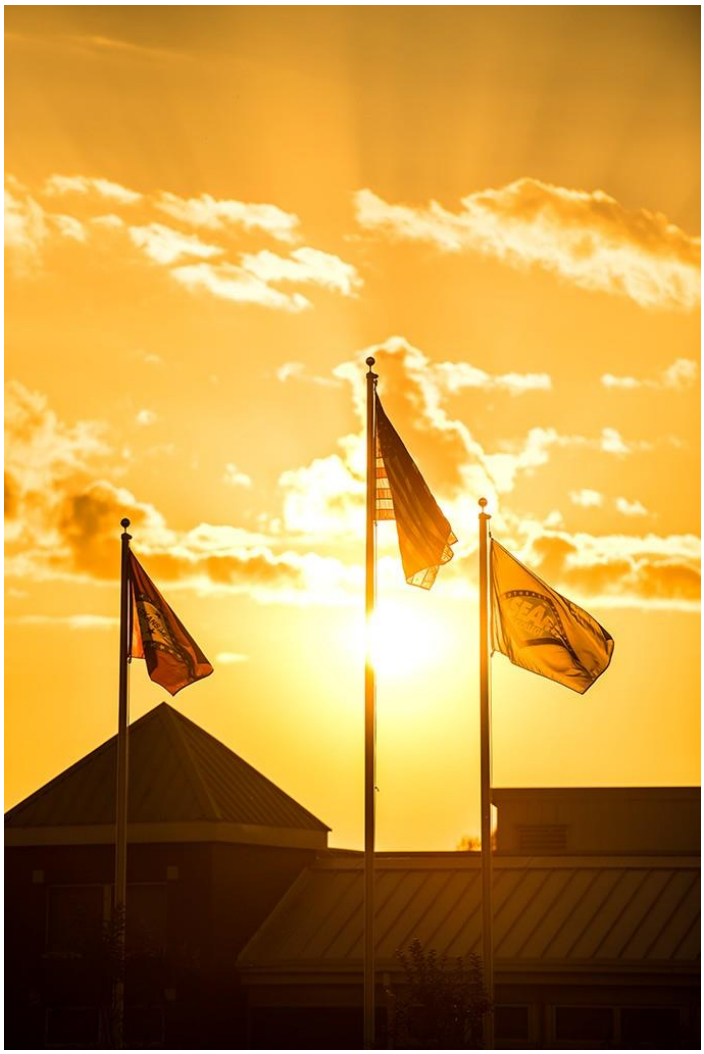
Southeast Arkansas College 2023 ANNUAL CRIME REPORT



In the event of an emergency contact DPS at (870) 850-4911 or call 911

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General Information

Under the authority of the President of Southeast Arkansas College, the Director of the Department of Public Safety will coordinate each year the campus initiative to compile data, review policies and prepare the Annual Security Report (ASR) pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics.

Introduction

The Campus Security Act (Jeanne Clery Act) of 1990 and the Crime Awareness and Campus Security Act of 1990 (Title II of PL 101-542) were signed into law by President Bush on November 8, 1990. This federal legislation requires colleges and universities to collect campus crime statistics on specific crimes occurring on college and university campuses; report steps taken to establish a reliable system to warn students of immediate and/or continuing threats to their safety; state how to report criminal acts; disclose the authority of campus security or police department, drug and alcohol policies, sex offense and offender policies, and if applicable an annual fire safety report. On March 7, 2013, the Campus Sexual Violence Elimination Act was passed as part of the Violence Against Women Reauthorization Act (VAWA) amending the Jeanne Clery Act reporting responsibilities. The due date of the Annual Security Report is October 1st of each year. The report contains information on crimes and incidents occurring during the previous calendar year.

This information is published, and notifications are sent via email, prior to October 1st each year. The Annual Security Report notification email includes both an electronic version of the document as well as a web link https://www.seark.edu/campus-safety-security for all students and staff at SEARK to review the Annual Security Report in compliance with the 1990 Campus Security Act and the Crime Awareness and Campus Security Act of 1990 (Title II of PL 101-542). Hard copies of the SEARK Annual Security Report are also available in the office of the Director of the Department of Public Safety. Copies can be obtained by visiting the IT/DPS Help Desk window in the Administration Building.

Notice of Availability of the Annual Security Report

The Federal Student Right-to-Know, Crime Awareness and Campus Security Act, now cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" and herein identified as the "Clery Act," require institutions of higher education to annually prepare and publish a report concerning campus crime statistics and security policies. This report is distributed through appropriate publications, mailings, or computer networks to all current students and employees, as well as to all prospective students and employees upon request. This report contains annual specific campus crime and arrest statistics and campus policies and practices intended to promote crime awareness, campus safety, and security. This report is prepared by the Director of the Department of Public Safety. Copies of this report may be obtained by visiting the IT/DPS Help Desk window located in the Administration Building or at https://www.seark.edu/campus-safety-security

Process for Preparation of the Annual Security Report

The Director of the Department of Public Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The *2023 Annual Security Report* includes statistics for the previous three years (2020, 2021 and 2022) concerning reported crimes that occurred: (1) on-campus; (2) in certain off-campus buildings or property owned or controlled by SEARK College; and (3) on public property within, or immediately adjacent to and accessible from, the campus. The Department of Public Safety collects relevant information from daily incident logs, criminal case files, and Title IX investigations. The report also includes institutional policies concerning campus security, such as policies addressing domestic violence, dating violence, sexual assault, stalking, and other matters. In accordance with the Clery Act, the Annual Security Report is updated each year and a copy of this report may be obtained by contacting the Department of Public Safety at 870-850-4911, or by accessing the SEARK web site at: https://www.seark.edu/campus-safety-security

Campus Security Authorities

The U.S. Department of Education defines campus security authorities as:

A campus police department or a campus security department of an institution.

Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

Designated Campus Security Authorities

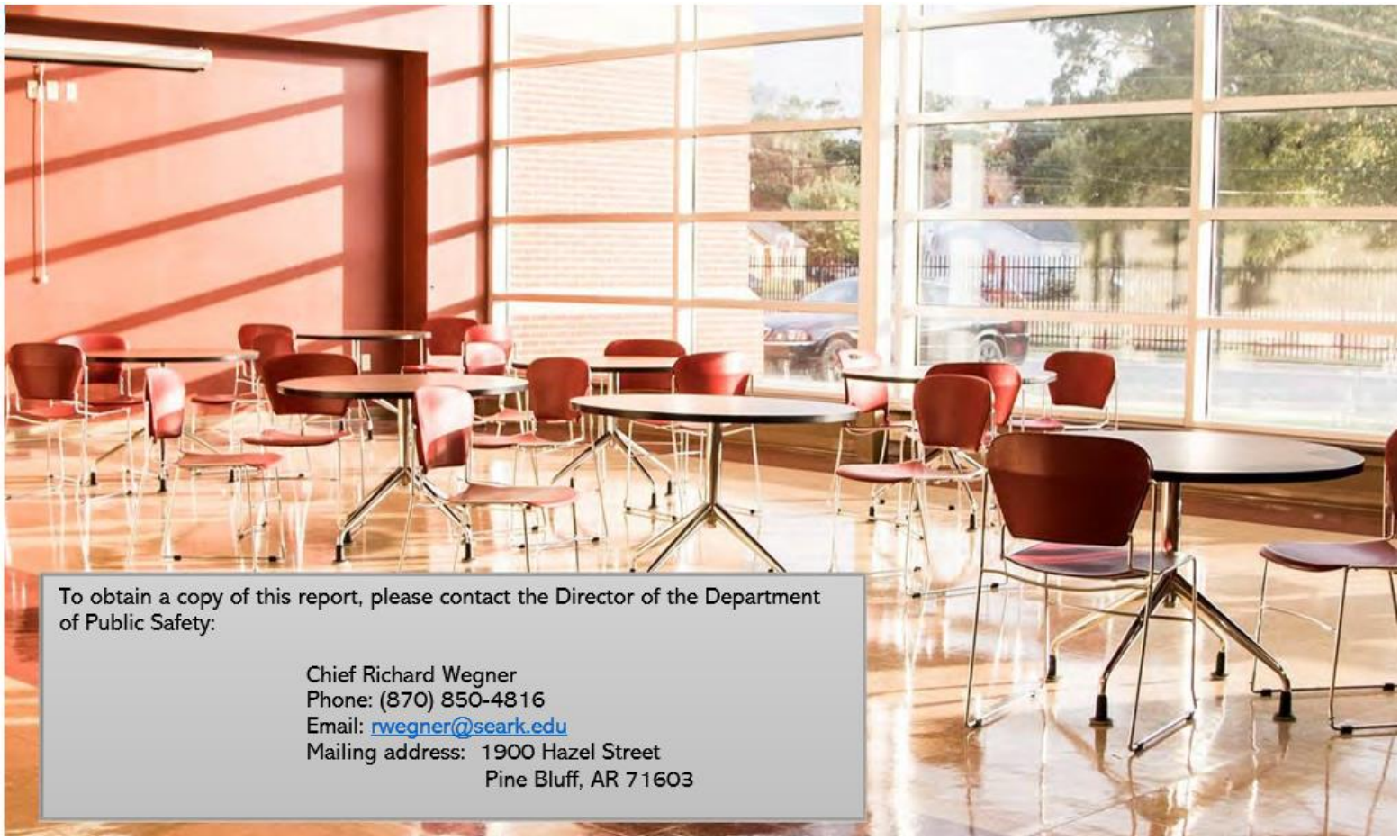
The SEARK College interpretation of the Clery Act definition of a Campus Security Authority (CSA) extends reporting responsibilities to include all SEARK personnel.

The campus interpretation recognizes that each member of the campus community must be part of efforts to maintain safety on the campus.

CSA's have an obligation to assist victims by reporting allegations of Clery Act-defined crimes that they conclude are made in good faith.

These crime allegations should be reported as soon as practicable to SEARK's Department of Public Safety.

The intent of including non-law enforcement personnel as CSAs is to acknowledge that many individuals and students are hesitant about reporting crimes to the police but may be more inclined to report incidents to other campus-affiliated individuals.



Public Safety &Campus Security

SEARK's Department of Public Safety (DPS) is responsible for ensuring the safety and security of the SEARK campus. DPS is staffed by certified Additional resources include the Division of Student Affairs (conduct), Title IX Officers (Title IX & VAWA) and the Campus Safety Committee (Proactive Planning and Training).

Access to Campus Facilities

The SEARK College campus is open to the public but maintains various operational hours dependent on the semester.

SEARK main building entrances are controlled by lock and key. Most building entrance/exit doors have a "crash bar" system. Internal doors have more traditional door locking mechanisms that include bolt or push button hardware.

During non-operational hours, all buildings are secured by the Department of Public Safety (DPS). Access during non-operational hours is by key. Some employees have authorization to utilize an issued key. These employees must advise DPS of their presence in the building during non-operational hours.

DPS maintains a sixteen (16) hour presence at the main campus and routine patrols at off-site satellite campuses.

During patrols, officers regularly check the interior and exterior of all buildings.

SEARK campus buildings have small scale independent CCTV systems in each building. The primary focus of most building camera systems is the common areas.

As of 2022, SEARK College does not have campus residences for students.

Department of Public Safety

The Department of Public Safety (DPS) is an established law enforcement agency whose primary jurisdiction is the SEARK campus buildings and grounds.

DPS has full law enforcement powers and abilities like all other law enforcement agencies. DPS also has a mutual aid agreement with the surrounding city and county agencies (PBPD, WHPD, ASP, and JCSO) to assist with calls or investigations if needed.

All Public Safety Officers are given proper training to handle any situation or emergency that may arise on campus.

When a SEARK student is involved in an off-campus offense, DPS will assist with the investigation in mutual cooperation with local, state, or federal law enforcement. The Department of Public safety and surrounding law enforcement agencies work closely together and offer information regarding emergencies or crimes on the SEARK campus or in the vicinity of the campus. SEARK operates no non-campus housing and there are no student organization facilities that own, lease or control permanent space (housing, offices, etc.) off campus. However, many students live in the neighborhoods surrounding SEARK. In addition, DPS requests specified crime statistics reported to local police agencies that occurred on or near campus for inclusion in the College's Annual Crime Report.

Daily Crime Log

The Department of Public Safety maintains a daily crime log. The daily crime log discloses all alleged criminal incidents, including non-Clery Act crimes, reported to DPS regardless of how much time has passed since the alleged incident occurred.

The Clery Act requires that the daily crime log include specific categories of information including: 1) the nature of the crime; 2) the date and time the crime occurred; 3) the general location of the crime; and, 4) the disposition of the complaint, if known.

The Department of Public Safety may temporarily withhold information from the daily crime log in cases where there is clear and convincing evidence that the release of information would: 1) jeopardize an ongoing investigation; 2) jeopardize the safety of an individual; 3) cause a suspect to flee or evade detection; or, 4) result in the destruction of evidence.

The daily crime log is open to public inspection and available on the SEARK College website: https://seark.edu/campus-safety-security

Lost and Found

The Department of Public Safety serves as the central location for the campus Lost and Found. If one wishes to check the lost and found, they can come to the IT/DPS helpdesk. After a certain period of time, all buildings and offices are encouraged to forward any found items to DPS to maintain a central location for persons seeking lost property.

After six (6) months, all unclaimed items are donated to an appropriate charity (shelter, food pantry etc.) or destroyed without value, as determined by DPS. Inquiries about lost and found property can be made by calling (870) 850-4816.

Maintenance of Campus Facilities

The facilities and grounds of SEARK College are maintained by the SEARK Buildings and Grounds Department in a manner that minimizes hazardous conditions.

If a maintenance or equipment issue is identified, please immediately notify the SEARK Buildings and Grounds Department at (870-850-4820). This includes, but is not limited to, issues relating to lighting, temperature/space conditioning, restrooms and custodial. Work order request can be submitted electronically at bghelpdesk@seark.edu

Additionally, DPS inspects and locks all entry/exit building doors, and all exterior gates.

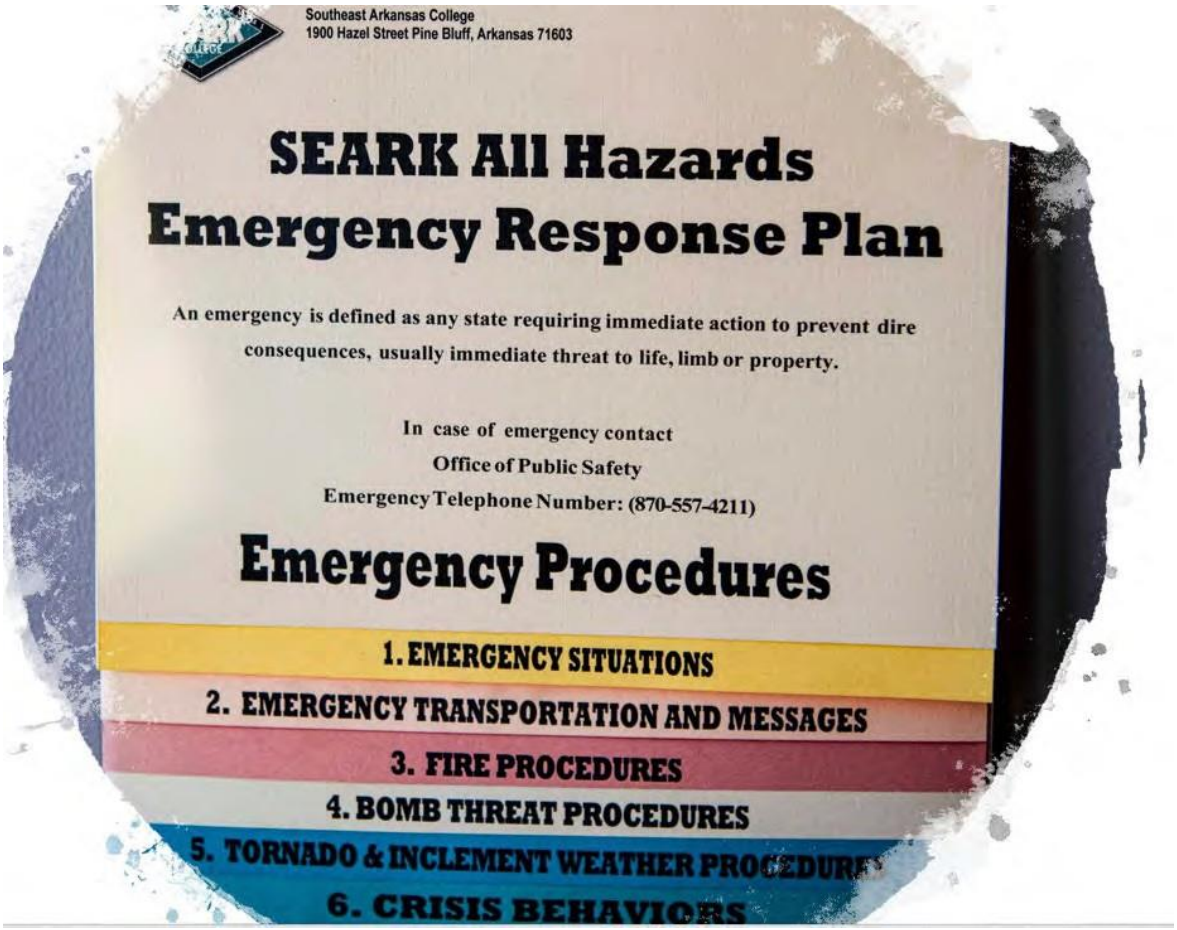
Working Relationship with Law Enforcement Agencies

SEARK College and the Department of Public Safety has partnered with the Pine Bluff Police Department to be able to hire off-duty officers to be present on the SEARK Campus during and after operational hours. The off-duty officers have full statutory jurisdiction and provide services across the campus.

DPS keeps and maintains a good working relationship with the Pine Bluff Police Department, Jefferson County Sheriff's Office, Pine Bluff Fire Department, the Arkansas State Police, Jefferson County District Attorney, Jefferson County Juvenile Courts and the Arkansas Attorney General's Office.

Assistance from the Pine Bluff Police Department is requested when appropriate. All criminal activity will be reported as an incident by either DPS, the Pine Bluff Police Department or both.

The SEARK/PBPD Liaison monitors and notifies campus officials when appropriate of crimes in the vicinity of the college or when criminal activity occurs when students are involved at non-campus locations or locations visited by student organizations officially recognized by the institution.



Reporting Procedures

Crimes in Progress

To report a crime in progress, a person, victim or witness can dial DPS at (870) 850-4911 or dial 911.

Any reporting method may prompt the response of police, fire, EMS, or other first. responders. In addition, the victim of a serious crime can request support personnel such as ministers and rape crisis or domestic violence counselors, during or after reporting the incident.

Additionally, crime victims may be eligible for additional support services administered through local district attorney's office.

Prompt reporting of criminal activity to a member of DPS enables a quick response and a safer campus for everyone.

If you are the victim of a crime, or a witness to one, you should do the following:

1. **Call the police immediately:** Dial DPS (870)-850-4911 or 911 for emergencies.
2. **Obtain a description:** Attempt to obtain a description of the offender(s) including gender, age, race, hair, clothing and distinguishing features. Also attempt to obtain a description and license number of any vehicle(s) involved. Note the direction of travel of any offender(s) or vehicle(s) and report these to the police.
3. **Preserve the crime scene:** Do not touch any items involved in the incident. Close off the area of the incident, and do not allow anyone in the crime area until police arrive.

Crime Reporting

Crime victims and witnesses, regardless of the crime, are encouraged to promptly report incidents to the Department of Public Safety. To report a crime, the victim or witness, if he or she elects to, needs only to call DPS and an officer will meet them to gather information. An official report will be made with copies available to the victim within 24 hours unless extenuating circumstances lead to a longer wait period.

To report a crime or issue involving personal safety or security, you should contact the Department of Public Safety at (870)-850-4911 or dial 911.

If a victim is unable to report, another member of the campus community is encouraged to report the crime.

Students, employees, and patrons are encouraged to report any:

- Criminal activity
- Strange or suspicious persons, vehicles, or articles
- Persons in need of medical assistance
- Structure or vehicle fires
- Any other emergency

Confidential Crime Reporting

Anonymous tips can be made through the SEARK Campus Website through the Suggestions page located at https://www.seark.edu/suggestions. While this channel is used for more than crime reporting each message is routed to the appropriate person for review and action. Students may also make confidential reports through the PROVOST at (870) 850-5961 indicating the intent to remain unidentified, however, there is an exception for any Title IX reportable offense. If a Title IX offense is reported, it will be disclosed to the Title IX Coordinator.

Crimes Disclosed to a Pastoral or Mental Health Counselor

A pastoral counsellor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. There are no pastoral counselors with any ties to or under contract with SEARK.
A professional counselor is a person whose official responsibilities include providing mental health counseling to a to a victim of a crime.

To be exempt from disclosing reported offenses to DPS a pastoral or professional counselor must be acting in their role as a counselor. This exemption does not relieve counselors of their duty to a possible victim from danger posed by the person being counseled. When speaking to a victim, or witness to a crime, counselors are encouraged to inform the individual to report the crime to the police.
Pastoral and mental health counselors must report the crime to DPS for the purpose of including the incident in the annual crime statistics only. Personal information will not be conveyed when making disclosure unless the victim consents to such disclosure.

Reporting Medical Emergencies

Steps to take in a medical emergency:

1. Do not move the patient unless his or her life is in danger.
2. Have someone stay with the patient until help arrives.
3. Call the Department of Public Safety at (870)-850-4911 or call 911 Tell them your name, your exact location, and a brief description of the problem. Do not hang up until told to do so.
4. Meet emergency personnel to guide them to the patient.

Campus Resources:

Department of Public Safety: (870)-850-4911
Public Information Request
PublicInfo@seark.edu
Public Information Officer
Richard Wegner
(870) 850-4816

Title IX Reporting: titleix@seark.edu
Title IX Coordinator:
Bailey Carl (870) 543-5950

For additional Reporting Information and information to file a complaint of gender-based discrimination and/or misconduct, including sexual assault or violence, electronically email titleix@seark.edu

Off-Campus Resources:

Pine Bluff Police Department: (870) 541-5300
Jefferson County Sheriff's Office: (870) 541-5351
Jefferson County District Attorney's Office: (870) 541-5387
Jefferson County Court Clerk's Office: (870) 541-5322
CASA Women's Shelter: (870) 535-0287
Jefferson County Victim Witness: (870) 541-5387

Obtaining Reports

To request a copy of a report or ask other related questions, contact the campus Public Information Officer at (405) 317-6507 or via email at PublicInfo@seark.edu .

Requests for incident reports or traffic collision reports by persons involved generally will be processed when the investigation is completed. SEARK faculty, staff, and students are not charged for obtaining campus report copies when involved in the reported incident.

SEARK College is committed to complying with its obligations under the Freedom of Information Act (F.O.I.A.) without undue delay, but realizes that under certain circumstances the release of records may have an impact on victims, witnesses, and the integrity of investigations.

If an investigation is ongoing and open, a request for any related Campus Security Team reports may be denied and information of a personal nature will be withheld or redacted where the public disclosure of such information would constitute an invasion of privacy.

Reporting to the Police

SEARK College strongly encourages individuals to report sexual violence and any other criminal offenses to the Department of Public Safety. This does not commit you to prosecute but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, institution conduct actions, and/or civil actions against the perpetrator.

If the incident happened on campus, it can be reported to DPS at (870)850-4911. If the incident occurred elsewhere in Pine Bluff or Jefferson County, it can be reported to the Pine Bluff Police Department at 911 or (870)541-5300. If the incident happened anywhere else, it can be reported to local law enforcement with jurisdiction in the location where it occurred.

Please know that the information you report can be helpful in supporting other reports and preventing further incidents.

Once a report is made, an officer will immediately respond, and an official report will be taken with copies available to the victim upon request, subject to the Arkansas Freedom of Information Act (FOIA) regulating release of public records. Detained or arrested offenders will be handled through the state or municipal criminal justice system and/or the SEARK College Student Conduct Code violation process. An investigation will be opened by DPS in response to any reported criminal offense.

Timely Warning Procedures

If the College Administration 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 SEARK community, the approve security official alone or in conjunction with the Public Information Officer will utilize some or all of the systems described under the Timely Warning Policy to communicate the threat to the SEARK community or appropriate segment of the community if the threat is limited to a particular building or segment of the population. Emergency notifications are triggered by an event that is currently occurring on or imminently threatening the campus. A timely warning is more narrowly focused to Clery Act crimes. A timely warning may be issued for any Clery Act crime committed within SEARK's geography.

Campus Wide Emergency Response

- The Department of Public Safety and appropriate administrative personnel without delay—and taking into account the safety of the community— determines the content of the notification and initiates the notification system unless issuing a notification will, in the judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.
- The Department of Public Safety will immediately notify the campus community upon the confirmation of significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
- DPS will continue to assess the situation and additional segments of the campus will be notified if a situation warrants such action.
- Once an emergency notification is made, SEARK students, faculty, and staff are issued specific instructions to either: evacuate and stay out until the "all clear" is given, shelter in place until the "all clear" is given, or seek refuge in safer areas until the "all clear" is given. The "all clear" message is distributed in the same manner as emergency notifications.
- Through the Public Information Officer, SEARK disseminates emergency information to the larger community through several outlets. Emergency information will be immediately posted on SEARK social media accounts, on the SEARK website, and through communication with local news media.

Emergency Response and Evacuation Procedures Statement

SEARK emphasizes four critical areas of emergency response to target safety education initiatives and response exercises for our students, employees and visitors. Response to fire alarms, severe weather, building evacuation, and shelter-in-place, are emphasized in all safety education programs and in all yearly exercises.

Building Evacuation:

If information is received of an immediate threat to the safety of persons occupying a SEARK facility, the Department of Public Safety will issue an emergency notification through the SEARKAlert system. The notification will alert the campus involved to immediately follow evacuation procedures and alert the campus community to stay away from the affected campus.

After receiving an Emergency Evacuation Notification, students, employees, and visitors should gather their belongings, exit the building using the nearest exit and move to the grassy area on the outer side of Faculty Circle. Each person is asked to turn off all wireless devices. All others should stay away from campus. All are directed not to return until an **ALL CLEAR** is issued.

Emergency Response Test Procedures

SEARK will conduct a minimum of three announced tests in each calendar year to prepare building occupants for an organized response to potential threats to their safety. A **shelter-in-place, severe weather,** and **building evacuation drill** will be exercised. Prior to any scheduled test, the Marketing and Public Relations Department sends out a mass email to notify students, faculty, and staff of the upcoming test. This email is sent out approximately one week prior to the drill and also on the day of the drill. In addition, a notification of the upcoming drill is advertised on all internal SEARK Outlets.

Tests are organized and monitored by the Department of Public Safety and appropriate administrative personnel. Each test is documented by describing the drill, notating the date and specific times the drill started, and stating an announced drill. There is also a thorough debriefing that addresses any deficiencies revealed by the drill.

Missing Student Notification

- As of 2022, SEARK does not offer residential or student housing.

Off-Campus Crime

- If PBPD is contacted about criminal activity occurring off-campus involving a member of the SEARK community, the department may notify DPS.

- As of 2022, SEARK does not have any non-campus locations for student organizations that are officially recognized by

Notification to College Community about an Immediate Threat

An "emergency notification" will be delivered by means of automated and, if necessary, manual elements of communication. Notification of the existence of an emergency and safety instructions will be delivered through the SEARK Alert System. The Department of Public Safety, in conjunction with the Public Information Officer, determines content for the emergency notifications that are specific to evacuations, sheltering-in-place, and severe storm response. Should a condition exist where none of the pre-determined warnings are applicable, a message will be written that is appropriate. Text alerts, e-mail, and social media messages relevant to the specific threat may be manually sent to the campus community by representatives of DPS.

DPS has the ability and authority to determine the appropriate campus to receive a notification through the SEARKAlert system. The SEARKAlert system has the ability to only notify outlets that are registered with the system. All students and employees are automatically registered in SEARKAlert at the time of enrollment or employment. Individuals have the opportunity to opt-out of receiving text and/or voice alerts at any time.

Staff and Students are encouraged to regularly check campus records to ensure that the most accurate information is on file.

Timely Warning Policy

To help prevent crimes or serious incidents, DPS, in conjunction with other departments on campus, issues timely warnings to notify the SEARK community members about crimes or other serious incidents in and around the community. Timely warnings are issued for the following crime classifications: arson, burglary, aggravated assault, criminal homicide, motor vehicle theft, robbery, sexual assault, and any other offense which constitutes an ongoing or continuing threat. Timely warnings will be issued by the Chief of Police or his/her designee. Timely warnings may also be issued for other crimes as deemed necessary in the judgment of the Chief of Police or his/her designee via the SEARKAlert.

If a situation arises that, in the judgment of the Chief of Police or his/her designee, constitutes an ongoing or continuing threat, a campus- wide warning will be issued.

Depending on the nature of the need, the warnings will be issued by designated member of DPS. DPS, Public Information Officer or other designated individual will utilize appropriate components of the SEARKAlert system including emails, text messages, social media, and the SEARK web page to issue a timely warning as soon as pertinent information is available.

Warnings are provided to students and employees in a manner that is timely, withholds the names and other identifying information of victims as confidential, and with the intent to aid in the prevention of similar occurrences.

The purpose of a timely warning is to provide the SEARK community with more immediate notification.

Crime and Personal Safety

The Department of Public Safety will provide an officer escort to and from your vehicle if requested. Requests can be made by calling (870) 850 4911.

Crime Prevention

The prevention of criminal activity on SEARK properties is a shared responsibility. It is essential for the Department of Public Safety to involve students, employees, and visitors in making SEARK a safe and secure campus.

DPS encourages students and employees to be responsible for their own security and the security of others. DPS will facilitate this by actively involving itself in crime prevention and safety education opportunities provided by the appropriate administrative personnel.

DPS utilizes the following opportunities and actions to prevent crime and facilitate response to emergencies.

- New Student Orientation
- New Employee Orientation
- Faculty training sessions
- Student organization presentations
- Media articles
- Classroom presentations
- Classroom emergency posters
- Campus community safety presentations
- Annual emergency drills
- Handouts at special events

The dissemination of campus security procedures and practices is a vital role of DPS.

DPS provides initial and ongoing training to all SEARK faculty, staff, and students.

Initial Training

New employee and student training consists of sharing materials during the new employee and student orientation. New student orientations are held at the beginning of each semester. New employee orientations are scheduled as needed. These presentations include but are not limited to the following subjects: evacuation procedures, fire alarm response procedures, shelter in place procedures, and emergency procedures for contacting DPS, reporting suspicious behavior, reporting crimes, and protecting personal property.

On-going Training

Information Cards – DPS has crime prevention information cards located in the DPS office. The cards are distributed to faculty, employees, and students. The crime prevention information cards contain safety tips for individuals on campus and at home. These information cards are available for distribution at any time. The information cards are circulated throughout the year at all campuses.

Campus Bulletin Boards – SEARK College has bulletin boards located throughout campus buildings. These boards include flyers that include safety tips and messages from DPS.

Crime Prevention included in multiple campus activities: Crime Prevention strategies and information are included as a part of multiple campus activities including the Student Resource Fair, Back to School Bash, Campus Career Fair and monthly Lunch -N-Learns.

Department Training – Specific training is conducted as requested by various departments within the SEARK campus. This training is customized to the department receiving the training.

Natural Disasters

The following information is a guideline to aid you in determining what action you should take in severe weather.

- **Tornado WATCH:** Conditions are such that storms capable of producing a tornado may develop.
- **Tornado WARNING:** Either a tornado has been sighted or it is highly probable that one will develop.

Tornado Precautions:

1. If you are in the warning area, seek shelter immediately. SEARK is not rated as a storm shelter; however, there are designated “Safer Areas” throughout all campuses.
2. If you are in a vehicle, get out and seek shelter in a sturdy building. If a building is not available, a depression such as a ditch or ravine offers some protection, but be alert for flash flooding.
3. Do not open windows. This can actually increase damage to the building. Stay away from windows and exterior doors.
4. Basements, interior hallways on the lower floors, and small interior rooms on the lower floors offer the best shelter.
5. Do not attempt to turn utilities on or off.

Report injuries and damage to DPS at (870) 850-4911. After the **ALL CLEAR** message has been given, leave badly damaged buildings and do not attempt to return unless directed to do so by emergency personnel.

Personal Safety

The following precautions provide guidance.

General Precautions and Crime Prevention

1. Program the DPS phone number into your cell phone: (870)-850-4911. Report any suspicious activity to DPS immediately.
. Ensure that all contact information on file with the college is up-to-date and can be used to receive notifications in an emergency.
3. Never take personal safety for granted. Always be aware of your surroundings.
4. Try to avoid walking alone at night. Request an escort from DPS by calling (870) 850-4911.
5. Use lighted walkways and thoroughfares, even if it means going out of your way.
. Carry only small amounts of cash and keep purses, backpacks, and money belts close to the body.
7. Do not struggle if someone attempts to take your property.
8. Never leave valuables (wallets, purses, books, calculators, laptops, etc.) unattended.
9. Carry your keys at all times and do not lend them to anyone.
10. Lock up bicycles and motorcycles. Lock doors and close windows when leaving your car.
11. Do not leave valuables in your car, especially if they can be easily noticed.
12. Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
13. Inventory your personal property and insure it appropriately with personal insurance coverage.

When Driving:

1. Park your vehicle in a well-lit and populated area.
2. Have your car keys in your hand when approaching your vehicle so you can enter quickly.
3. Scan the area before getting into your vehicle and always check underneath your car upon approach and in the rear seat for intruders before entering the automobile.
4. Lock your doors and keep windows rolled up whenever possible.
5. Drive on well-traveled and well-lit streets.
6. Never hitchhike, and never pick up hitchhikers.
7. If someone tries to enter your stopped vehicle, sound the horn and drive to a safe area such as a convenience store.
8. If your vehicle breaks down, ask any person who stops to help call the police. Do not allow any person access to you or inside your car. Roll down your window no more than an inch. Be aware that an accident may be staged to provide the other driver an opportunity to commit a criminal act.
9. Leave enough room between your car and the one ahead so you can drive around it if necessary.
10. Call ahead when driving home late at night and have someone watch you walk from your car to the residence.
11. Limit distractions such as cellphones.

When Walking or Jogging:

1. Avoid walking or jogging alone and try not to walk or jog after dark.
2. Avoid dark or vacant areas. Walk along well-lit routes.
3. Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help or move quickly to a lighted area or a group of people, or an emergency call box.

Alcohol and Drug Policies

SEARK seeks to encourage and sustain an academic environment that respects individual freedoms and promotes the health, safety, and welfare of its students, faculty, staff, and visitors. Students, faculty, staff, and visitors are expected to know and follow the applicable federal, state, and local laws, and all SEARK rules and regulations. Each person is responsible for his/her own behavior. SEARK enforces compliance with state law and alcoholic beverage laws on campus and at college-sponsored activities.

SEARK is in compliance with Public Law 101-226, the Drug-Free Schools and Community Act Amendments of 1989 and the Drug-Free Workplace Act of 1988. Additional information about how SEARK is in support of the spirit and intent of these laws can be in the Drug and Alcohol Annual Notification located at https://www.seark.edu/consumer-information/campus-safety-security.

The Department of Public Safety strictly enforces all violations of federal, state, or local law with regard to alcohol and illegal drugs within its jurisdiction. Violators are subject to SEARK disciplinary action, criminal prosecution, fine, and imprisonment.

Student Conduct

SEARK College strictly prohibits the dispensing, selling, supplying, possession, use, manufacture, or distribution of alcohol or illicit drugs on College owned/College controlled property or at any College sponsored event, including off campus College sponsored events. In addition, the inappropriate use, misuse, or abuse of prescription or over-the counter medications is forbidden.

Student Sanctions

Students found to be in violation of the alcohol and illicit drug policies are subject to arrest, criminal prosecution, imprisonment, and/or fine according to state and federal law. In addition, students found in violation of this policy will face college sanctions ranging from probation to expulsion.

Faculty and Staff Conduct

In accordance with the SEARK Faculty Staff Handbook 1.27 Policy #1014, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on college premises, or as part of any college sponsored activities. The workplace also includes vehicles owned, rented or leased by Southeast Arkansas College. The driver of any state vehicle may be subject to drug and alcohol testing.

Faculty and Staff Sanctions

Southeast Arkansas College does not differentiate between drug or alcohol users, or sellers. Any person who gives, or in any way transfers a controlled substance as defined by the law or alcohol to another person or sells or manufactures a controlled substance while on the college premises, will be subject to disciplinary and/or legal action up to and including suspension or termination.

Alcohol and Drug Abuse Education Programs

SEARK is committed to providing its students and employees a drug and alcohol-free workplace and learning environment to promote the reputation of SEARK and its employees as responsible citizens of public trust, and to provide a consistent model of substance-free behavior for students. SEARK, including all of its locations, shall provide a safe, responsive environment for all students and employees.

SEARK conducted a comprehensive analysis of the alcohol and drug polices, related programs, services, and enforcement practices.
SEARK uses a comprehensive approach to address alcohol and other drug use on campus, focusing on policy, education, collaboration, enforcement, and intervention. All components work together to ensure that students and employees are provided information and resources that promote a safe and healthy environment that attempts to mitigate risk as it pertains to alcohol and other drug use. Below is a list of programs offered to prevent the use of drugs and alcohol.

Specific Efforts or activities included

1. Review of Student Catalog/Handbook
. Review of Faculty/Staff Programming
3. Completion of the Drug-Free Schools and Campus Regulations Compliance Checklist
4. Review of Campus Alcohol and Drug Violations
5. Review of Drug and Alcohol programing
. Establishment of recommended actions for future.

The College will continue to develop, assess, and pursue the best practices for our campus community to create a safe and healthy learning and working environment for our students and employees.

Federal drug-free schools and campus regulations require institutions of higher education to conduct a biennial review of their alcohol and other drug programs and policies to determine program effectiveness and consistency of policy enforcement, and to identify and implement any changes needed.

This review has the following objectives:

- Determine the presence and effectiveness of a Drug and Alcohol Abuse Prevention Program.
- Document the existence of procedures for distributing the annual notification to students, faculty, and staff and ensure they are followed.
- Ensure that disciplinary sanctions for violating standards of conduct are applied consistently.
- Recommend any necessary changes to the Drug and Alcohol Prevention Program and Policy.

In 2021, SEARK conducted a biennial review of our Drug and Alcohol Abuse Prevention Program.
A copy of the Biennial Review Report can be found in the VPSA Office or online at https://seark.edu/campus-safety-security

Complaints of Sexual Harassment and Offenses

Sex Offenses, Domestic Violence, Dating Violence, and Stalking

SEARK prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, defined in the college's Title IX policy located at www.seark.edu/title-ix and further prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined under Arkansas Law.

SEARK provides the following program material to all incoming students and new employees with the intent to end dating violence, domestic violence, sexual assault, and stalking.

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
- informed by research or assessed for value effectiveness or outcome
- considered environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees, and ongoing prevention and awareness campaigns directed at students and employees.

Primary Prevention:

The College's Policy and Procedures for Sex Discrimination, Sexual Harassment and Sexual Misconduct is provided on the SEARK Website at www.seark.edu/title-ix

SEARK has implemented annual online training, which is required for all employees utilizing the EverFi system. Semesterly notifications made to students and an introduction to the policy is made during each new student orientation.

Bystander and Risk Reduction Information:

Bystander intervention includes 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.

Risk reduction includes 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.

On-going Prevention:

The obligation to be part of the solution to preventing sexual violence is the responsibility of each and every member of the SEARK Community. Suspicion should be reported and harassment of any kind should not be tolerated.

Any report made will be investigated by the SEARK Title IX Team and appropriate action taken to resolve the issue. To report an incident of sexual misconduct any person can contact a Title IX Investigator, email titleix@seark.edu or reach out to any campus employee for assistance. Other helpful resources are listed in the SEARK Title IX policy. A copy of the full policy can be obtained at the IT/DPS helpdesk, Human Resources Office or online at https://seark.edu/title-ix

Victim Information:

If you are a victim of sexual violence, you are not alone and you are in no way responsible for your assault.

SEARK is responsible for providing procedures developed to protect the rights, health, and safety of all students. Openness to victims of crimes of violence or non-forcible sex offenses with regard to findings of SEARK student disciplinary proceedings is part of this responsibility. A student who is the victim of a violent crime or a non-forcible sex offense reported to any DPS officer has access to the report of findings. SEARK will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by SEARK against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be the representative of the alleged victim.

SEARK's Title IX Team:

Bailey Carl

Dean of Students and Enrollment
Welcome Center
870-850-5950
bcarl@seark.edu

LaWanda Smith

Fiscal Support Analyst
Welcome Center, Office 846
870-850-4910
lsmith@seark.edu

What to do if you are a victim of sexual violence

- If you are not safe and need immediate help, call the police. If the incident happened on campus, call 911 or DPS at (870)-850-4911. If the incident occurred elsewhere in Pine Bluff, call the Pine Bluff Police Department at 911 or (870) 541-5300. If the incident happened anywhere else, call the law enforcement agency that has jurisdiction in the location where the incident occurred.
- Do what you need to do to feel safe. Go to a safe place or contact someone with whom you are comfortable. You can call Jefferson County Rape Crisis Hotline (870) 541-5387 or (870) 541-7100 to get advice and discuss options on how to proceed.
- Do not shower, bathe, douche, change or destroy clothes, eat, drink, smoke, chew gum, take any medications, or straighten the room or place of the incident. Preserving evidence is critical for criminal prosecution. Although you may not want to prosecute immediately after the incident, that choice will not be available without credible evidence. The evidence collected can also be useful in the campus conduct process.
- Go to the closest medical facility to receive care for any physical injuries that may have occurred. While in the emergency room, treatment may be provided for sexually transmitted diseases and to prevent pregnancy.

On and Off Campus Resources

Sexual violence can be very emotionally disruptive, and it may take time to come to terms with such a major stress. In addition to support that may be found in family and friends, the following agencies and departments can serve as resources for you.

It is important to be aware that different individuals, who you may contact for assistance following an incident, may have different responsibilities regarding confidentiality, depending on their position. Under state law, some individuals can assure the victim of confidentiality, including counselors and certified victims' advocates. However, any other institution employee cannot guarantee complete confidentiality, unless specifically provided by law. As is the case with all colleges and universities, SEARK must balance the needs of the individual victim with an obligation to protect the safety and wellbeing of the community at large.

- **Counseling Resources:** SEARK does not provide counseling services but can assist in setting up an appointment with a local provider. For assistance contact the Student Success Center at (870) 850-3075
- **Medical Services:** It is important to have a thorough medical examination after a sexual assault even if you do not have any apparent physical injuries. Medical providers can treat any injuries and may provide tests for sexually transmitted diseases.

Additional information on resources, as well as educational information on sexual violence prevention can be found at https://www.cdc.gov/violenceprevention/pdf/campussvprevention.pdf

Also, refer to www.changingourcampus.org for more information and resources.

Title IX Policy Revision

In the Summer of 2020, the United States Department of education provided new guidance concerning the reporting and process of Title related issues.

The complete policy and process can be found at www.seark.edu/title-ix

The complete policy is also included in appendix A of this document. You can reach that document by clicking here

For additional Reporting Information:
Email titleIX@seark.edu or contact a member of the SEARK Title IX Team.

Persons may file a complaint of gender-based discrimination and/or misconduct, including sexual assault or violence, electronically by emailing titleix@seark.edu

Other Local Services Available to Victims

Department of Public Safety : (870)-850-4911

Title IX Coordinator: TitleIX@seark.edu

Pine Bluff Police Department: (870) 541-5300

Jefferson County Sheriff's Office: (870) 541-5351

Jefferson County District Attorney's Office: (870) 541-5387

Jefferson County Court Clerk's Office: (870) 541-5322

CASA Women's Shelter: (870) 535-0287

Jefferson County Victim Witness: (870) 541-5387

Jefferson County Rape Crisis Hotline
(870) 541-5387 or (870) 541-7100

National Sexual Assault Hotline
Free & Confidential 24/7
(800) 656-HOPE (800-656-4673)

Sex Offender Registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, and section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.

Sex offenders are required to register in Arkansas. Details on the Sex Offender Registration Act of 1997 can be found in Arkansas Code Annotated §12-12-901 -- 12-12-920

All sex offenders required to register in the State of Arkansas must submit to assessment by the Sex Offender Screening & Risk Assessment Program coordinated by the Arkansas Department of Correction. Each offender is assigned a community notification level based on the results of the assessment. Offenders failing to submit to assessment are assigned by default to a community notification level of 3 but may also be considered for assignment as level 4. For more information visit https://www.ark.org/offender-search/index.php DPS maintains a folder with information about all students or staff who have registered with the campus. To review this folder contact DPS at (870) 850-4911.

Definition of Categories

Definition of Terms for Statistical Charts

The charts setting forth statistical data on reported crimes include the following terms.

Campus:

Any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in the direct support of, or related to, its educational purpose.

Clery Geography:

Buildings and property that are part of the institution's campus; the institution's non-campus buildings and property; and public property within or immediately adjacent to and accessible from the campus.

Other:

Any non-residential area on campus.

Non-Campus Building or Property:

Buildings or property owned or controlled by a student organization, such as a fraternity or sorority, recognized by the institution, and any building or property (other than a branch campus) owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is used by students and is not within the same reasonable contiguous geographical 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.

Crime Definitions

The following definitions are those provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime (UCR) Program. Unless otherwise noted SEARK College adopts these definitions as its institutional/jurisdictional definitions.

Arrest:

Defined as persons processed by arrest, citation or summons. Classify as arrests:

- Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention.)
- Juveniles taken into custody or arrested but merely warned and released without being charged. A juvenile should be counted as "arrested" when the circumstances are such that if the individual were an adult, an arrest would have been counted.
- Any situation where a young person, in lieu of actual arrest, is summoned, cited or notified to appear before the juvenile or youth court, or similar official for a violation of the law.
- Only violations by young persons where some police or official action is taken beyond a mere interview, warning or admonishment.

Aggravated Assault:

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

Arson:

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another. Only fires determined to have been willfully or maliciously set are classified as arson.

Burglary:

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

Criminal Homicide:

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

Dating Violence:

Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined 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. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

Domestic Violence:

Domestic violence is a felony or misdemeanor crime of violence committed by:

- a current or former spouse, or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with, or has cohabited with, the victim as a spouse or intimate partner,
- 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
- 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.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can include physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.

Drug Law Violations:

Violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. Relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Hate Crimes:

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this definition, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Larceny:

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another without use of force or violence. It includes shoplifting, picking pockets, purse snatching, thefts from motor vehicles including parts and accessories, bicycle and computer thefts.

Liquor Law Violations:

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. Drunkenness and driving under the influence are not included in this definition.

Manslaughter by Negligence:

The killing of another person through gross negligence.

Motor Vehicle Theft:

The theft, or attempted theft, of a motor vehicle by someone other than the registered owner.

Robbery:

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

Sex offenses:

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

Sexual Assault:

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

- Rape means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- Fondling means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest means non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape means non-forcible sexual intercourse with a person who is under the statutory age of consent (age 16).

Stalking:

- Stalking is course of conduct, directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others, or suffer substantial emotional distress.
- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar

circumstances and with similar identities to the victim.

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

Weapon Law Violations:

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; and all attempts to commit any of the aforementioned.

Consent (SEARK Definition):

Defined as the clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, if those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

1. To give effective consent, one must be at least 16 years old.
2. Sexual activity with someone known to be mentally or physically incapacitated, or based on the circumstances, someone who could reasonably be known to be mentally or physically incapacitated, constitutes a violation of this policy.
3. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (to understand the "who, what, when, where, why, or how" of the sexual interaction). Alcohol or other drug use, unconsciousness or blackout is an example of incapacitation.
4. This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at https://www.medlineplus.gov/clubdrugs.html or https://www.womenshealth.gov/a-z-topics/date-rape-drugs.
5. Use of alcohol or other drugs will never function as a defense to a violation of this policy.
6. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
7. Previous relationships or prior consent cannot imply consent to future sexual acts.

The following definitions are those provided by the Violence Against Women Act (VAWA).

Unless otherwise noted SEARK College adopts these definitions as it institutional/jurisdictional definitions.

Dating Violence:

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

- 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 people involved in the relationship.
- For the purposes of this definition:
  - Dating Violence Includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating Violence does not include acts covered under the definition of domestic violence.

Domestic Violence:

A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family

violence laws of the jurisdiction in which the crime of violence occurred.

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. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **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:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.
- For the purposes of this definition:
  - 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 communicates to or about, a person, or interferes.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Crime Statistics

Crime Disclosure

SEARK policies and procedures require the publication of annual crime statistics. Included in this report are crimes reported to the Department of Public Safety and other campus officials, including college faculty, Title IX Coordinators, Student Conduct Officers, and local law enforcement.

The Department of Public Safety prepares the Annual Security Report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics. The full text of this report can be located on our web site at https://www.seark.edu/consumer-information/campus-safety-security . This report is prepared in cooperation with the local municipal law enforcement agency with jurisdiction surrounding and encompassing the SEARK Campus as well as all DPS authorities.

Campus crime, arrest, and referral statistics include those reported to DPS and local law enforcement agencies. SEARK cannot withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, or other similar non-campus official. Clery Act reporting does not require initiating an investigation or disclosing identifying information about the victim.

Each year, an email notification is made to all enrolled students providing both the complete PDF document and the web site information necessary to access this report. Faculty and staff receive similar notification via email. Copies of the report may also be obtained at the IT/DPS helpdesk or by calling (870)-850-4816. All prospective employees and prospective students will be notified of the availability of the Annual Security Report and may obtain a copy from the Department of Public Safety.

The following tables comply with the Clery Act.

The crime and arrest statistics reported are those that occurred within the jurisdictional boundaries of campus. They do not include off-campus private housing, which are outside of the jurisdictional boundaries. Crimes occurring on public property immediately adjacent to campus are also reported when available. Crime statistics concerning other locations are available at the Pine Bluff Police Department.

Criminal Offenses				
	Year	On Campus	Noncampus	Public Property
Murder/Non-negligent manslaughter	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Manslaughter by Negligence	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Rape	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Fondling	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Incest	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Statutory rape	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Robbery	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Aggravated assault	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Burglary	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Motor vehicle theft	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Arson	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

Hate Crimes - On Campus

		Occurrences of Hate crimes (Category of Bias for crimes)								
	Year	Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent manslaughter	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Statutory rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Aggravated assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Motor vehicle theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Simple assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Larceny-theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Destruction/ damage/vandalism of property	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0

Hate Crimes - Noncampus

		Occurrences of Hate crimes (Category of Bias for crimes)								
	Year	Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent manslaughter	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Statutory rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Aggravated assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Motor vehicle theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Simple assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Larceny-theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Destruction/ damage/vandalism of property	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0

Hate Crimes - Public Property

		Occurrences of Hate crimes (Category of Bias for crimes)								
	Year	Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent manslaughter	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Statutory rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Aggravated assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Motor vehicle theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Simple assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Larceny-theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Destruction/ damage/vandalism of property	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0

VAWA Offenses				
	Year	On Campus	Noncampus	Public Property
Domestic Violence	2022	0	0	0
	2021	0	1	0
	2020	0	0	0
Dating Violence	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Stalking	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

Arrests				
	Year	On Campus	Noncampus	Public Property
Weapons: carrying, possessing, etc.	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Drug abuse violations	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Liquor law violations	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

Disciplinary Actions				
	Year	On Campus	Noncampus	Public Property
Weapons: carrying, possessing, etc.	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Drug abuse violations	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Liquor law violations	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

Unfounded Crimes				
	Year	On Campus	Noncampus	Public Property
Total	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

Hate Crimes by Location and Bias

There were no incidents reported to either SEARK College or the Pine Bluff Police Department for any SEARK location having occurred either: on-campus, in a non-campus building or property or adjacent public properties, manifesting evidence of bias based on race, religion, ethnicity, national origin, gender, sexual orientation, gender identity or disability during the 2020, 2021, or 2022 calendar year.

Annual Fire Safety Report

Annual Fire Safety Report

As of 2022, SEARK College does not offer residential housing. There were no incidents of fire related damage reported on the campus. SEARK does not conduct fire drills. No fire alarm should be considered false.

Anyone present in an area of an alarm (active horns, bells, strobes) should immediately use the nearest exit from the building and move into the nearby parking areas.

All fires should be reported to DPS by calling (870) 850-4911.

SEARK is currently reviewing existing policy and plans are being developed to improve current fire safety procedures and equipment.

Appendix A

Southeast Arkansas College
Policy and Procedures for Sex Discrimination,
Sexual Harassment and Sexual Misconduct

Southeast Arkansas College

Policy and Procedures for Sex Discrimination, Sexual Harassment and Sexual Misconduct

If you need immediate assistance or need to report concerning behavior:

1.) Scan this QR code

2.) Follow this link: https://cli.re/gj7w23

3.) Email: titleix@seark.edu

4.) Contact a member of the Southeast Arkansas College Title IX Compliance Team:

LaWanda Smith
Fiscal Support Analyst
The Welcome Center, Office 846
870-850-4910
lsmith@seark.edu

Bailey Carl
Dean of Students & Enrollment
The Welcome Center
870-543-5950
bcarl@seark.edu

(a) Statement. Southeast Arkansas College does not discriminate on the basis of race, color, sex, age, national origin, religion, disability, genetic information, sexual orientation, gender identity or expression, status as a veteran, or any other protected class under federal or state law or regulation or any of its policies, practices or procedures. This includes but is not limited to admissions, employment, financial aid, and educational programs, activities, or services. The person designated to handle inquiries regarding the nondiscrimination policies, including issues of noncompliance, is the Human Resources Specialist also the College's Title IX Coordinator, 1900 Hazel Street, Pine Bluff, AR 71603. Complaints and grievances will be handled in accordance with the College's appropriate grievance procedures. Sexual misconduct and sexual discrimination are discussed in this section, including:

(1) Domestic Violence
(2) Dating Violence
(3) Stalking
(4) Sexual Assault
(5) Sexual Harassment
(6) Any other form of sexual misconduct as defined by law

(b) Positions of authority.

Since some members of the College community hold positions of authority that may involve the legitimate exercise of power over others, they have the responsibility to be sensitive to that power. Faculty and supervisors, in their relationships with students and subordinates, need to be aware of potential conflicts of interest and the possible compromise of their valuative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to the professional relationship. The responsibility of faculty and supervisors is to behave in such a manner that their words or actions cannot reasonably be perceived as sexually coercive, abusive, or exploitive.

(c) Consensual relationships.

Consensual romantic or sexual relationships are not appropriate or allowed when they occur between an employee of the institution and a student for whom that employee has a professional responsibility. This includes students enrolled in courses for credit and student-workers. Exceptions will be addressed on a case-by-case basis (such as the spouse of an employee decides to enroll in school and thereby becomes a student would not be a violation).

(d) Management responsibilities.

Employees or agents who

(a) supervise other employees, contractors, or agents
(b) teach or advise students
(c) have management authority related to a College sponsored activity, student program or activity are encouraged to:

(1) Engage in appropriate measures to prevent violations of this policy.
(2) Promptly notify the Human Resources Office after being informed of or having a reasonable basis to suspect a policy violation. In instances where the supervisor has taken independent action, the supervisor shall notify the Human Resources Office as soon as possible after taking such action. Additionally, any action taken may not disadvantage the complaining party.

(e) Environment of study and work.

The College is committed to providing an environment of study and work free from sexual misconduct and sex discrimination and to ensuring the accessibility of appropriate grievance procedures for addressing all complaints regarding sexual misconduct and sex discrimination.

(f) Definitions.

Offenses prohibited under the College's policy include, but are not limited to: sexual harassment; sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination) non consensual sexual intercourse (or attempts to commit same) non consensual sexual contact, including fondling (or attempts to commit same); sexual coercion; domestic/dating violence; stalking; and sexual exploitation (or attempts to commit same).

(1) Sex Discrimination:

(A) Includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity and gender expression discrimination). It may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

(B) Pregnancy Discrimination:

(i) The College prohibits discrimination on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom. Discrimination of the basis of pregnancy should be reported in accordance with this policy. Employees, students, and visitors with questions regarding accommodations during pregnancy are encouraged to contact the Office of Human Resources, 1900 Hazel Street, Pine Bluff, AR 71603. For complaints arising under this policy, please report to the Human Resources Specialist.

(2) Sexual Harassment:

(A) Sexual harassment is a form of sex discrimination.

(i) The College is committed to stopping, preventing and remedying sexual harassment whenever and however it occurs; however, in the interest of directing complainants to the appropriate grievance procedure, the definition of hostile environment is dissected to include the Civil Rights Act of 1964, Title VII definition as well as the Higher Education Act of 1972, Title IX definitions.

(ii) For harassment to be actionable under Title VII the offensive conduct must be sufficiently severe ***or*** pervasive to ***alter the conditions of the complainant's employment*** and create a hostile working environment.

(iii) For harassment to be actionable under Title IX the offensive conduct must be severe ***and*** pervasive ***and*** objectively offensive, so the conduct effectively denies a person equal educational access.

(iv) The distinction between the two definitions allows the College to balance Title IX enforcement with free speech and academic freedom.

(B) Hostile Environment Sexual Harassment includes conduct that is sufficiently severe, pervasive or persistent, objectively and subjectively offensive (see 2Ai-iv

above) that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the complainant of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

(i) The frequency of the conduct
(ii) The nature and severity of the conduct
(iii) Whether the conduct was physically threatening
(iv) Whether the conduct was deliberate, repeated humiliation based upon sex
(v) The effect of the conduct on the alleged complainant's mental or emotional state from the perspective of a reasonable person
(vi) Whether the conduct was directed at more than one person
(vii) Whether the conduct arose in the context of other discriminatory conduct
(viii) Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes
(ix) Whether the speech or conduct deserves constitutional protections

(C) Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:

(i) Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature
(ii) Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

(D) For the purpose of this policy, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment if:

(i) Submission to the conduct is made either an explicit or implicit condition of employment or academic instruction/standing
(ii) Submission to or rejection of the conduct is used as a basis for employment or academic decisions affecting the harassed employee or student
(iii) The conduct, either by intent or by effect, creates an intimidating, hostile or offensive work or learning environment
(iv) Submission to or rejection of the conduct is used as a basis for providing the College's services or participation in the College's programs.

(E) Sexual harassment can occur in a variety of circumstances, including but not limited to:

(i) The individual who is sexually harassed, as well as the harasser, may be female or male and does not have to be of the opposite sex from the

harasser
(ii) The harasser can be the supervisor or the individual who is sexually harassed, an agent of the employer, a supervisor in another area, a coworker, a subordinate, a professor, a student, or a non-employee
(iii) The individual who is sexually harassed does not have to be the specific person to whom the harasser directs the conduct which constitutes sexual harassment but must be a person who was directly affected by the offensive conduct of the harasser
(iv) Unlawful sexual harassment may occur without economic injury to or discharge of the individual who is sexually harassed.

(3) Sexual Violence:

(A) Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, which includes, but is not limited to rape, sexual assault, sexual battery, sexual misconduct and sexual coercion.

(i) Unwanted Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal or genital opening of the complainant, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by at least one person to another without consent or against the complainant's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
(ii) Unwanted Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the complainant's intimate body parts (primarily genital area, groin, inner thigh, mouth, buttock or) with any object or body part, without consent and/or by force. It also includes the touching of any part of a complainant's body using the perpetrator's genitalia and/or forcing the complainant to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
(iii) Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure, or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against another person's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation, and sexual misconduct.

(4) Sexual Exploitation:

(A) Occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses.

(i) Examples of sexual exploitation include, but are not limited to:
(a) Unwanted video or audio taping of any form of sexual activity
(b) Going beyond the boundaries of consent (such as letting a person or people hide in the closet to watch an individual have

consensual sex without their partner's knowledge or consent)
(c) Sexually-based stalking or bullying
(d) Engaging in unwanted voyeurism, such as observing sexual acts or body parts of another from a secret vantage point
(e) Knowingly transmitting a sexually transmitted disease or illness to another
(f) Exposing one's genitals in a unwanted circumstance or inducing another to expose his or her genitals
(g) Prostituting another person
(h) Other forms of invasion of sexual privacy.

(5) Domestic and Dating Violence:

(A) Dating violence is violence between individuals in the following circumstances:

(i) The party is or has been in a social relationship of a romantic or intimate nature with the complainant
(ii) The existence of such a relationship shall be determined based on a consideration of the following factors:

(a) Length of the relationship
(b) Type of relationship
(c) Frequency of interaction between the persons involved in the relationship.

(B) Domestic Violence under this policy means violence committed by a:

(i) Current or former spouse of the complainant
(ii) A person with whom the complainant shares a child in common
(iii) A person who is cohabitating with or has cohabitated with the complainant as a spouse
(iv) A person similarly situated to a spouse of the complainant under Arkansas domestic or family violence laws
(v) Any other person against an adult or youth complainant who is protected from that person's acts under Arkansas domestic or family violence laws.

(C) Additional information regarding what constitutes a "prior pattern of physical abuse" can be located at Arkansas Penal Code, § 5-28-101

(6) Sexual Assault:

(A) Assault as applied to an act when committed in a sexual context, in furtherance of sexual demands or based on sex stereotyping is defined in Arkansas Penal Code as any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another (Arkansas Penal Code, § 5-14-124).
(B) Information regarding additional issues regarding battery and aggravated assault and battery, can be located at Arkansas Penal Code, § 5-13-204.

(7) Stalking:

(A) Any person who willfully, maliciously, and repeatedly follows or harasses

another person in a manner that:

(i) Would cause a reasonable person or a member of the immediate family of that person as defined in subsection D of this section to feel frightened, intimidated, threatened, harassed, or molested

(ii) Causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested.

(B) Any person who violates the provisions of subsection A of this section when:

(i) There is a permanent or temporary restraining order, a protective order, an emergency ex-parte protective order or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction

(ii) Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment

(iii) Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party.

(C) Evidence that the individual continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection D of this section, with the complainant after having been requested by the complainant to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the complainant, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the complainant to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(D) For purposes of this section:

(i) "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress and that actually causes emotional distress to the complainant. Harassment shall include harassing or obscene phone calls as prohibited by Arkansas Penal Code, § 5-71-209.

Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

(ii) "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct"

(iii) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling

(iv) "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of "unconsented contact." Unconsented contact includes, but is not limited to:

(a) Following or appearing within the sight of that individual
(b) Approaching or confronting that individual in a public place or on private property
(c) Appearing at the workplace or residence of that individual
(d) Entering onto or remaining on property owned, leased or occupied by that individual
(e) Contacting that individual by telephone
(f) Sending mail or electronic communications to that individual
(g) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

(v) "Member of the immediate family," for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

(8) Other Misconduct:

(A) Other forms of misconduct based on one's gender also constitute violations of this policy including, but not limited to: threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person.

(i) Gender-based intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another
(ii) Gender-based hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Campus community, when related to the admission, initiation, pledging, joining or other group-affiliation activity
(iii) Gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment).

(9) Consent:

(A) Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what behavior they are providing consent. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes."

(i) Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual

activity.
(ii) Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
(iii) Previous relationships or consent does not imply consent to future sexual acts.
(iv) Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
(v) In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent (e.g. to understand the "who, what, when, where, why or how" of their sexual interaction). Incapacity may result from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness, or intoxication. It is less severe than alcohol poisoning or overdose. Whether a person is incapacitated is a subjective determination that will be made after the incident and considering all facts available. Individuals reach incapacitation at different points and because of different stimuli [and] exhibit incapacity in different ways.

Note: Indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

(B) Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

(g) Examples of prohibited conduct.

Conduct prohibited by this policy may include, but is not limited to:

(1) Unwelcome conduct of a sexual nature.

(A) Conduct of a sexual nature may include, but is not limited to:

(i) Verbal or physical sexual advances, including subtle pressure for sexual activity, flirtation, advances and/or propositions of a sexual nature
(ii) Touching, pinching, patting or brushing against
(iii) Unwarranted displays of sexually suggestive or sexually explicit objects or pictures, including greeting cards, articles, books, magazines or cartoons
(iv) Comments regarding physical or personality characteristics of a sexual nature
(v) Sexually oriented "kidding," "teasing," double meanings and jokes; and (vi) Sexual assault.

(2) Conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, either orally or by his or her conduct, that it is

unwelcome.

(3) If a person has initially welcomed such conduct by active participation, the person must give specific notice to the alleged harasser that such conduct is no longer welcome in order for the subsequent conduct to be deemed unwelcome.

(h) State Law Definitions.

In accordance with the Violence Against Women Reauthorization Act of 2013 (VAWA), please be advised that the following definitions are applicable should an individual wish to pursue Arkansas state criminal or civil actions. These definitions may differ from the College's administrative policy definitions noted above. The College's administrative system and disciplinary procedures are separate and distinct from those available to someone in a state civil or criminal action. Individuals may seek administrative remedies in accordance with this policy and may seek state or federal civil or criminal remedies for the same incident through the applicable systems. The definitions set forth below are reviewed and verified annually.

(1) Arkansas Criminal Law Definition of Rape Arkansas Penal Code, § 5-14-103:

(A) Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

(i) Where the complainant is under sixteen (16) years of age

(ii) Where the complainant is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent

(iii) Where force or violence is used or threatened, accompanied by apparent power of execution to the complainant or to another person

(iv) Where the complainant is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the complainant to submit

(v) Where the complainant is at the time unconscious of the nature of the act and this fact is known to the accused

(vi) Where the complainant submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape

(vii) Where the complainant is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the complainant

(viii) Where the complainant is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school or public vocational school and engages in

sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system.

(B) Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the complainant or to another person.

(2) Definition of Consent under Arkansas Criminal Law Arkansas Penal Code, § 5-14-101, provides lack of consent in rape cases where:

(A) Rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age.

(B) Rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime.

(C) Rape accomplished where the complainant is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the complainant to submit.

(D) Rape accomplished where the complainant is at the time unconscious of the nature of the act and this fact is known to the accused.

(E) Rape accomplished with any person by means of force, violence or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime.

(F) Rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime.

(G) Rape by instrumentation committed upon a person under fourteen (14) years of age.

(3) Definition of Domestic/Dating Violence under Arkansas Criminal Law Arkansas Title 9 - Family Law, Subtitle 2 - Domestic Relations Chapter 15 - Domestic Abuse Act defines domestic and dating violence as any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Arkansas Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant or a person living in the same household as the defendant shall be guilty of domestic abuse.

(4) Definition of Stalking under Arkansas Criminal Law Arkansas Penal Code, § 5-71-229, defines stalking as:

(A) Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

(i) Would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed or molested; and

(ii) Causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested.

(5) Rape as defined by the Federal Bureau of Investigation's (FBI) updated definition in the Uniform Crime Reporting (UCR) Summary Reporting System is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

(i) Bystander Intervention.

Southeast Arkansas College seeks to promote the health, safety, security, and wellbeing of all members of the College community. If an individual witnesses a violation of the Sexual Misconduct and Sex Discrimination Policy, or any behavior that may appear to be a violation of the policy, there are a range of options available including, but not limited to:

(1) For emergency situations, contact the Pine Bluff Police Department (PBPD) by calling 911.

(2) For non-emergency situations, contact the Campus Security Office by calling 870-557-4211.

(j) Reporting sexual misconduct and sex discrimination to law enforcement, seeking outreach, and reporting to College officials.

Please see Section 7, Grievance Procedures.

(k) Availability of other Complaint Procedures.

In addition to seeking criminal charges through local law enforcement, members of the Campus community may also file complaints with the following entities irrespective of whether they choose to file a complaint under this procedure:

Office of Civil Rights:

Kansas City Field Office:
OCR.KansasCity@ed.gov
1-816-268-0550

Washington D.C.:
OCR@ed.gov
1-800-421-3481

Equal Employment Opportunity Commission:

Arkansas Field Office:
1-800-669-4000

Washington D.C.:
Eeoc.gov/contact/
1-800-669-4000

State of Arkansas Attorney General's Office:
Office of Civil Rights Enforcement:
(501) 682-2007 or (800) 482-8982
oag@ArkansasAG.gov

*Definitions taken, in part, from the model policy of National Center for Higher Education Risk Management (NCHERM): www.ncherm.org. Effective September 01, 2014.

Referral Services:

Following are the crisis services contacts we provide as referrals to students, faculty, staff and guests of Southeast Arkansas College:

Jefferson County Rape Crisis Hotline
(870) 541-5387 or (870) 541-7100

Southeast Arkansas Behavioral Healthcare
2500 Rike Drive
Pine Bluff, AR 71603
(870) 534-1834

New Hope Counseling
3006 S. Olive Street
Pine Bluff, AR 71603
(870) 534-8910

CASA Women's Shelter
(870) 535-0287

Pinnacle Point of Pine Bluff
109 Frankie Lane
White Hall, AR 71602
(870) 247-3588

National Sexual Assault Hotline
Free & Confidential 24/7
(800) 656-HOPE (800-656-4673)

GRIEVANCE PROCEDURES
Civil Rights Act of 1964, Title VI
Civil Rights Act of 1964, Title VII
Americans With Disabilities Act, As Amended
Department of Rehabilitation Services, Section 504
Administrative Grievances

This policy covers the complaint and grievance procedures for all forms of discrimination, harassment, retaliation, or violence (whether on-campus or off-campus) that occur in conjunction with any Southeast Arkansas College activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment, as well as administrative redress for employee grievances not in the aforementioned categories. All students, faculty, staff, guests, vendors, and visitors are required to comply with this policy.

This section covers formal complaints of discrimination based on various protected statuses and Administrative Grievances, for Informal Grievance Procedures, please see Sec. 7B of this policy.

Sec. 7A-1. General Statement

Southeast Arkansas College (College) does not discriminate on the basis of race, color, sex, age, national origin, religion, disability, genetic information, sexual orientation, gender identify or expression, or status as a veteran in any of its policies, practices, or procedures. This includes, but is not limited to admissions, employment, financial aid, and educational programs, activities, or services. If discrimination, including harassment or retaliation, occurs, the College will take prompt and appropriate corrective and remedial action.

The person designated to handle inquiries regarding the nondiscrimination policies, including issues of noncompliance, is the Human Resources Specialist 1900 Hazel Street, Pine Bluff, AR 71603

A. Duty to Report
Southeast Arkansas College encourages any person who believes that they have experienced discrimination, harassment, retaliation, or violence based on a protected status in conjunction with a College activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment, to report that complaint to the Human Resources Specialist 1900 Hazel Street, Pine Bluff, AR 71603

Where violations of sexual misconduct, harassment, and/or discrimination may have occurred, please see Section 7C of this policy.

B. Duty to Report Child Abuse
Arkansas law requires every person having reason to believe that an unmarried child under the age of 18 is a victim of abuse (including sex abuse) or neglect to report the matter promptly to the Arkansas Department of Human Services. Under Arkansas law, "abuse" means harm or threatened harm or failure to protect the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare. This includes, but is not limited to, non-accidental physical or mental injury, sexual abuse, or sexual exploitation. Under Arkansas law, no privilege or contract shall relieve any person of this duty to report. The duty to report is individual, and no employer, supervisor, or administrator shall interfere with any person's reporting duties or in any manner discriminate or retaliate against any person who in good faith reports suspected child abuse or neglect.

Sec. 7A-2. Initial Report and Complaint Procedure

A. The Initial Report

When the HR Specialist receives notice, either from the complainant or from any other source, that discrimination based on a protected status has possibly occurred, the HR Specialist will:

1. Determine the identity and contact information of the complainant (whether that be the reporting party, the alleged victim, a College representative, or other party).
2. Identify the portions of this policy allegedly violated.
3. Advise the complainant that both formal and informal resolution options are available.
4. Review the process of a formal complaint.
5. Respect complainant's wishes not to pursue a complaint; formal or informal (see 7ABb-ii for possible exceptions).
6. Advise the complainant that they may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR), where such a complaint is within that agency's jurisdiction.
7. If the complaint is employment-related, advise the complainant that they may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), where such a complaint is within that agency's jurisdiction.
8. If the complainant alleges abuse or neglect of a child under the age of 18, report the matter promptly to the Arkansas Department of Human Services

B. Complaint Procedure

1. All complaints involving discrimination based on a protected status shall be reviewed, investigated, and adjudicated only by persons with training or experience in:
    a. Title VI, Title VII and ADA grievances.
    b. The College's relevant grievance procedures.
    c. Relevant confidentiality requirements.

2. Submitting a Complaint

a. Timeliness

Generally, any complaint should be filed with the College within 180 calendar days of the alleged discrimination, harassment, or retaliation, to facilitate the process of gathering facts and evidence. Complaints that are filed after that time will be reviewed, but a lengthy lapse of time, may make an investigation difficult.

b. Obtaining the Complaint Form

Complaint Forms (ADM 44 - *Discrimination/Harassment Complaint Form*) are available online through the Employee Handbook, or the Title IX Resources page at seark.edu/campus-safety-security, and from the Human Resources Department. The complaint shall include the following information:

i. The complainant's name and address.
ii. The College program or activity in which the complainant was participating, or attempting participation, at the time of the alleged misconduct.
iii. The name and title of the person(s) against whom the complaint is filed.
iv. A statement describing the specific acts allegedly committed by the respondent.
v. The specific dates on which those alleged actions took place.
vi. A clear and concise statement of any other facts that form the basis of the complaint.
vii. If the complainant is not the alleged victim, the complainant's relationship, if any, to the person who experienced the prohibited conduct.

viii. A clear and concise statement of the remedy the complainant seeks.
ix. The complainant's signature.

c. Submitting the Complaint Form

The signed complaint form must be submitted to Human Resources by mail, electronic mail, or in person; Human Resources Specialist 1900 Hazel Street, Pine Bluff, AR 71603

4. Review of the Complaint

Within 5 business days or less of receiving the complaint, Human Resources shall review the complaint to determine whether:

a. The written complaint is complete.
b. The alleged misconduct took place while the complainant was participating in, or attempting to participate in, a College program activity and the allegations are against someone in the U.S.
c. The written complaint alleges conduct prohibited by this Policy.
d. The complainant experienced the alleged conduct, is a personal representative of someone who experienced the alleged misconduct, or witnessed the alleged misconduct.

5. Anonymity and Confidentiality

The College does not reveal information about complaints of discrimination except as necessary to fulfill its legal obligations. Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the College to respond.

If a complainant insists that his or her name not be revealed, the Human Resources Specialist or designee should take all reasonable steps to investigate while maintaining the complainant's confidentiality and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.

6. Dismissals of Complaints

The College *will* dismiss complaints with allegations failing to place the complainant in a protected category.

The College *may* dismiss a complaint if:

a. The complainant gives the Human Resources Specialist written notice to withdraw the complaint.
b. The respondent is no longer affiliated with the College.
c. There are circumstances preventing the Human Resources Specialist or designee from collecting necessary evidence to make a determination of responsibility.

7A-3. Investigations

A. Selection of the Investigator

If the Human Resources Specialist determines the written complaint is sufficient, within two (2) business days or as soon as possible, the investigation will be assigned to a qualified designee.

The investigator selected will be a neutral individual, who is not party to the complaint, the complainant, or the accused, nor should the investigator have a vested interest in the outcome of the investigation. The Human Resources Specialist may choose to personally investigate some complaints.

Both the complainant and respondent are entitled to the same rights regarding representation and supportive services, as well as other rights throughout the investigation and into the live hearing processes.

B. Rights of the Parties

1. Representation
   a. Parties shall be entitled to be accompanied by a representative or advocate (such as a colleague, parent, student advocate, etc.) of their choosing at all complaint meetings.
   b. Representatives and advocates shall act as a supporting presence for the party but may not participate directly in the process.
   c. Representatives and advocates are prohibited from disclosing any information concerning the content of a meeting or hearing.
   d. Representatives and advocates are prohibited from any retaliatory conduct related to information disclosed during a meeting or hearing.
   e. Legal advisors and attorneys may be present during any meetings but cannot participate directly in the process. They may only interact with the party they are representing.

2. Supportive Services
   a. Supportive services that do not favor either party may continue throughout the formal complaint process; the College will provide the parties with information about how to obtain services from resources available on and off campus.

   b. The College may consider steps, such as, administrative leave and alternate work/classroom locations, etc. These supportive services will be granted, as appropriate, on a case-by-case basis and to both the complainant and respondent.

3. Other Rights
   a. To be informed when an investigation begins of the allegations, any known facts surrounding the allegations, and a proposed timeline for resolving the complaint.
   b. To seek counseling and advice from the Human Resources Specialist.
   c. To obtain services and resources from the College's advocates program
   d. To present relevant witnesses, evidence, and information at any meeting or hearing.
   e. To have access to any information, to the extent permitted by the Family Educational Records and Privacy Act (FERPA) and by rules of privilege and confidentiality, that will be used at any meeting.
   f. Not to be personally questioned or cross-examined by the accused.
   g. To the College's taking reasonable steps to maintain the complainant's reputation during the entire process and/or to restore the complainant's reputation if it is damaged during any proceeding.
   h. To be protected against retaliation from the accused or from other persons during or after the complaint process.
   i. To a prompt and equitable resolution of the complaint.
   j. To receive a written notice of the investigation's findings.

C. Notification to the Accused

Within a reasonable time, usually as soon as possible, after the complaint is reviewed and determined to be a valid complaint, the Human Resources Specialist shall inform the respondent of the filing and the general nature of the complaint in a manner that is appropriate under the circumstances. The Human Resources Specialist shall advise the respondent:

1. That the accuracy of the allegations has not been assessed.
2. That they are presumed not responsible of the alleged misconduct until the entire complaint process is complete.
3. That they will have an opportunity to present their side of the matter
4. That any conduct that could be viewed as retaliatory against the complainant or witnesses is strictly prohibited and would constitute a separate violation of this policy.
5. In cases where the complainant voluntarily requests the informal resolution process, the respondent will be notified, presented with information to what that process entails, and provided the opportunity to accept or decline the use of this process.

D. Conducting the Investigation

If both parties have voluntarily requested an informal process, the College will follow the informal process procedure. Once an investigator has been selected, they shall conduct the investigation in as timely a manner as possible unless the matter is informally resolved, or the complainant withdraws the complaint. The investigation will be conducted free of discrimination. The investigation will comply with the following:

1. Collection of Evidence/Witness Interviews and Statements
    a. The burden of collecting evidence rests with the investigator, not the parties.
    b. The investigator will not restrict the parties from collecting their own evidence.
    c. The investigator will give equal opportunity for parties to present witnesses/evidence.
    d. Investigator will not seek or use private medical, psychiatric, or treatment records for any party or witness without the individual's voluntary, written consent.

2. Advisors, Advocates and Representatives
   Both parties will have equal opportunity to select an advisor, advocate, or representative.

3. Communication with Parties and Representatives
    a. The investigator will send written notice regarding meetings, interviews, and hearings.
    b. The investigator will provide each party with the evidence related to the allegations collected by the investigator or opposing party.
        i. Evidence may be in hard copy or electronic format.
        ii. Parties shall have 10 days to review, inspect, and respond to the investigator.

4. Relation of the Investigation to Law Enforcement Investigation
    a. The investigation conducted pursuant to this policy may be concurrent with an investigation by law enforcement officers, but it is not dependent on any law enforcement investigation.
    b. The College may, at its discretion, delay the investigative process long enough to allow local law enforcement to collect evidence. Any delay for this purpose will be as short as possible.

5. Investigative Report

Investigator will send both parties an investigative report containing:

    a. Summary of the complaint.
    b. Identification of complainant witnesses and summary of the witnesses' inputs.
    c. Identification of respondent witnesses and summary of the witnesses' inputs.
    d. General timeline of events related to the complaint.
    e. Identification of specific policy related to the investigation.

f. Any other items of interest the investigator deems appropriate and relevant to the complaint.

E. Lack of Objection to the Findings

If neither the complainant nor the respondent objects, in writing, to the investigative findings within 5 business days of receiving the notice of those findings, the investigative report's findings and the proposed resolution shall be final and binding with no right of appeal.

Sec. 7A-5. Further Proceedings (Appeals)

The notice of results will also provide the parties with information on appealing the decision-maker's findings through further proceedings.

1. Right to Further Proceedings/Review of Findings

The parties to a complaint may initiate further proceedings, within 5 business days of receiving the notification of findings if a party is not satisfied with the findings of the College's investigation. The further proceedings request must be in writing and is submitted to the Human Resources Specialist, who will review the submission for sufficiency. In the event the requirements below are not met in the request, the Human Resources Specialist will deny the request and inform the requesting party of the denial. The requesting party must state one of the following justifications supporting the need for further proceedings:

a. There is new evidence that could have affected the decision that was not reasonably known prior to the issuance of the notification of findings.

b. The investigation or findings exhibited prejudice, bias, or other unfair treatment that affected the outcome of the case.

c. The institution's stated policies and procedures were not followed.

2. Rights of parties during Further Proceedings

The Human Resources Specialist will inform the opposing party of the further proceedings request within a reasonable timeframe, usually within 5 business days, of receiving the request, and will afford the opposing party the opportunity to submit, within a reasonable timeframe, usually 5 business days, a written response to the request for further proceedings.

3. Decision of the President

a. The President will review the original complaint, the investigative process and report, the notification, and the party's request for further proceedings.

b. The President's decision is final. The President, or designee, will inform both parties, in writing, of the President's decision. Once the requesting party is notified of the President's final decision, all administrative actions have been exhausted.

Sec. 7A-6. Sanction Officials, Risk Management Notifications and Retaliation

A. Sanctions

1. Faculty/Staff/Employee Sanctions for Violations of this Policy

a. In accordance with the College's policies and procedures, the College may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, demotions, suspensions without pay, and termination of employment. Referral to law enforcement may be appropriate as set out in section 7.1.C.1. above or as required by law.

b. The Human Resources Specialist, will notify the department Executive Cabinet Member of the matter, along with recommended sanctions imposed by the decision-maker and, if appropriate, upheld by the Appellate Authority.

2. Student Sanctions for Violations of this Policy
   a. The Human Resources Specialist will notify the Vice President of Student Affairs of the matter, along with the sanctions imposed by the decision-maker, and when appropriate, the outcome of the further proceedings process.
   b. The Vice President of Student Affairs is responsible for ensuring the sanctions imposed are properly executed and notification of the completion of sanctions is provided to the Human Resources Specialist within a reasonable timeframe.
   c. In accordance with the College's student disciplinary procedures, the College may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination, written reprimands, dismissal from class and/or other College activities, suspension, or expulsion, depending upon the severity of the act.
   d. Referral to law enforcement may be appropriate as set out in section 7A-3-4d or as required by law.

B. Risk Management Notification

Unless unusual or complex circumstances exist, the Human Resources Specialist shall complete and distribute a final summary of the complaint and outcome to:
1. College President.
2. General Counsel if applicable.
3. Arkansas Management Enterprise Services (OMES) Risk Management Office.

C. Southeast Arkansas College Prohibition of Retaliation

Consistent with the law and this policy, the College prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the College's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Any attempt to retaliate against a person for filing a complaint or participating in the investigation of a complaint may be treated as a separate violation of this policy.

The prohibition of retaliation applies to the entire Grievance Procedure, from notice, to complaint, through the investigation and live hearing, post decision actions, execution of sanctions and future interaction of the parties.

D. Intentionally False Reports.

If, during or after an investigation, the College finds the complainant submitted an intentionally false statement, the College will consider and execute appropriate sanctions. Caution – a complaint resulting in a finding of "not responsible" is not reviewed for intentionally false motives.

Sec. 7A-7. Records Retention

A confidential file of all materials, including the complaint, interview and investigation notes and records relating to the investigation of the complaint will be maintained in the Office of Human Resources. The investigator, Human Resources Specialist, sanction official and appellate authority, if applicable, will be the only persons who have access to the file. The file will then be handled in a manner consistent with applicable state and federal guidelines for maintaining records for this type of complaint. Nothing will be placed in either person's official College files, including employment, contract or student records, unless disciplinary action is taken against the person. All records pertaining to the complaint must be maintained under the same rules as personnel files.

SECTION 7B INFORMAL GRIEVANCE PROCEDURE

7B-1 – Types of Discrimination.

Informal resolution of some grievances may be possible in some cases. The informal grievance procedure is explained below and is potentially available upon initial report of a potential violation falling into one of the following categories:

A. Disability Discrimination

Americans With Disabilities Act (and "As Amended")
(a.k.a., ADA/ADAAA)
Rehabilitation Act of 1973
(a.k.a., Section 504 Discrimination)
Protects students, faculty, staff, applicants, visitors and guests with physical or mental disabilities from employment and/or participant discrimination.

B. Sexual Harassment and Misconduct

Title IX of Education Amendments Act of 1972

- Amended the Higher Education Act of 1972
- Revised and re-released for August, 2020
- Prohibits gender and sex-based discrimination specifically in higher education

Informal resolution for sexual misconduct and/or harassment may only be used for those complaints that are not faculty/staff vs. student and only after completion of 7C-2.B3f of this policy. A formal complaint must be submitted before informal resolution can begin.

C. Civil Rights Harassment and Discrimination

Title VII of the Civil Rights Act of 1964

- Established the Equal Employment Opportunity Commission
- Is a federal law that protects employees against discrimination based on certain specified characteristics: race, color, national origin, sex, and religion. Under Title VII, an employer may not discriminate with regard to any term, condition, or privilege of employment.

Title VI – (a.k.a., Title VII, except protects students, visitors and guests instead of employees)
No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

7B-2 Informal Grievance Procedure

A. Parties' Preference to Use Informal Grievance Procedures. Reporting complainants may voluntarily express a preference to resolve the matter informally. The preference for an informal process will be shared with the respondent. Likewise, initial contact with the respondent will assess preference for an informal resolution. Regardless of which party first expresses this preference, the option for informal resolution will be shared with the other party before a formal grievance is initiated.

B. Parties' Agreement to Use Informal Grievance Procedure. If both parties agree to consider this option, the Human Resources Specialist will explain to each party individually the Rules of Engagement:

1. An investigator will not be appointed
2. Representatives are not allowed
3. Evidence will not be collected
4. Witnesses will not be interviewed
5. Either party can withdraw from the informal process at any time. Formal grievance procedures are available for each of the discrimination issues in 7B-1.
6. The Human Resources Specialist is a neutral facilitator of the process.

7B-3 Informal Grievance Process.

A. Complaining Party's Inputs:

If both parties agree to an informal resolution, the Human Resources Specialist requests input from the complaining party:

1. Complaining party provides Human Resources Specialist with the allegations
    a. The allegations should clearly explain how the responding party's conduct was discriminatory.

2. Responding Party's Inputs:

Once reviewed, the Human Resources Specialist relays the allegations to the responding party and asks the responding party for inputs. The responding party's inputs should:

a. Clearly explain how the conduct was not discriminatory and/or
b. Indicate agreement with the complaining party's version of events and/or
c. Offer a different version of events and/or
d. Indicate the responding party's desire to continue with or withdraw from the Informal Process

3. Inputs Shared

The Human Resources Specialist relays the responding party's inputs to the complaining party. If there are substantial areas of agreement between both parties inputs, the Human Resources Specialist may share those areas of agreement with both parties since substantial agreement between both parties may indicate a probability of success of the informal process.

4. Remedies and Closure

Depending on the responding party's inputs, the complaining party may then:

a. Request a meeting with the Human Resources Specialist and the responding party to sign a resolution agreement and close the grievance process
b. Withdraw from the informal process in favor of a formal complaint process
c. In cases of responding party agreement with complaining party's initial inputs, the complaining party may suggest remedies for consideration
    i. Suggested remedies are shared with the responding party
    ii. Depending on the responding party's acceptance of some kind of remedy:

a) The parties may meet with the Human Resources Specialist to sign a resolution agreement, impose the remedies, and close the grievance process
b) The Human Resources Specialist notifies the parties the informal process was not successful and the complaining party is free to seek resolution through a formal grievance process

Southeast Arkansas College Prohibition of Retaliation
Consistent with the law and this policy, the College prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the College's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Any attempt to retaliate against a person for filing a complaint or participating in the investigation of a complaint may be treated as a separate violation of this policy.

The prohibition of retaliation applies to the entire Grievance Procedure, from notice, to complaint, through the investigation and live hearing, post decision actions, execution of sanctions and future interaction of the parties.

Intentionally False Reports.
If, during or after an investigation, the College finds the complainant submitted an intentionally false statement, the College will consider and execute appropriate sanctions. Caution – a complaint resulting in a finding of "not responsible" is not reviewed for intentionally false motives.

Record-Keeping
Any signed resolution agreements are placed in confidential personnel file storage separate from all other personnel files. Confidential personnel records are accessible only by the party, the Human Resources Specialist or by a valid attorney subpoena.

SECTION 7C: GRIEVANCE PROCEDURES
Higher Education Act of 1972, Title IX Violations

This policy covers the complaint and grievance procedure for all forms of sexual misconduct and sex discrimination, including harassment, retaliation, or violence that occur in conjunction with any Southeast Arkansas College activity, athletic program, educational program, including enrollment and admissions, housing, etc. All students, faculty, staff, guests, vendors, and visitors are required to comply with this policy.

Sec. 7C-1. General Statement

Southeast Arkansas College (College) does not discriminate on the basis of race, color, sex, age, national origin, religion, disability, genetic information, sexual orientation, gender identify or expression, or status as a veteran in any of its policies, practices, or procedures. This includes, but is not limited to admissions, employment, financial aid, and educational programs, activities, or services. If discrimination, including harassment or retaliation, occurs, the College will take prompt and appropriate corrective and remedial action.

The person designated to handle inquiries regarding the nondiscrimination policies, including issues of noncompliance, is the Human Resources Specialist. This designee, in addition to handling inquiries regarding nondiscrimination policies, including issues of noncompliance, also coordinates the College's Title IX Investigative Staff to ensure services to students, employees, and guests of the College. Coordinator duties include periodic assessment of the College's Title IX compliance, overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints, annual review of the College's anti-discrimination statement, policies, and complaint procedures, and leadership of the investigative and record-keeping requirements set forth in this policy. The Title IX coordinator or designee will be available to meet with students, as needed, and to assist College law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

A. Duty to Report

Southeast Arkansas College encourages any person who believes that they have experienced discrimination, harassment, retaliation, or violence based on a protected status in conjunction with a College activity, athletic program, educational program, employment, or in conjunction with an application for enrollment or employment, to report that complaint to the Human Resources Specialist.

Where violations of sexual misconduct, harassment, and/or discrimination may have occurred, College employees who have witnessed or who have been advised of the alleged violations should report that information to the Title IX Coordinator or a Deputy Title IX Coordinator. The campus Title IX Coordinator is the Director of Retention and Advising: gwhite@seark.edu . The Deputy Title IX Coordinator is the Budget Specialist: lsmith@seark.edu For purposes of determining actual knowledge of a sexual misconduct and/or discrimination incident, the Title IX Coordinator, also the Human Resources Specialist, or President are the designated officials with sanction authority.

Certain employees, who are prohibited from reporting due to privilege need not report such information when the employee receiving the complaint is acting in the privileged capacity. Employees may also, or instead, refer the victim to the College's advocacy team. Members of the advocacy team are trained in handling initial reports of sexual misconduct and discrimination; including addressing immediate medical

and personal needs such as exams, collecting evidence, sleeping and eating, and how to file a formal complaint.

B. Duty to Report Child Abuse

Arkansas law requires every person having reason to believe that an unmarried child under the age of 18 is a victim of abuse (including sex abuse) or neglect to report the matter promptly to the Arkansas Department of Human Services. Under Arkansas law, "abuse" means harm or threatened harm or failure to protect the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare. This includes, but is not limited to, non-accidental physical or mental injury, sexual abuse, or sexual exploitation. Under Arkansas law, no privilege or contract shall relieve any person of this duty to report. The duty to report is individual, and no employer, supervisor, or administrator shall interfere with any person's reporting duties or in any manner discriminate or retaliate against any person who in good faith reports suspected child abuse or neglect.

C. Reporting Cases of Sexual Violence

1. Who to Contact

Any person who has experienced or witnessed sexual violence, including sexual assault, sexual battery, sexual coercion or another sex offense, should immediately contact the Campus Title IX Coordinator or Human Resources Specialist.

Any person who has experienced or witnessed sexual violence, including sexual assault, sexual battery, sexual coercion, or another sex offense, may also contact:

a. Pine Bluff Police Department (PBPD) at 911

Sec. 7C-2. Initial Report and Complaint Procedure

A. The Initial Report

When the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, receives notice, either from the complainant or from any other source, that a possible violation of sexual misconduct policies has occurred, the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, will:

1. Initiate any necessary actions to ensure the safety of the complainant and the campus at large.
    a. Consider the need for a Timely Notice or Emergency Notification
    b. Consider if incident is a mandatory Clery report and notify as appropriate
    c. Consider referral to the College's advocacy team
2. Determine the identity and contact information of the complainant (whether that be the reporting party, the alleged victim, a College representative, or other party).
3. Identify the portions of this policy allegedly violated.
4. Advise the complainant that both formal and informal resolution options are available.
5. Review the process of a formal complaint; including the College's required live hearing process.
6. Assure the complainant that they will not be required to confront, or work out problems with, the person accused of the prohibited conduct.
7. Assess complainant's preference for an informal resolution in lieu of a formal hearing.
8. Respect complainant's wishes not to pursue a complaint.
9. Advise the complainant that they may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR), where such a complaint is within that agency's jurisdiction.
10. If the complaint is employment-related, advise the complainant that they may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), where such a complaint is within that agency's jurisdiction.

11. If the complainant alleges abuse or neglect of a child under the age of 18, report the matter promptly to the Arkansas Department of Human Services

B. Complaint Procedure

1. Complaints Involving Sexual Discrimination or Sexual Harassment
A complaint involving allegations of sexual discrimination, sexual harassment, or sexual violence shall be reviewed, handled, investigated, and adjudicated only by persons with training or experience in:

a. Handling complaints involving sexual discrimination or sexual violence.
b. The College's relevant grievance procedures.
c. Relevant confidentiality requirements.

2. Complaints Involving Sexual Violence
A complaint alleging sexual violence, including sexual assault or sexual coercion shall be reviewed, handled, investigated, and adjudicated only by persons with adequate training or knowledge regarding sexual violence.

3. Submitting a Complaint

a. Timeliness

Generally, any complaint should be filed with the College within 180 calendar days of the alleged discrimination, harassment, or retaliation, to facilitate the process of gathering facts and evidence. Complaints that are filed after that time will be reviewed, but a lengthy lapse of time may make an investigation difficult.

b. Obtaining the Complaint Form - Complaint Forms (ADM 44 - *Discrimination/Harassment Complaint Form*) are available online through the intranet Forms Handbook, the Title IX Resources page at seark.edu/campus-safety-security, and from the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate. The complaint shall include the following information:

i. The complainant's name and address.
ii. The Title IX Coordinator or a Title IX Deputy Coordinator, as appropriate, may, at their discretion and over the wishes of the complainant, elect to file a Title IX complaint to enable a thorough investigation of the allegations.
iii. The College program or activity in which the complainant was participating, or attempting participation, at the time of the alleged misconduct and
iv. The name and title of the person(s) against whom the complaint is made
v. A statement of the accused's specific acts that allegedly violated this Policy.
vi. The specific dates on which those actions allegedly took place.
vii. A clear and concise statement of any other facts that form the basis of the complaint.
viii. If the complainant is not the alleged victim, the complainant's relationship, if any, to the person who experienced the prohibited conduct.
ix. A clear and concise statement of the remedy the complainant seeks.
x. The complainant's signature.

c. Submitting the Complaint Form

The signed complaint form may be submitted to the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, by mail, electronic mail, or in person. The campus Title IX Coordinator is the Director of Retention and Advising: gwhite@seark.edu . The Deputy Title IX Coordinator is the Budget Specialist: lsmith@seark.edu .

4. Review of the Complaint

Within a reasonable timeframe, 5 business days or less, of receiving the complaint, Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, shall review the complaint to determine whether:

a. The written complaint is complete.
b. The alleged misconduct took place while the complainant was participating in, or attempting to participate in, a College program activity and the allegations are against someone in the U.S.
c. The written complaint alleges conduct prohibited by Policy.
d. The complainant experienced the alleged conduct or is a personal representative of someone who experienced the alleged misconduct or witnessed the alleged misconduct.

5. Anonymity and Confidentiality

The College does not reveal information about complaints of discrimination except as necessary to fulfill its legal obligations. Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the College to respond.

If a complainant previously insisted that his or her name not be revealed, the Title IX Coordinator/Deputy will inform the complainant the ability for the institution to move forward is limited by due process, and without informing the responding party of the details of the complaint, the institution will dismiss the complaint (see below). The responsible officer may also refer the complainant to local law enforcement.

6. Dismissals of Complaints

There are justifications which require the College to dismiss complaints, as well as justifications that may be used to dismiss complaints under Federal Title IX guidance. In situations resulting in the dismissal of a Title IX complaint, the College may address the complaint under other policies, processes, or procedures. Justifications for mandatory dismissal apply only to Title IX complaints.

a. The College *will* dismiss a complaint with allegations which:
    i. Do not meet the definition of sexual harassment or sexual misconduct.
    ii. Did not occur against in the U.S., regardless of the relationship to College.
b. The College *may* dismiss a complaint if:
    i. The complainant gives the Title IX Coordinator written notice to withdraw the complaint.
    ii. The respondent is no longer affiliated with the College.
    iii. There are circumstances preventing the College from collecting necessary evidence to make a determination of responsibility.

7C-3. Investigations and Live Hearings

A. Investigations

1. Selection of the Investigator

If the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, determines the written complaint is sufficient, within two (2) business days, the investigation will be assigned to a qualified internal designee.

In cases of sexual discrimination, sexual harassment, or sexual violence, the investigator must meet the qualifications established in 73-B of this Policy. In all cases, the investigator selected will be a neutral, disinterested individual. The selected individual should not be a party to the complaint, the complainant, or the accused, nor should the selected individual have a vested interest in the outcome of the investigation.

Both parties are entitled to the same rights regarding representation and supportive services, as well as other rights throughout the investigation and into the live hearing process.

2. Rights of the Parties
   a. Representation
      i. Parties shall be entitled to be accompanied by a representative or advocate (such as a colleague, parent, student advocate, etc.) of their choosing at all complaint meetings.
      ii. Representatives and advocates are prohibited from disclosing any information concerning the content of a meeting or hearing.
      iii. Representatives and advocates are prohibited from any retaliatory conduct related to information disclosed during a meeting or hearing.
      iv. Legal advisors and attorneys may be present during any meetings or hearings but cannot participate directly in the process except when serving in a cross-examination role for the live hearing. They may only interact with the party they are representing.
      v. To request a representative be provided by the College to act on the party's behalf if the party does not have their own representative or advocate.
   b. Supportive Services
      i. Supportive services that do not favor either party may continue throughout the formal complaint process; the College will provide the parties with information about how to obtain services from resources available on and off campus, including those listed in 7C.1.C.2.
      ii. The College may also consider steps, such as, but not limited to, transfer to new sections of the same or similar courses; housing transfers to different buildings or floors; security escorts to and from parking areas, classes, housing and activities, etc.; these supportive services will be granted, as appropriate, on a case-by-case basis and to both the complainant and respondent.
      iii. Supportive Services which may modify or impact a student or employee's equal access to educational programs and activities may require an emergency Behavioral Intervention Team hearing, within a timely manner, before the requested service is granted. In those cases, the institution will grant or deny the request based upon the results of the emergency hearing.
   c. Other Rights
      i. To be informed when an investigation begins of the allegations, any known facts surrounding the allegations, and a proposed timeline for resolving the complaint.
      ii. To seek counseling and advice from the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate.
      iii. To obtain services and resources from the College's advocates program; see Sec. 7-1(c).
      iv. To present relevant witnesses, evidence, and information at any meeting or hearing.
      v. To have access to any information, to the extent permitted by the Family Educational Records and Privacy Act (FERPA) and by rules of privilege and confidentiality, that will be used at any meeting or hearing.
      vi. Not to be personally questioned or cross-examined by the accused.
      vii. To the College's taking reasonable steps to maintain the complainant's reputation during the entire process and/or to restore the complainant's reputation if it is damaged during any proceeding.
      viii. In cases of sexual assault and pursuant Rape Shield laws, neither the institution nor the responding party shall publish any image or identifying information of the complainant.
      ix. To be protected against retaliation from the accused or from other persons during or after the complaint process.
      x. To a prompt and equitable resolution of the complaint.
      xi. To receive a written notice of the outcome of the investigation.

3. Notification to the Accused

Within a reasonable time, usually as soon as possible, after the complaint is reviewed and determined to be a sufficient, valid complaint, the Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, shall inform the accused of the filing and the general nature of the complaint in a manner that is appropriate under the circumstances. The Title IX Coordinator or a Deputy Title IX Coordinator, as appropriate, shall advise the accused:

a. That the accuracy of the allegations has not been assessed.
b. That the accused is presumed not-responsible for the alleged misconduct until the entire complaint process is complete.
c. That the accused will have an opportunity to present their side of the matter
d. Offer of informal resolution if the complainant has voluntarily requested.
e. That any conduct that could be viewed as retaliatory against the complainant or witnesses is strictly prohibited and would constitute a separate violation of this policy.

4. Conducting the Investigation

If both parties have voluntarily requested an informal process, the College will follow the informal process procedure located in Section 7-8. Once an investigator has been selected, they shall conduct the investigation in as timely a manner as possible unless the matter is informally resolved, or the complainant withdraws the complaint. The investigation will be conducted free of discrimination. The investigation will comply with the following:

a. Collection of Evidence/Witness Interviews and Statements
   i. The burden of collecting evidence rests with the College, not the parties.
   ii. The investigator will not restrict the parties from collecting their own evidence.
   iii. The investigator will give equal opportunity for parties to present witnesses/evidence.
   iv. Investigator will not seek or use private medical, psychiatric, or treatment records for any party or witness without the individual's voluntary, written consent.

b. Advisors, Advocates and Representatives
   i. Both parties will have equal opportunity to select an advisor, advocate, or representative.
   ii. If either party cannot select an advisor for any reason, the College will provide one.
   iii. If the College provides this function, it will be free of fee or charge.
   iv. Regardless of how representation is obtained, parties will provide the investigator with:
      a) Name and contact information for representative.
      b) Professional title or credentials of representative to enable the institution to provide an similarly credentialed representative for opposing parties.

c. Communication with Parties and Representatives
   i. The College will send written notice regarding meetings, interviews, and hearings.
   ii. The investigator will provide each party and their respective representative with the evidence related to the allegations collected by the investigator, opposing party, and the opposing party's representative.
      a) Evidence may be in hard copy or electronic format.
      b) Parties shall have 10 days to review, inspect, and respond to the investigator.

d. Relation of the Investigation to Law Enforcement Investigation
   i. The investigation conducted pursuant to this policy may be concurrent with an investigation by law enforcement officers, but it is not dependent on any law enforcement investigation.

ii. The College may, at its discretion, delay the investigative process long enough to allow local law enforcement to collect evidence. Any delay for this purpose will be as short as possible.

iii. If the written complaint alleges sexual discrimination, sexual harassment (including sexual violence), or retaliation for claims of sexual discrimination and sexual harassment, the law enforcement investigation does not relieve the College of its independent obligation under Title IX to investigate. The College is not obliged to notify law enforcement of an alleged violation of this policy at any time, including prior to, during, or at the conclusion of an investigation.

f. Investigative Report

i. Investigator will send both parties an investigative report containing:

a) Summary of the complaint.

b) Identification of complainant witnesses and summary of the witnesses' inputs.

c) Identification of respondent witnesses and summary of the witnesses' inputs.

d) General timeline of events related to the complaint.

e) Identification of specific policy related to the investigation.

f) Any other items of interest the investigator deems appropriate and relevant to the complaint.

g) Investigator will provide a copy of the investigative report and all evidence to the Title IX Coordinator/Deputy Title IX Coordinator, as appropriate

B. The Live Hearing

As soon as possible after receiving the investigative report, see Sect. 7C-D3f, the Title IX Coordinator/Deputy Coordinator, as appropriate, will coordinate a live hearing to allow a decision-maker to hear matters from both parties, examine evidence, and decide, based upon the preponderance of evidence, the respondent's responsibility. All respondents are assumed not-responsible until the outcome of the live hearing.

1. Scheduling the Hearing

the Title IX Coordinator/Deputy Coordinator, as appropriate, will contact all participants to establish availability, as well as locate acceptable locations to conduct the live hearing:

a. Determine availability of all participants:
   i. Complainant and Respondent.
   ii. Advisors to the Complainant and Respondent.
   iii. Decision-Maker.
   iv. Title IX Coordinator/Deputy Coordinator, as appropriate.
   v. Investigator.
   vi. Technical Advisors (as needed).

b. Determine availability of separate locations:
   i. Technology-enabled location for the Complainant/Advisor.
   ii. Technology-enabled location for the Respondent/Advisor.
   iii. Technology-enabled host-location for the Decision-Maker, witnesses, etc.

2. Notification of the Hearing:

The Title IX Coordinator/Deputy Coordinator, as appropriate, will simultaneously inform all participants (sans the technical advisors) of the available details of the live hearing. This notice will include:

a. Brief review of the complaint.
b. Brief summary of the evidence collected.
c. Brief review of witness inputs.

d. Title IX Coordinator/Deputy Coordinator's, as appropriate, referral of the complaint to a decision-maker via. a live hearing.
e. Time, date and location of the live hearing.
f. Reminder to the parties they may be accompanied into the actual hearing location by only their advisors.
g. Notice that the intent of the hearing is to determine whether the respondent is responsible for any of the allegations in the complaint.
h. Reminder of the retaliation restriction.
i. Procedures to request rescheduling of the live hearing.

3. Day of the Hearing
   a. Final preparation

The Title IX Coordinator/Deputy Coordinator, as appropriate, will ensure all required parties are present, in the appropriate locations, and witnesses are nearby with the ability to respond within a few minutes of their required presence. The Title IX Coordinator/Deputy Coordinator, as appropriate, along with a technical advisor, will ensure operational capability of the required technical support:

i. Ability to record the hearing from the host location.
ii. Ability for the host location to communicate with both parties' locations.
iii. Ability for the host location to lock out either or both parties' locations.

b. Introduction of Parties and Complaint

The Title IX Coordinator/Deputy Coordinator, as appropriate, will:

i. Introduce all participants present, including name, affiliation to the College or Community, and affiliation to the complaint.
ii. Review the details of the complaint.
iii. Review the technology aspect of the live hearing.

c. Refer the complaint to the Decision-Maker

The Title IX Coordinator/Deputy Coordinator, as appropriate, will:

i. Ask the investigator to introduce and read the investigative report.
ii. Ask the decision-maker if they need any additional information before proceeding.
iii. Refer the matter to the decision-maker with a request for the decision-maker to determine, ***based on a preponderance of the evidence***, if the respondent is responsible for any or all of the allegations in the complaint.

d. Conducting the Live Hearing

The decision-maker will conduct the main portion of the live hearing in a manner that allows for equal opportunity of input from each party. The technical advisor will assist the decision-maker as needed.

i. The decision-maker asks for each party's opening statement.
ii. The decision-maker asks for complainant, through the complainant's advisor, to submit evidence and interview witnesses to support the allegations in the complaint.
iii. The respondent, through the respondent's advisor, may challenge evidence's relevance and may ask challenging questions, including questions regarding credibility, of complainant's witnesses
    a) Complainant
        1) RAPE SHIELD – irrelevant questions and evidence about a complainant's prior sexual behavior are prohibited unless they are asked to prove that

someone other than the respondent committed the alleged misconduct or are offered to prove the presence of consent.

2) Cross-examination questions must first be shared between responding party and decision-maker, who will approve or disapprove use of the question(s). The decision-maker will explain to the respondent why the question is not relevant or violates the Rape Shield.
3) Witnesses may decline cross examination entirely or may decline to answer specific cross examination questions.
4) If a party or witness declines cross-examination, the decision-maker must not rely on statements of that party or witness in making a decision; and the decision-maker cannot draw an inference using the party's absence from the live hearing or their refusal to answer cross-examination questions.

b) Respondent

1) The same procedure is for the complainant is repeated for the respondent, through the respondent's advisor

i) Witnesses and evidence.
ii) Cross examination

e. Closing the Live Hearing

After both parties have had equal opportunity to challenge evidence and witness input, the decision-maker offers each party an opportunity for summary closing statements.

i. The decision-maker may make any closing statements they feel are appropriate.
ii. The decision-maker departs.
iii. The Title IX Coordinator/Deputy Coordinator, as appropriate, advises parties the live hearing has concluded and advises both parties will be notified simultaneously of the decision-maker's determination.
iv. The Title IX Coordinator/Deputy Coordinator, as appropriate, dismisses the parties.

f. Post Hearing Actions

i. The Title IX Coordinator/Deputy Coordinator, as appropriate, retrieves the live hearing recording and any remaining evidence.
ii. The Title IX Coordinator/Deputy Coordinator, as appropriate, sends a copy of the live hearing recording to the decision-maker.
iii. The decision-maker renders a decision within a reasonable timeframe, usually as soon as possible, and notifies the Title IX Coordinator/Deputy Coordinator, as appropriate, regarding the allegations, including the following statements, as appropriate, for each allegation:

a) The respondent is, more likely than not, RESPONSIBLE.
    a) Specific allegations are identified.
    b) Specific College policy related to the allegations.
b) The respondent is, more likely than not, NOT RESPONSIBLE for all or a portion of the allegations.
c) The decision-maker is unable to determine responsibility based on a preponderance of the evidence.

Sec 7C-4 Notification of Live Hearing Results and Further Proceedings (appeals)

A. Notification of Live Hearing Results

Within a reasonable period, usually as soon as possible, after receiving the decision-maker's findings, the Title IX Coordinator/Deputy Coordinator, as appropriate, will prepare and simultaneously send both parties and their respective advisors a Notice of Results containing:

1. Brief review of the complaint.
2. Reference to the live hearing.
3. The decision-maker's findings of all allegations, listing each allegation and the corresponding finding separately.
4. If the decision-maker finds the respondent responsible for any of the allegations, then the decision-maker will address the complainant's requested remedies and sanctions, including:
    a. The decision-maker's opinion on relevance and appropriateness of complainant's requested remedies.
    b. The decision-maker's opinion that the remedies requested are or are not focused on the complainant's access to educational programs and activities.
    c. Proposed sanctions or continuing supportive services no longer need not be equitable between parties, but can now favor the complainant.

B. Lack of Objection to the Findings
If neither the complainant nor the respondent objects, in writing, to the investigative findings within 5 business days of receiving the notice of those findings, the investigative report's findings and the proposed resolution shall be final and binding.

C. Further Proceedings (Appeals)
The notice of results will also provide the parties and their respective representatives with information on appealing the decision-maker's findings through further proceedings.

1. Right to Further Proceedings/Review of Findings - The parties to a complaint may initiate further proceedings, within 5 business days of receiving the notification of findings if a party is not satisfied with the findings of the College's investigation. The further proceedings request must be in writing and is submitted to the Title IX Coordinator. The requesting party must state one of the following justifications supporting the need for further proceedings:
    a. There is new evidence that could have affected the decision that was not reasonably known prior to the issuance of the notification of findings.
    b. The investigation or findings exhibited prejudice, bias, or other unfair treatment that affected the outcome of the case.
    c. The institution's stated policies and procedures were not followed.

2. Rights of parties during Further Proceedings - The Title IX Coordinator will inform the opposing party of the further proceedings request within a reasonable timeframe, usually within 5 business days, of receiving the request, and will afford the opposing party the opportunity to submit, within a reasonable timeframe, usually 5 business days, a written response to the request for further proceedings.

3. Decision of the President - The President will review the original complaint, the investigative process and report, the notification, and the party's request for further proceedings.
    a. The President will issue a final decision in the matter within 30 days of receiving the request for further proceedings.
    b. The President's decision is final. The President, or designee, will inform both parties, in writing, of the President's decision. Once the requesting party is notified of the President's final decision,

all administrative actions have been exhausted.

Sec. 7C-5. Sanction Officials and Risk Management Notifications

A. Sanctions

1. Faculty/Staff/Employee Sanctions for Violations of this Policy

a. In accordance with the College's policies and procedures, the College may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, demotions, suspensions without pay, and termination of employment. Referral to law enforcement may be appropriate as set out in section 7.1.C.1. above or as required by law.

b. The Title IX Coordinator/Deputy Coordinator, as appropriate, will notify the department Vice President of the matter, along with recommended sanctions imposed by the decision-maker and, if appropriate, upheld by the Appellate Authority.

2. Student Sanctions for Violations of this Policy

a. The Title IX Coordinator/Deputy Coordinator, as appropriate, will notify the Director, Service Learning and Student Conduct of the matter, along with the sanctions imposed by the decision-maker, and when appropriate, the outcome of the further proceedings process.

b. The Director, Service Learning and Student Conduct is responsible for ensuring the sanctions imposed are properly executed and notification of the completion of sanctions is provided to the Title IX Coordinator within a reasonable timeframe.

c. In accordance with the College's student disciplinary procedures, the College may impose sanctions such as verbal reprimands, mandatory enrollment in seminars pertaining to prohibited discrimination and sexual harassment issues, written reprimands, dismissal from class and/or other College activities, suspension, or expulsion, depending upon the severity of the act.

d. Referral to law enforcement may be appropriate as set out in section 7.1.C.1. above or as required by law.

B. Risk Management Notification

Unless unusual or complex circumstances exist, the Title IX Coordinator/ Deputy Title IX Coordinator, as appropriate, shall
complete and distribute a final summary of the complaint and outcome to:

1. College President.
2. General Counsel.
3. Arkansas Management Enterprise Services (OMES) Risk Management Office.

Sec. 7C-6. Title IX and Other Key Higher Ed Compliance Guidance

A. Title IX and The Clery Act

In addition, the College is subject to the federal Clery Act, which requires that "both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense." Compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on re-disclosure of information do not apply to information that the College is required to disclose under the Clery Act. Accordingly, the College may not require a complainant to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of this information.

B. Title IX and FERPA

1. The Family Educational Rights and Privacy Act (FERPA) generally prohibits the nonconsensual disclosure of personally identifiable information from a student's educational record. However,

FERPA permits the College to disclose to a harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This information includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or that the harasser transferred to other classes or another residence building. Disclosure of other information in the accused student's "education record," including information about sanctions that do not relate to the harassed student, may result in a violation of FERPA.

2. When harassing conduct involves a crime of violence or a non-forcible sex offense, FERPA permits the College to disclose to the alleged victim the final results of a disciplinary proceeding against the alleged perpetrator, regardless of whether the College concluded that a violation was committed. Additionally, the College may disclose to anyone – not just the alleged victim – the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the College's rules or policies.

C. Title IX and the EEOC

1. The Title IX Coordinator, or their designee, shall complete the investigative report within 90 days of the filing of a formal written complaint and within that time will distribute the report and make the notifications described above.
2. The complainant also has the right to file a complaint with the EEOC or state agency where the case is within the jurisdiction of that agency.

D. Title IX and Southeast Arkansas College Prohibition of Retaliation

Consistent with the law and this policy, the College prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the College's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Any attempt to retaliate against a person for filing a complaint or participating in the investigation of a complaint may be treated as a separate violation of this policy.

The prohibition of retaliation applies to the entire Grievance Procedure, from notice, to complaint, through the investigation and live hearing, post decision actions, execution of sanctions and future interaction of the parties.

E. Intentionally False Reports.

If, during or after an investigation, the College finds the complainant submitted an intentionally false statement, the College will consider and execute appropriate sanctions. Caution – a complaint resulting in a finding of "not responsible" is not reviewed for intentionally false motives.

Sec. 7C-7. Records Retention

A confidential file of all materials, including the complaint, interview and investigation notes and records relating to the investigation of the complaint will be maintained by the Title IX Coordinator/Deputy Coordinator, as appropriate. The Title IX Coordinator, or a Deputy Title IX Coordinator, as appropriate, will be the only persons who have access to the file. The file will then be handled in a manner consistent with applicable state and federal guidelines for maintaining records for this type of complaint. Nothing will be placed in the accused person's official College files, including employment, contract or student records, unless disciplinary action is taken against the person. All records complaining to the complaint cannot be destroyed for at least 7 years. In cases involving employees, any

records deemed personnel records must be maintained perpetually.