violence, Domestic Violence, Sexual Assault, or Stalking

Sanctions imposed after 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 the university; disciplinary probation; disqualification from participation in recognized student organizations, athletics, band, spirit groups, or performance groups; revocation or reduction of university-provided scholarship or stipend; expulsion from campus housing; mandated counseling; denial of a promotion or pay increase; temporary “stay off campus”/persona non grata order; permanent “stay off campus”/persona non grata order; temporary university-issued no contact order with named individual(s); orders not to enter certain university buildings (such as a residence hall); permanent university-issued no contact order reassigning employment; termination of employment; disqualification from university employment; temporary suspension without pay; temporary suspension with pay; compensation adjustment; expulsion or suspension from the university; disciplinary probation expulsion from campus housing; suspension from campus housing; mandated counseling; mandated substance abuse treatment; community service; university service; and/or educational sanctions.

#### Factors to be Considered in Determining Sanctions

If the Title IX Coordinator, the Title IX Coordinators designee, or the designated administrator (in the event of an appeal) determines that more likely than not the respondent committed a violation of this policy, the Sanctions 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.

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 the university, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions deemed appropriate by the Sanctions.

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 complainant or the university community, the Title IX Coordinator may recommend and the President or his or 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 complainant, if any, and the Title IX Coordinator will communicate such a decision to the complainant and the respondent to the extent that it affects him or her.

The Title IX Coordinator will also take steps to prevent any harassment of or retaliation against the complainant, the individual reporting the alleged conduct (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 individual reporting the alleged conduct (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 individual reporting the alleged conduct (if not the complainant), or other members of the university community. The Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting training 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 individual reporting the alleged conduct and/or complainant.

#### Simultaneous Notification of Results to Complainant and Respondent

The Title IX Coordinator will provide simultaneous notification, in writing, to both the complainant and respondent, of the results, including the rationale of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. (Results are any initial, interim, and final decision by



university officials to resolve disciplinary matters within the university. The results notification will include any sanctions imposed by the institution.)

The notification shall also include simultaneous and written notification of the university's procedures for the Complainant or the Respondent to appeal the result of the proceeding.

In the event that there is any change to the results after the notification described above, the Title IX Coordinator will provide simultaneous notification, in writing, to both the complainant and respondent of the change in the results, including the rationale and the sanctions imposed by the institution.

#### Appeal

The Complainant or the Respondent may appeal, in writing, the decision of the Title IX Coordinator as to the findings, appropriate remedy and/or sanctions within 7 calendar days from the date of the receipt of the investigative report. The decision of the Title IX Coordinator and the sanctions imposed on the Respondent may, if desired, be appealed simultaneously. The only basis for appeal shall be:

1) Alleged failure of the Title IX Coordinator or his or her designee to follow the procedures set forth in the Policy Prohibiting Sex- and Gender-Based Discrimination, Harassment, and Misconduct Complaints, and Complaint Retaliation; or

2) Consideration of new evidence that was not reasonably available at the time the Title IX Coordinator or his or her designee was undertaking the investigation.

All appeals in which the respondent is a student shall be made to the Vice President of Student Affairs and Student Success.

All appeals in which the respondent is a university faculty member who is not tenured shall be made to the Provost. All appeals in which the respondent is a tenured faculty member and the sanction imposed is termination of the respondent's employment, the matter shall proceed pursuant to the Faculty Handbook (III.Q.2. Termination of Employment of Tenured Faculty for Cause). All appeals in which the respondent is a tenured faculty member and the sanction imposed is anything other than termination shall be made to the Provost.

All appeals in which the respondent is a university staff member, other than employees in the Department of Athletics and employees who report directly to the President, shall be made to the Vice President of the area in which the employee works. All appeals in which the respondent is an employee in the Department of Athletics or an employee who reports directly to the President shall be made to the President.

The appeal should include a brief statement describing what is being appealed (the findings set out in the investigative report, remedy and/or sanctions imposed) and the basis for appeal. The appealing party must also provide a copy of the appeal to the Title IX Coordinator within the same time period. Acceptable means of notification include email, facsimile, hand-delivery, or postal delivery to the specified individual. The Title IX Coordinator will promptly inform the other party of the appeal.

Within fifteen (15) calendar days of receipt of the appeal, the administrator who is designated to consider the appeal 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 designated administrator will concurrently notify the complainant and the respondent of his or her decision.

With regard to such faculty and staff, nothing in this policy shall be construed to prevent or delay the university from taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of state law, federal law, or university policy.

There is no right to a hearing on appeal. The administrator who is designated to consider the appeal may, at his or her discretion, request a conference with one or both parties or any witnesses while he or she is considering the information presented in the appeal.

#### Notification of Final Outcome

If there is no appeal properly filed within the time allowed, the results of the proceeding will become final when the time for appeal has lapsed pursuant to the policy. At that time the Title IX Coordinator shall provide written and simultaneous notification to the complainant and the respondent by mailing a Final Outcome Letter to the address he or she provided during the initial meeting.

If an appeal is properly and timely filed, the results of the proceeding will become final within 15 calendar of the notice of appeal. At that time the university administrator who is designated to consider the appeal shall provide written and simultaneous notification to the complainant and the respondent by mailing a Final Outcome Letter to the address he or she provided to the Title IX Coordinator or her designee during the initial meeting.

**Henderson State University**  
**Annual Fire Safety Report for 2019**

Henderson State University publishes this Fire Safety Report as part of its annual Clery Act Compliance. This report contains information regarding the fire safety practices and standards for the university, including statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire.

**Fire Safety**

A fire is defined as any instance of open flame or burning in a place not intended to contain the burning or in an uncontrolled manner.

The university maintains fire logs in the office of each residence hall that is available for review during normal business hours. Please contact the Office of Residence Life for additional information.

The university takes fire safety seriously and has established a fire safety program for students living in on-campus residence halls. Fire evacuation plans have been developed for each residence hall and evacuation charts are available in every building. The university has developed a fire evacuation procedure that is applicable to the entire campus and all students, faculty and staff that is published in its Emergency Guidebook. Fire safety training can be provided upon request by calling the HSU Police Department at 879-230-5098.

**Fire Evacuation Procedure**

If a fire occurs in a university building including the residence halls, following this procedure:

- Activate the fire alarm system, if available, on your way out of the building.
- Leave your belongings behind.
- If it is safe to do so, stabilize any lab procedures, turn off any stoves or ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Leave the building via the nearest exit.
- Warn others as you leave. Assist any individual who requires assistance.
- Do not use elevators.
- Feel doors before opening; if the door is hot, do not open it.
- To move through a smoke-clouded area, drop to your knees and crawl to the nearest evacuation exit.
- Close (but do not lock) doors and windows as you leave, if safe to do so.
- Call 911 once outside.
- Remain at least five hundred (500) feet outside of the building and await further instructions.
- Keep roadways open and beware of approaching emergency vehicles.
- Notify emergency responders of anyone trapped, especially anyone with a physical disability who cannot evacuate.
- Do not go back in the building for any reason until the Chief of the HSU Police Department deems it safe to re-enter.
- If you are trapped:
  - Keep the doors closed and place cloth under them to keep out smoke.
  - If a window is available, place an article of clothing outside the window as a marker for emergency personnel.
  - If no window is available, stay near the floor where the air may be less smoky.
  - Shout at regular intervals to alert emergency personnel of your location.

If evidence of a fire has been extinguished, and the person is not sure whether the Fire Department or the HSU Police Department has already responded, immediately notify the HSU Police Department to investigate and document the incident.

For the purpose of including a fire in the statistics of the annual fire safety report notify the HSU Police Department.

### **Smoking is Prohibited**

Henderson State University’s main campus is smoke-free campus in accordance with the Arkansas Campus Clean Air Act of 2009 (A.C.A. 6-60-801 et seq.). The use of any tobacco products, electronic cigarettes, or other instruments that emit vapor or smoke is prohibited everywhere on university owned or leased property and in any vehicle owned or leased by the University. This prohibition includes but is not limited to athletic facilities, university residence halls and individual residence hall rooms.

### **Fire Safety Systems in the Residence Halls**

The university’s residence halls are equipped with fire safety equipment. All residence halls except for the International House have at least one fire pull station to activate the alarm system on every floor. All residence halls are equipped with emergency exit doors. Please see the chart below for information about the fire detection, notification, and suppression systems and the number of fire drills in each residence hall.

Henderson State University Residential Facilities Arkadelphia, Arkansas	Full Sprinkler System*	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans or Placards	Number of evacuation drills each calendar year
East Hall 1017 Huddleston Street	X	X	X	X	1
International House 505 North 12th Street		X	X	X	0
Newberry Hall 817 University Street		X	X	X	1
Reddie Villas 1000 M.H. Russell Drive	X	X	X	X	0
Ridge Pointe 1050 Huddleston Street	X	X	X	X	0
Smith Hall 1075 McKnight Drive		X	X	X	1
Sturgis Hall 709 North 10th Street	X	X	X	X	1
University Place 1228 Wilson Street	X	X	X	X	1
West Hall 1051 Huddleston Street	X	X	X	X	1

\*Full sprinkler system is defined as having sprinklers in both the common areas and individual rooms. The university’s full sprinkler system has hard wired smoke detectors in each room with a battery backup system.

\*\*International House is equipped with battery operated smoke detectors.

\*\*\*Please note the second fire drills did not occur in the spring due to the pandemic shut down and no one was on campus.

Residence hall buildings are equipped with a variety of features that are designed to detect and suppress the spread of a fire. A door can be the first line of defense against the spread of smoke or fire from one area to another. It is important that fire doors in corridors and stairwells of residence halls be closed. DO NOT prop open doors that automatically close and lock for fire and other safety reasons. NO DO obstruct the sprinkler heads by

hanging things from them or nearby. Smoke detectors cannot do their job if they are disabled or covered by the occupant.

Tampering with fire extinguishers, smoke detectors, exit signs, fire hoses or pull stations is prohibited and will subject the violator to disciplinary action.

Fire drills are conducted twice a year in all residence halls. The first drill is scheduled early in the fall semester and the second drill is conducted during the spring semester. All fire drills are unannounced. All residents of the residence halls are required to participate in fire safety meetings. Every present in the residence hall at the time of an evacuation drill is required to participate. Residents who do not participate in the evacuation drill will be subject to disciplinary action.

**Hand-held Fire Extinguishers**

In East Hall, International House, Newberry Hall, Smith Hall, Sturgis Hall, University Place and West Hall, each building is equipped with at least one fire hand-held extinguisher per floor. In Ridge Point and Reddie Villas, there is a hand-held fire extinguisher in the center of each floor of each breezeway.

**Candles and Other Open Flames**

The university prohibits all open flames in the residence halls including candles, incense, fireworks, and grills.

**Electrical Appliances and Restrictions on Cooking**

Residents may use only one plug per receptacle.

Residents must only use UL approved extension cords or surge protectors.

Residents are prohibited from having the following appliances in the residence halls: Residents are not allowed to have any of the following appliances, including, but not limited to: halogen lamps, tanning beds, broilers, window air conditioning units, lava lamps, refrigerators larger than 6.0 cubic feet per room, George Foreman grills, griddles, sandwich makers, hot plates, pizza cookers, toasters, toaster ovens and any other items with exposed heating elements.

Microwaves are only allowed in the resident's room in East Hall, West Hall, Sturgis Hall, University Place and the International House. Microwaves are provided for resident use in designated microwave rooms of Smith Hall and Newberry Hall.

Cooking is only permitted in the microwave rooms of the residence halls or when a student is using an approved appliance. The following are approved cooking appliances: coffee pots, hot air popcorn poppers (if used for their intended purpose), rice cookers, blenders and refrigerators (a maximum of one per residence and with not more than a total 6.0 cubic feet capacity per room).

**Fire Statistics for On-Campus Residential Facilities**

<b><u>Henderson State University Residential Facilities 2020</u></b>		<b><u>Total fires in each building</u></b>	<b><u>Fire Number</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Cause of fire</u></b>	<b><u>Number of injuries that required treatment at a medical facility</u></b>	<b><u>Value of Property Damage cause by fire</u></b>
East Hall	1017 Huddleston Street	0	N/A	N/A	N/A	N/A	0	N/A
International House	505 North 12th Street	0	N/A	N/A	N/A	N/A	0	N/A
Newberry Hall	817 University Street	0	N/A	N/A	N/A	N/A	0	N/A
Reddie Villas	1000 M.H. Russell Drive	0	N/A	N/A	N/A	N/A	0	N/A
Ridge Pointe	1050 Huddleston Street	0	N/A	N/A	N/A	N/A	0	N/A
Smith Hall	1075 McKnight Drive	0	N/A	N/A	N/A	N/A	0	N/A

Sturgis Hall	709 North 10th Street	0	N/A	N/A	N/A	N/A	0	N/A
University Place	1228 Wilson Street	0	N/A	N/A	N/A	N/A	0	N/A
West Hall	1051 Huddleston	0	N/A	N/A	N/A	N/A	0	N/A

<b><u>Henderson State University Residential Facilities 2019</u></b>		<b><u>Total fires in each building</u></b>	<b><u>Fire Number</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Cause of fire</u></b>	<b><u>Number of injuries that required treatment at a medical facility</u></b>	<b><u>Value of Property Damage cause by fire</u></b>
East Hall	1017 Huddleston Street	0	N/A	N/A	N/A	N/A	0	N/A
International House	505 North 12th Street	0	N/A	N/A	N/A	N/A	0	N/A
Newberry Hall	817 University Street	0	N/A	N/A	N/A	N/A	0	N/A
Reddie Villas	1000 M.H. Russell Drive	0	N/A	N/A	N/A	N/A	0	N/A
Ridge Pointe	1050 Huddleston Street	0	N/A	N/A	N/A	N/A	0	N/A
Smith Hall	1075 McKnight Drive	0	N/A	N/A	N/A	N/A	0	N/A
Sturgis Hall	709 North 10th Street	0	N/A	N/A	N/A	N/A	0	N/A
University Place	1228 Wilson Street	0	N/A	N/A	N/A	N/A	0	N/A
West Hall	1051 Huddleston	0	N/A	N/A	N/A	N/A	0	N/A

<b><u>Henderson State University Residential Facilities 2018</u></b>		<b><u>Total fires in each building</u></b>	<b><u>Fire Number</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Cause of fire</u></b>	<b><u>Number of injuries that required treatment at a medical facility</u></b>	<b><u>Value of Property Damage cause by fire</u></b>
East Hall	1017 Huddleston Street	0	N/A	N/A	N/A	N/A	0	N/A
International House	505 North 12th Street	0	N/A	N/A	N/A	N/A	0	N/A
Newberry Hall	817 University Street	0	N/A	N/A	N/A	N/A	0	N/A
Reddie Villas	1000 M.H. Russell Drive	0	N/A	N/A	N/A	N/A	0	N/A
Ridge Pointe	1050 Huddleston Street	0	N/A	N/A	N/A	N/A	0	N/A
Smith Hall	1075 McKnight Drive	0	N/A	N/A	N/A	N/A	0	N/A
Sturgis Hall	709 North 10th Street	0	N/A	N/A	N/A	N/A	0	N/A
University Place	1228 Wilson Street	0	N/A	N/A	N/A	N/A	0	N/A
West Hall	1051 Huddleston	0	N/A	N/A	N/A	N/A	0	N/A

### **Plans for Future Improvements in Fire Safety**

The university will continue to assess and upgrade fire safety equipment on an ongoing basis to ensure that all equipment meets recognized state and national fire safety standards. The university will also continue to assess the fire safety training and education needs of the campus community. Future improvements will be made as needed as part of the ongoing assessment process.

### **Missing Students**

If a member of the university community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the HSU Police Department at 870-230-5098. The HSU Police Department will generate a missing person report and initiate an investigation. After investigating the missing person report, if the HSU Police Department determines that the student is missing and has been missing for more than 24 hours, the HSU Police Department will notify the Arkadelphia Police Department and the Vice President of Student Affairs and Student Success or his designee will notify the student's emergency contact as soon as practicable and no later than 24 hours after the student is determined by the HSU Police Department to be missing. If the missing student is under the age of 18 and is not emancipated, the Vice President of Student Affairs and Student Success or his designee will notify the student's custodial parent or legal guardian as soon as practicable and no later than 24 hours after the HSU Police Department has determined the student to be missing.

In addition to registering an emergency contact person, students residing in on-campus residence halls have the option to identify, confidentially, an individual to be contacted by HSU in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the Vice President of Student Affairs and Student Success or his designee will notify that individual as soon as practicable and no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the Office of Residence Life. The student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate and will not be disclosed outside of the missing person's investigation.

To report a missing student, please contact the HSU Police Department at 870-230-5098.

### **Crime Victim Notification**

As part of the university compliance with the federal Higher Education Opportunity Act, the university will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime of offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the request.

### **Sex Offender Registry**

The "Campus Sex Crimes Prevention Act" of 2000 is a federal law that requires institutions of higher education to advise their campus communities where information concerning registered sex offenders may be obtained. It also requires sex offenders, already required by state law to register in a state to provide notice to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

Information regarding sex offenders in Arkansas is available at the following link [www.acic.org](http://www.acic.org) under the "Online Services" tab. A list of current sex offenders pertinent to Henderson State University is developed and maintained by the HSU Police Department. In accordance with Arkansas law, relevant and necessary information will be disclosed when the information is necessary for public protection. Inquiries regarding registered sex offenders may be directed to the Chief of the HSU Police Department. For information on how to register if you are a convicted sex offender, contact the HSU Police Department.