SEARK College
2025 Annual Security Report

Covering statistics from 2022-2024 and policies for academic year 2024-2026
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Director of Public Safety Richard Wegner
Title IX Coordinator Beryl Langdon

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Introduction

This report has been prepared by the SEARK College Department of Public Safety in conjunction with the office of the Title IX Coordinator in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). It includes important information regarding policies on campus safety and related issues, such as crime reporting; emergency procedures and notification; alcohol and drug use; weapons; sexual violence and relationship violence; and other safety and security topics. The report also includes crime statistics for the previous three calendar years (2022, 2023 and 2024) covering crimes reported to have occurred within the college's Clery geography (on campus; in certain off-campus buildings and property owned or controlled by the college and used by students; and on public property within or immediately adjacent to and accessible from the campus).

The report includes information on the SEARK College Main Campus, and three separate non-campus locations owned and operated by SEARK College.

Campus crime, arrest and referral statistics contained in this report include those reported to the SEARK Department of Public Safety, other law enforcement agencies with jurisdiction over the college's Clery geography and designated "campus security authorities" as defined under the Clery Act and are compiled by the SEARK Department of Public Safety. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. Statistics are provided for crimes specified under the Clery Act as referenced in the Crime Statistics sections of this report.

As required by federal law, this report is generally published by October 1st each year and is available on the SEARK College website. Hard copies may be obtained at the Department of Public Safety office in the Welcome Center located at 1900 S Hazel St, Pine Bluff, AR 71603. Crime logs are available at the same location. The Department of Public Safety provides law enforcement services to all SEARK College properties during normal operational hours. After hours law enforcement services are provided by the Pine Bluff Police Department. These properties include:

Main Campus 1900 S Hazel
SEARK Daycare 2200 S Hazel
Relyance Athletic Center 6808 S Hazel
The Reef Dormitory 6811 S Hazel
2505 W 18th Avenue

SEARK College is an equal opportunity educational institution/employer and operates without regard to race, sex, color, age, religion, national origin, disability, protected veteran status, sexual orientation, gender identity, or gender expression.

College-Wide Policy Statements

The following policies apply to all four of the SEARK College properties.

Prompt Reporting of a Crime or Emergency

SEARK Campus community members including students, faculty, staff, and visitors are encouraged to promptly and accurately report all crimes and public safety-related incidents to any member of the Department of Public Safety or Campus Security Authority. Please report any crime, even if it occurred outside the Clery defined geography of the campus. Members of the Department of Public Safety will assist the reporting party in locating the agency of proper jurisdiction.

To maximize safety on campus, the college strongly encourages anyone with knowledge about any crime (whether as a witness or as a victim) to make a report to the appropriate law enforcement agency listed below in person or by telephone. This is especially true when the victim elects to make such a report or is unable to make a report on their own. Reporting does not mean you must take legal action; however, it may help law enforcement stop further incidents, as well as help keep the community informed about criminal activity.

Campus Law Enforcement Contact Information	
SEARK Department of Public Safety (for on incidents on SEARK property)	
Emergency 911	1900 S Hazel
Non-emergency (870) 850-4911	
Pine Bluff Police Department (for incidents after hours and inside the city limits)	
Emergency 911	200 E 8th Ave Pine Bluff, AR 71601
Non-emergency (870)730-2080	www.pbpd.org
Jefferson County Sheriff's Office (for incidents immediately outside of Pine Bluff)	
Emergency 911	410 E 2nd Ave Pine Bluff, AR 71601
Non-emergency (870) 541-5351	www.jeffcoso.org
Arkansas State Police Troop E (for incidents that occur on the interstate)	
Emergency 911	6816 Princeton Pike Pine Bluff AR 71602
Non-emergency (870)247-1483	https://www.dps.arkansas.gov/law-enforcement/arkansas-state-police/

To make a report with the SEARK Department of Public Safety any reporting party may contact an officer by calling 870-850-4911. In person reporting can be done by coming to the IT helpdesk window in the Welcome Center. No matter which option is chosen, we will endeavor to make the reporting process as easy as possible. Your assistance enables the Department of Public Safety to better serve the campus community. Please have important information such as name and exact location of the incident ready when you call. As well as being able to describe the circumstances, suspects, and vehicles including make, model, color, and license plate.

In addition to crimes, all suspicious activity should also be reported to the police. For emergencies, dial 911, and for non-emergencies, call the number listed in the above list. Examples of suspicious activity include a person engaging in any of the following activities: possessing a weapon; making dangerous actions or comments; acting unusual, out of place, or accessing unauthorized areas.

Individuals identified as Mandatory Reporters as defined in the College's *Title IX Sexual Harassment Policy* and *Policy Against Discrimination and Harassment* have additional reporting obligations as outlined in that policy. All employees have obligations for child abuse and neglect, as outlined in the *Reporting of Child Abuse and Neglect Policy*. Campus security authorities have additional crime reporting obligations as outlined below.

Campus Security Authorities

Campus security authorities are defined by the Clery Act as SEARK Department of Public Safety officers assigned to or responding to college Clery geography; officials who have significant responsibility for student and campus activities outside of the classroom. The SEARK Department of Public Safety maintains a list of all campus security authorities and the training they receive.

In addition to the members of the Department of Public Safety SEARK Campus Security Authorities include individuals who hold the following positions within the campus community:

Campus Administration
Student Advisors
Athletic Director
Athletic Coaches
Human Resources
Title IX Coordinator
Title IX Investigator
Housing Director

Anyone who has been the victim or witness of a criminal act is asked to report the incident to the Department of Public Safety. It should be noted that the Department of Public Safety is a commissioned law enforcement agency with the authority to detain, cite, and arrest violators of the law. Additionally, its members are mandatory reporters. Criminal acts reported to officers cannot be ignored. Every victim will be treated with dignity, respect, and compassion from officers. However, if you do not wish to report a crime to an officer, please report it to a Campus Security Authority. That person will encourage you to report to law enforcement, but the decision will remain the victim's choice. The Campus Security Authority will assist you by providing directions to assistance services.

After following the crime and emergency reporting requirements outlined above, campus security authorities are required to promptly notify the Department of Campus Safety & Security of all crimes reported to them to have occurred on Clery geography*. The officer will gather information to conduct an immediate timely warning assessment and will direct the campus security authority on how to complete and submit the crime reporting form available through the employee intranet. Each of these reports is reviewed by the Director of the Department of Public Safety to assess whether it meets reporting requirements under the Clery Act (including timely warning notification and annual statistical disclosure) and to avoid duplicate reporting where possible.

* If the victim has elected not to notify law enforcement the Campus Security Authority will still report the incident to campus police, but only details of the incident and not the personally identifying information of the victim as per Clery Act requirement.

Campus Counselors and Confidential Reporting

Campus pastoral counselors and professional counselors, as defined by the Clery Act and when acting as such, are not considered to be campus security authorities and are not required to report crimes for inclusion in the annual disclosure of crime statistics. Counselors are defined by the Clery Act as:

Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. SEARK College does not have any pastoral counselors.

Professional Counselor: A professional counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

At this time SEARK College does not employ any Pastoral or Professional Counselors.

Timely Warning of Crimes

SEARK College will issue timely warning notices (generally called Campus Safety Notices) to members of the college community whenever a crime is reported directly to SEARK Department of Public Safety, campus security authorities, or local law enforcement that meets the criteria outlined in this section and is determined to represent a serious or ongoing threat to students or employees. Such warnings will be provided to students and employees in a manner that is timely and that withholds the names of victims as confidential. Timely warnings will include pertinent information about the crime that triggered the warning and information that promotes safety and aids in the prevention of similar crimes. Resources and reporting options may also be included in timely warnings.

Timely warnings are usually distributed for the following crime classifications when they are determined to pose a serious or ongoing threat to the campus community within each campus' Clery geography (on campus; in certain off-campus buildings and property owned or controlled by the college and used by students; and on public property within or immediately adjacent to and accessible from the campus):

- Murder/non-negligent manslaughter;
- Sexual assault (considered on a case-by-case basis depending on the facts of the case, when the incident occurred, when it was reported, and the amount of information known);
- Robbery, involving force or violence (cases involving pick pocketing and purse snatching are classified as larceny (Theft of Property) in the Uniform Crime Reporting system and will typically not result in the issuance of a timely warning, but will be assessed on a case-by-case basis);
- Aggravated assault (cases involving assaults, such as two students fighting, which result in aggravated injury, will be evaluated on a case-by-case basis to determine if there is an ongoing threat to the campus community);
- Major incidents of arson;
- Other crimes as determined necessary by the director of public safety.

In the absence of the director of public safety, a timely warning can be authorized by a supervisor within public safety, the college president, or the provost. The preferred method of issuing a timely warning will be through the Department of Public Safety. However, once authorized the warning may be disseminated by the IT director or their designee.

SEARK College is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

SEARK College will use the following methods of notifying the campus community. Student and employee emails will be used. We also utilize the RAVE Mobil Safety App. This app allows for the dissemination of information of all kinds to the users. Every employee and student will be set up to use the app with the ability to opt out if they choose.

Emergency Preparedness

Emergencies can occur at any time, often without warning. SEARK College's emergency plans and guidelines can help you deal with many emergency situations appropriately. Your judgment often determines whether an incident is an emergency. If in doubt, err on the side of safety. Specific information is contained in the SEARK All Hazards Emergency Response Plan.

SEARK All Hazards Emergency Response Plan (ERP)

In the summer of 2024, the Department of Public Safety reevaluated and updated the SEARK College Emergency Reaction Plan. The quick reference guide to the emergency Response Plan can be found near fire alarm pull stations throughout the campus buildings. The full plan can be found at https://www.seark.edu/sites/default/files/DPS/Emergency_Response_Plan.pdf.

SEARK College is committed to providing a safe and secure environment for our campus community members. We have established an emergency response plan for a variety of emergencies. These include but are not limited to.

1. Major medical emergencies.
2. Fire
3. Tornado/Inclement weather
4. Active Shooter
5. Building/Campus Evacuation

The SEARK EAP provides a framework for campus community members during emergency events. Since all emergencies are unique in nature, these guidelines are designed to be flexible to accommodate contingencies of various types and magnitudes. Their flexibility also makes them largely applicable to all buildings. Copies of the EAP are available in digital format on the SEARK College website and are posted in print form across campus buildings.

Questions or suggestions regarding emergency guidelines and responses on campus should be directed the Department of Public Safety at DPS@seark.edu.

Emergency Response and Evacuation Procedures

SEARK College Emergency Response Procedures

Any event that is likely to adversely affect the safety or security of the campus will be evaluated by College Administration and the Department of Public Safety. Evaluations will include the type of hazard or threat, area of campus affected, and the ability to contain the threat to a specific area. Decisions to cancel class as a preemptive measure against threats such as inclement weather will come from the College President. In the event an evacuation is required, the order will come from either the College President or the Director of Public Safety. An example of the type of orders that may be given is listed below. These orders apply to all SEARK properties. The SEARK daycare facility will have additional protocols.

1. **Cancelation of Class**: A potential future threat may require the College President to cancel upcoming classes. This is usually in response to a significant weather threat or utility failure. Specifics such as the duration of the cancellation will be made by the College President on a case-by-case basis.
2. **Shelter in Place**: In the event of fast-moving dangerous weather such as a tornado warning will require the issuance of a shelter in place order.
3. **Building Evacuation**: An event that compromises the safety or security of a single building may prompt a building evacuation order.
4. **Campus Evacuation**: An event so severe that it cannot be contained either the College President or the Director of Public Safety will initiate a campus wide evacuation. That evacuation order can be in two parts.
    a. **Student / Non-essential Staff Evacuation**: All students including student workers and interns are to vacate the campus. Faculty and Staff with non-emergency roles will evacuate as well. The college administration, Department of Public Safety, and Facilities will remain.

b. **Full Evacuation:** All personnel regardless of duty assignment must evacuate the campus. Staff members of the Department of Public Safety shall be the last to evacuate.

Specific evacuation plans for each building are in the published SEARK Emergency Action Plan. This plan post evacuation rally points.

SEARK Daycare

The SEARK daycare is open to the public daycare service located at 2200 S Hazel. In the event a building evacuation is required the staff will evacuate the children to the pre-determined rally point. Members of the Department of Public Safety will facilitate the evacuation by providing transportation to an alternative safe location. Daycare staff will be responsible for contacting parents/guardians to come get the children.

Tests / Evaluations of Emergency Procedures

The Department of Public Safety conducts monthly checks on all campus fire extinguishers and AEDs. We also share maintenance responsibility with Facilities and Grounds for inspection of the fire sprinkler system at our off-campus student housing.

Emergency Notifications

Emergency notifications are utilized to alert campus community members to actual or potential threats to the safety, security, or continuity of services on SEARK Properties. While Timely Warnings are issued to the campus community in general, emergency notifications may go to the entire community or limited to just the affected community members. SEARK College uses the following methods for issuing both timely warnings and emergency notifications.

1. **Email:** The college utilizes email groups to reach the campus community. These email groups are separated into two categories. The first is an “Every1” group that goes to every faculty and staff member. The second is an “allstudents” group that goes to every student. This utilizes employee and student emails and there is no “opt-out” option. All
2. **E2Campus:** This service has been phased out and its inclusion will be removed from our 2026 ASR.
3. **RAVE:** In late 2024 SEARK switched from E2Campus to RAVE. This application is used to send notifications as well as general announcements to users. This application will have an opt out option as well.

Missing Student Policy

As of 2024, SEARK does not offer on-campus residential or student housing.

Dangerous Weapons and Firearms Policy

To maintain a safe academic environment, SEARK College prohibits the possession and use of any dangerous or potentially dangerous weapon(s) or instrument(s), including but not limited to those described below, on all college properties, with limited exceptions.

This policy is applicable to all members of the college community, including students, faculty, staff, visitors (invited or uninvited), contractors, and guests at any university campus, facility, or event.

Possession, discharge, or other use of a weapon is prohibited on the grounds or in the buildings of any campus, division, unit or other area controlled by SEARK, except that a handgun may be possessed by an individual who has a concealed handgun permit and has completed **enhanced** certification training in accordance with Act 562 of 2017.
Storage of any weapon, including handguns, is prohibited at any location owned or operated by any campus, division or unit of the college, except that a concealed handgun may be stored in a licensee's locked and unattended motor vehicle.

In order to comply with Act 562 of 2017 the bearer of an enhanced concealed carry permit must comply with all the following restrictions.

1. At all times the firearm must remain fully concealed. A shirt stretched tightly around a firearm showing the outline of the gun is not considered concealed.
2. At all times the firearm must remain in the possession of the licensee unless it is stored in the locked vehicle controlled by the licensee.

Certified law enforcement officers are permitted to carry their sidearms while on campus. We ask that proper identifying credentials such as agency approved badges be displayed if the sidearm is visible.

Crime Prevention & Security Awareness Programs

The SEARK Department of Public Safety (DPS) is the lead in a program of shared responsibility which involves the entire campus community. In conjunction with Student Services there are several programs directed at enhancing the detection and prevention of criminal activity. As always, the Department of Public Safety will provide an officer escort to anyone to and from their vehicle upon request. Just call 870-850-4911. However, new for 2024 several initiatives were completed to enhance the safety and security of the campus community.

These 2024 new initiatives include.

1. The Health, Safety and Wellness Committee was formed to review the needs of the campus. The committee is chaired by the DPS Chief of Police and is composed of members of both faculty and staff who take a multidisciplinary approach to recognize and address issues facing the health, safety, and wellness of the campus community.
2. A new camera system consisting of over 200 cameras now covers the majority of all interior and exterior common areas of the campus. This allows for a single person to watch over large areas.
3. The fire detection system has been replaced and upgraded campus wide.
4. Emergency phones have been installed on campus grounds. The press of a single button puts you in touch with a DPS officer.
5. Controlled Access on exterior doors have been added for additional security.
6. AEDs have been upgraded to new models and the number increased from ten to nineteen.
7. Thanks to a grant funded program we now have a large supply of Naloxone (Narcan) to treat opioid based overdoses.
8. Each Building received advanced first aid cabinets stocked with new supplies.

Three Simple Rules for Personal Safety

1. Stay alert and tuned in to your surroundings. Be aware and prepared.
2. Stand tall and walk confidently; do not show fear.
3. Trust your instincts.
    a. If you do not feel comfortable in a place or situation, leave.
    b. If you see suspicious activity or a person behaving suspiciously, notify DPS at 870-850-4911.

Protecting Your Property

1. Don't mark your key chain with your name, address and/or license number. Lost keys can lead to theft. Take care of keys; don't give anyone the chance to duplicate them.
2. Engrave all valuable personal property with your name and a unique number known only to you. Keep a detailed list of all valuables and serial numbers. Keep a copy of this list at your permanent residence as a backup. This list may help police recover your belongings.
3. Move valuables out of view from windows and doors.
4. Always lock your vehicle and residence, even when you're in them.
5. Copy all important papers and cards that you carry in your purse or wallet, including your driver's license. Keep the copies in a safe place. The information will be invaluable if anything is stolen or lost.
6. Copy your vehicle ID and tag number. If your vehicle is stolen, it cannot be entered into the nationwide law enforcement network without this information.

Protecting Yourself at Home

a. Always keep doors and windows locked, even if you are only away for a few minutes. Do not "prop open" doors.
b. Be assertive and demand that any unwanted person in your residence leave or leave yourself. Anyone who refuses to leave is a trespasser. Contact 911.
c. Make sure hallways, entrances, garages, and grounds are well lit. Leave porch lights on all night. Keep blinds and curtains shut after dark and never dress in front of a window.
d. On campus, immediately report exterior lights that are out to Facilities Management on Main Campus. Off campus, immediately report exterior lighting problems to the management of your apartment complex or landlord.
e. When you expect to return after dark, leave an interior light on with the shades drawn.
f. Know who is at your door before you open it. Require proper identification from any repair or utility personnel. If you live off campus, install a peephole in your front door.
g. Do not open your door to strangers or let them in. If they need assistance and ask to use your phone, call the police to assist them.
h. List initials and last names only on your mailbox or door and in the telephone book. Don't leave your name on your door or answering machine if you live alone.
i. If you are going out of town, do not state you are away or when you will return on your voice mail recording, e-mail automated reply, or social media networks.
j. Get to know your neighbors. If you live off campus, join a neighborhood watch system and share information on suspicious circumstances.
k. When you go home on breaks, have someone pick up your mail, newspaper, etc. Install timers and leave on all outside lights. Make your residence appear "lived in."
l. If you come home and see a broken window or a jimmied door, don't go inside. Confronting a burglar can be dangerous. Phone the police immediately at 911.

Protecting Yourself Away from Home

1. Walk or jog with one or more friends. Avoid jogging after dark. If you must jog at night, stay in well-lit, well-traveled areas and do not go alone.
2. Carry a whistle and don't hesitate to use it to alert others you need help. Vary your route frequently.
3. Don't wear ear buds when jogging or biking, or at least leave one ear open so you can hear what's going on around you. Ear buds and headphones significantly reduce your ability to hear and thus affect your awareness.
4. Tell someone where you are going and when you will return.
5. Make sure your cell phone is charged before you go out, in case you need to use it to call for help.

6. Don’t fight back if your purse or wallet is snatched. Throw it in one direction and run in the other rather than risk personal injury. Call the police immediately at 911.
7. Be careful when and where you patronize ATM machines. Accessing ATM cash machines in remote locations, particularly at night, could increase your risk of robbery and personal injury. While you are standing at the machine, keep turning around and scanning for people approaching you or loitering around. Cover the keypad while entering your passcode.
8. Avoid working or studying alone in a building other than your residence at night.
9. Stand and walk tall with a brisk, purposeful stride. Make brief eye contact with someone who makes you feel uneasy to let them know that you see them and are not afraid, but don’t stare too long or prolong your glance.
10. Trust your instincts.

Protecting Yourself at Work

1. Avoid working or studying alone in a building at night.
2. When working late, make sure doors are locked.
3. Keep your purse in a locked cabinet or drawer. Never leave it on or underneath a desk.
4. Avoid using stairs in remote sections of the building.
5. Do not hold the door open for strangers after normal business hours.
6. Ask people you don’t recognize if you can help them.
7. Report suspicious activity to police. Call 911 for emergencies and crimes in progress, or appropriate non-emergency contacts.
8. Be careful what you leave on your desk and on your computer screen when you step away from your desk.
9. Keep passwords in secure places.

Protecting Yourself 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.

Have a Plan

It is very important for you to have a plan in case someone tries to steal your bag, attack you from behind, or your car breaks down at night, etc. Knowing how you would handle situations if you should ever have to face an attacker could save your life. Always be alert, pay attention to your surroundings, trust your instincts and report suspicious activity to the police.

If you have a cell phone, charge it before going out and always keep it with you so you can call for help if needed. On Main Campus, pay attention to locations of blue light emergency phones in case you need to activate one.

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 found at https://www.seark.edu/drug-and-alcohol-prevention-program.

The Department of Public Safety strictly enforces all 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, termination, and/or prosecution.

Medical Marijuana

On November 8, 2016, Arkansas voters approved Issue 6, the Arkansas Medical Marijuana Amendment, to legalize the medical use of cannabis. SEARK is a federally funded institution. Marijuana, in all forms, is illegal under federal law. Therefore, SEARK students, employees, and visitors are prohibited from possessing or being under the influence of Marijuana (including Medical Marijuana) at any facilities owned or operated by SEARK. This includes all campus properties, clinical sites, housing facilities, athletic facilities, athletic events (both home and away), and college vehicles. This also applies to anyone acting on official college business off campus. Marijuana paraphernalia is also prohibited in all locations listed above.

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.

In 2024 SEARK conducted an 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 have included

1. At both convocation and at Lunch and Learns DPS provided instruction on the dangers of Fentanyl
2. DPS has provided training to students and staff about the use of Narcan (Naloxone) in the treatment of opioid related overdoses.
3. Review of Student Catalog/Handbook
4. Review of Faculty/Staff Programming
5. Review of Campus Alcohol and Drug Violations
6. Review of Drug and Alcohol programing

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 2024, SEARK conducted a biennial review of our Drug and Alcohol Abuse Prevention Program. That review resulted in the update of our website that can be found here. https://www.seark.edu/drug-and-alcohol-prevention-program.

Joshua Ashley – Pauley Act

In 2015 the state of Arkansas passed the Joshua Ashley - Pauley Act into law. Arkansas law 20-13-1704 states the following;

(a) A person shall not be arrested, charged, or prosecuted for possession of a controlled substance in violation of § 5-64-419 if the evidence for the arrest, charge, or prosecution of the possession of a controlled substance in violation of § 5-64-419 resulted solely from seeking medical assistance if:

(1) The person in good faith seeks medical assistance for another person who is experiencing a drug overdose; or

(2) The person is experiencing a drug overdose and in good faith seeks medical assistance for himself or herself.

(b) A person shall not be subject to penalties for a violation of a permanent or temporary protective order or restraining order or sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on the possession of a controlled substance in violation of § 5-64-419 if the penalties or sanctions are related to the seeking of medical assistance.

What this means is if you or a friend are experiencing a medical emergency due to drug overdose, even if it is from illegal drugs, law enforcement cannot arrest you or your friend. **DO NOT HESITATE TO CALL 911 TO GET ASSISTANCE!**

Any faculty, staff, or student who is dealing with a drug or alcohol abuse problem is encouraged to reach out to staff for assistance in locating resources to help. If ask don't want to ask us for help, please seek help. This site can assist you in locating resources near SEARK College,

https://www.addictions.com/rehabs/arkansas/pine-bluff/

Title IX Policy Statement

Sexual Assault, Domestic and 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.

No person at Southeast Arkansas College (aka "SEARK", "the College") will, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to sex discrimination, sexual harassment or sexual misconduct under any education program or activity, including admission and employment.

SEARK Title IX Team

Coordinator	Investigator	Adjudicator
Beryl Langdon Student Housing Director The Reef (Student Housing) 870-543-5970 blangdon@seark.edu	Courtney Kline Student Success Coach Student Services Building 870-543-5949 crkline@seark.edu	LaWanda Smith Fiscal Support Analyst Welcome Center Building 870-850-4910 Lsmith@seark.edu

The team can also be reached by email at TitleIX@seark.edu.

Title IX Sexual Harassment Policy

1. Sexual harassment as defined in this policy (including sexual assault) is a form of sex discrimination and is prohibited.

2. Title IX requires SEARK College to promptly and reasonably respond to sexual harassment in the College's education programs and activities, provided that the harassment was committed against a person in the United States.

3. At the time that a formal complaint is filed, the complainant must be participating in (or attempting to participate in) an education program or activity of the College.

4. An education program or activity includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

5. All other complaints of discrimination or misconduct that do not fall within the jurisdiction of Title IX may be made through other College policies/procedures.

6. This policy shall not be applied to restrict academic freedom at the College.

7. This policy shall not be construed to restrict any rights protected under the First Amendment, the Due Process Clause, or any other Constitutional Provision.

8. This policy does not limit an employee's rights under Title VII of the Civil Rights Act.

Off-Campus Conduct

Conduct that occurs off campus can be the subject of a formal complaint or report and will be evaluated to determine whether the circumstances fall within the College's jurisdiction under Title IX or should be referred to a different department or official within the College.

Responsibility to Report

To maintain a safe environment, the College must know about incidents of sexual harassment in order to stop them, protect complainants, and prevent future incidents.

Within 24 hours of receiving information regarding a potential violation of this policy, all information should be reported to the Title IX Coordinator.

Any employee who fails to promptly report a matter to the Title IX Coordinator may be subjected to disciplinary action for failing to do so.

Two categories of employees who are exempt from this requirement are:

- Licensed health care professionals and other employees who are statutorily prohibited from reporting such information and,
- Persons designated by the campus as advocates.

When there is a relationship that involves legally and/or institutionally recognized professional confidentiality between the complainant and the person to whom the harassment is reported, the report may be withheld at the request of the complainant.

Confidentiality

Except as compelled by law or as required to conduct a full and fair grievance proceeding in response to a formal complaint, the College will treat the information obtained or produced as part of the Title IX procedure as confidential.

The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, the conduct of any investigation, hearing, or judicial proceedings arising from a report/complaint of sex discrimination, including:

- any individual who has made a report or filed a formal complaint of sexual harassment
- any Complainant
- any individual who has been reported to be the alleged performer of sex discrimination
- any Respondent
- any witness

Confidentiality exceptions are:

- the FERPA statute, 20 U.S.C. § 1232g
- FERPA regulations, 34 CFR Part 99
- to carry out the purposes of 34 CFR Part 106
- as required by law

Availability of Counseling

Counseling and other mental health services for injured parties of sexual assault are available in the community.

Employees may also be able to seek help through the Employee Assistance Program for counseling services.

Southeast Arkansas Behavioral Healthcare System and private practice counselors and psychotherapists in the area can provide individual and group therapy.

Advocates

Anyone who has a concern may contact an advocate of their choice.

The advocate will listen and explain options available while providing support.

It is the complainant's decision to report an incident to the College or to law enforcement.

Although rare, there are times when the College may not be able to honor the complainant's request for confidentiality.

f a complainant discloses an incident to an advocate but wishes that no investigation into the incident be conducted or disciplinary action taken, the advocate must weigh that request against the College's obligation to provide a safe environment for everyone, including the complainant.

Education and Awareness Programs

SEARK regularly provides Title IX education and awareness training through VectorLMS.

Other campus wide education and awareness activities are also presented throughout the academic year in student organizations, academic classes, employee training and professional development.

All employees must acknowledge receipt of this policy and complete the VectorLMS sexual harassment and assault training annually.

This training is designed to help faculty and staff recognize and understand their responsibility to report all instances of sex-based discrimination and violence against members of the College community.

Although employees are required to complete the training requirement through the VectorLMS online modules, in-person training may be scheduled as needed.

All students must complete the EVERFI online training modules annually.

This training is designed to help students learn about consent, where to report allegations, and available resources for those who have been harmed by sex-based discrimination or violence.

Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee).

These relationships may be less consensual than perceived by the individual whose position confers power.

The relationship also may be viewed in different ways by each of the parties, particularly in retrospect.

It is the responsibility of faculty and supervisors to behave in such a manner that their words/actions cannot reasonably be perceived as sexually coercive, abusive, or exploitive.

Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome.

Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policy.

The College does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the College; however, for the personal protection

of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

- Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships are required to bring those relationships to the timely attention of their supervisors.

- This will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities; or will shift the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship.

- Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Amnesty

SEARK recognizes that an individual who has been drinking, using drugs, or engaging in other nonviolent offenses/behavior at the time of an incident may be hesitant to make a report because of potential consequences for his/her own conduct.

An individual who reports sexual misconduct, either as a complainant or a third-party witness will not be subject to disciplinary action by the College for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk.

The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Amnesty will not be extended for any violations of College policy other than alcohol/drug use.

The use of alcohol, drugs, and/or legally prescribed medication does not justify or excuse behavior that constitutes prohibited conduct under this policy.

Filing a Report with Local Law Enforcement

In some instances, sexual harassment may constitute both a violation of this policy and criminal activity. The College's grievance process is not a substitute for instituting legal action.

SEARK College encourages individuals to report alleged sexual misconduct promptly to campus officials AND to law enforcement authorities, where appropriate.

Individuals may file a report directly with local law enforcement agencies by dialing 911.

Individuals may also contact any of the following for assistance in filing a report with local law enforcement:

- SEARK Department of Public Safety 1900 S. Hazel Street Pine Bluff, Arkansas (870) 850-4911
- Pine Bluff Police Department 200 E. 8th Avenue Pine Bluff, Arkansas (870) 730-2090

Preserving Evidence

It is important that evidence of sexual assault be preserved because it may be needed for prosecuting a criminal case.

Complainants and others should not alter the scene of an attack.

The complainant should not change clothes, bathe/shower, drink/eat anything, or brush teeth before reporting the assault.

Any items worn by the complainant during the assault, but are not currently being worn, and any materials encountered during the assault (i.e., bedsheets, blankets, etc…) should be placed in a paper bag and brought with the complainant to a local hospital emergency department that has kits to collect and preserve evidence of sexual assault

Hazing Policy

SEARK College strictly prohibits hazing by any student, group, or organization, regardless of intent or consent. Hazing in any form violates not only College policy, but it also violates Arkansas law (Ark. Code Ann. § 6-5-201).

Not only does the College prohibit hazing, but it encourages peaceful efforts to prevent hazing, and to interrupt hazing, if observed. The College also strongly encourages anyone who experiences or witnesses hazing to report it promptly so it can be addressed.

SEARK College shall compile and disclose statistics on hazing incidents that are reported to campus security authorities and/or law enforcement in its annual security report, as required by the Stop Campus Hazing Act, 20 U.S.C. § 1092(f).

Hazing is defined as Any intentional, knowing, or reckless act, committed by a person (whether individually or in concert with other persons), against another person or persons regardless of the willingness of such other person or persons to participate that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

Physical or psychological injury is defined as the following

- Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity.
- Causing, coercing, or otherwise inducing sleep deprivation, exposure, to the elements, confinement in a small space, extreme calisthenics, or similar activity.
- Causing coercing or otherwise inducing another person to perform sexual acts.
- Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct.
- Any activity against another person that includes a criminal violation of local, state, tribal, or federal law

What is considered Hazing? In addition to the definition above. The specific activities listed below will be considered on a case-by-case basis but with an emphasis on a finding of hazing.

- Endangers or threatens to endanger the physical, mental, or emotional health or safety of an individual.

- Involves forced, coerced, or involuntary participation, regardless of consent.
- Inflicts or threatens to inflict humiliation, intimidation, or demeaning treatment, including acts that isolate, ostracize, shame, or psychologically manipulate individuals.
- Forces the participant to engage in physical activity, including but not limited to calisthenics, marching, or excessive exercise.
- Inflicts or threatens to inflict physical abuse in any form on the participant and may include, but is not limited to, paddling or striking.
- Forcibly moves, conceals, abandons, or transports the participant.
- Prevents academic engagement or class attendance.
- Causes mental distress or fear by intimidation, threats, or verbal abuse.
- Compels individuals to perform tasks, assume roles, or participate in activities that cause undue stress, exhaustion, or public embarrassment.
- Restricts basic personal liberties, including personal hygiene, sleep, nutrition, or requirements for well-being.
- Enforces secrecy regarding initiation, membership requirements, or organizational rituals in a way that contributes to fear, uncertainty, or manipulation.
- Requires individuals to complete menial, demeaning, or excessive tasks.
- Involves verbal, physical, or psychological harassment.
- Involves the illegal or unauthorized presence or use of alcohol, drugs, or other controlled substances.
- Requires participation in the consumption of substances, including food, alcohol, or drugs, against one's will.
- Forces or otherwise induce individuals to violate University policies, state laws, or federal laws.

SPECIAL NOTE: Customary athletic training, events, or competitions affiliated with an athletic team are not considered hazing unless they violate the principles outlined above.

Reporting The Stop Campus Hazing Act, 20 U.S.C. § 1092(f) created a new and distinctly separate reporting requirement under the Clery Act. This act is in conjunction with but not subordinate to the Arkansas state law against Hazing as defined in A.C.A. 6-5-201. When facts and circumstances conflict between the two laws, the federal law will take precedent.

1. **Students:** Any student who experiences, witnesses, or has information about hazing is **strongly encouraged** to report the incident to the College.

2. **Faculty and Staff:** Any faculty or staff member who experiences hazing is **strongly encouraged** to report the incident to the College. However, any faculty or staff member who witnesses, or has information about hazing, is **required** to report it to the college.

Reporting Methods:

1. **Campus Police Department:** The preferred method of reporting hazing is to the SEARK Department of Public Safety at 870-850-4911. The department can also be reached via email at DPS@seark.edu.

2. **Campus Security Authorities:** Campus Security Authorities are members of the college staff whose job responsibilities involve the following.
    a. Significant interaction with students and/or campus activities.
    b. Serving as an informal or unofficial mentor to students.
    c. Serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crimes, and other troubling situations.

d. Serve in a position that has oversight for or involvement in disciplinary procedures.

3. **SEARK Campus Security Authorities:** The following positions are considered campus security authorities.
    a. Any member of the Department of Public Safety.
    b. Athletic Director or any coach.
    c. Director of Housing.
    d. Dean of Students.
    e. Title IX Coordinator.
    f. Human Resources.

4. **Anonymous Reporting:** While full reporting by any victim is the preferred action, it is the **victim's decision to do so.** Anyone who wants to remain anonymous may do so. However, the lack of contact information may hinder the college's ability to fully investigate the allegation. Any staff member who is aware of an incident of hazing is to report the incident to the Department of Public Safety. The information will consist of date, time, location, and nature of the incident. What will not be included is personally identifiable information about the victim.

5. **Anonymity of victim and/or reporting party:** The extent possible and permitted by law the identity of the victim and/or the reporting party will be kept confidential.

Campus Hazing Transparency Report

The Campus Hazing Transparency Report is a biannual report that applies only to student organizations established or recognized by the institution. It is intended to disclose incidents of hazing for which student organizations have been found responsible for violating this policy. Entries in the report will remain for a period of five (5) years.

1. **Contents of the report:** It is important to understand both the requirements and the prohibitions regarding what information is to be in the report. This will help you understand what does and does not go in the report

    a. **What is in the report:** The following represent the minimum requirements of the report. The college reserves the right to include other information as it deems necessary. Entries for each incident that resulted in a finding or responsibility will include the following.
        i. Name of the student organization
        ii. Genera description of the violation
        iii. Whether hazing involved the abuse or illegal use of alcohol or drugs
        iv. Key dates
            1. Incident
            2. Start of investigation
            3. End of investigation
            4. Outcome notification to student organization
        v. Explanation of rationale used for determining responsibility
        vi. Sanctions imposed

    b. **What is not in the report:** Personally identifiable information is prohibited from being in the entry. This report will be publicly available without redaction. Therefore, no personally identifiable information can be included. **<u>This rule applies regardless of the cooperation level of the victim.</u>**

2. **Annual Security Report:** this policy will be made a part of the policy statement section of the

college's annual security report as stated in the Clery Act. Statistics for hazing will be recorded as a distinctly different reporting category within the annual security report. Those stats will be added to the Annual Security Report in 2026.

3. **Publishing the report:** The Campus Hazing Transparency Report shall be published, without restriction, prominently on the college's public facing website. The webpage will include the following.

    a. Statement notifying the public of annual availability of hazing statistics in the college's Annual Security Report.
    b. Information related to institutional policies related to hazing.
    c. Applicable local State, and Tribal Laws on hazing.

SPECIAL NOTE: The initial filing of this report does not have to occur until the first finding of responsibility. Likewise, the report only must be updated within 6 months of the finding of responsibility. The fact that an allegation was investigated is not entered into the report unless there is a finding of responsibility. At the time of this report there has yet to be any finding of responsibility.

Grievance Process

These procedures apply to all grievances regarding conduct that may constitute sexual harassment as defined in this policy (including sexual assault) and that falls withing the College's Title IX jurisdiction.

All other grievances by students, employees, or third parties shall be addressed through other procedures.

The College's Title IX grievance process includes formal and informal procedures that encourage prompt resolution of complaints.

In most cases, the complainant's submission of a formal, written complaint to the Title IX Coordinator will initiate the formal grievance process; however, there are circumstances where the Title IX Coordinator may also submit a formal complaint.

SEARK College will respond promptly to all formal complaints of sexual harassment.

The College's grievance process shall adhere to the following principles:

- All relevant evidence, including both inculpatory and exculpatory, will be evaluated.
- Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- The Title IX Coordinator, investigator, hearing officers, appeal panelists, persons involved with the informal resolution, and other individuals playing a significant role in the Title IX grievance process shall not have a conflict of interest or bias for/against complainants or respondents generally or individually.
- Respondent is presumed "not responsible" for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.
- The time frames for concluding the grievance process shall be reasonably prompt, as detailed herein.
- The grievance process may be temporarily delayed, and limited extensions of time frames may be granted for good cause. Good cause may include: (a)absence of a party, party's advisor, or witness; (b)concurrent law enforcement activity; (c)the need for language assistance or accommodations of disabilities. In such instances, written notice to the complainant and respondent of the delay/extension and the reason for the action will be provided.

- Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege will not be required, allowed, relied upon, or otherwise used. The College shall not consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in the capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that person's voluntary, written consent to do so for a grievance under this section.
- No party shall be restricted from discussing the allegations under investigation or to gather and present relevant evidence.
- A party whose participation in a hearing, investigative interview, or other meeting shall be provided a written notice of the date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

Initial Report/Intake Process

Promptly upon receiving a report of conduct that could potentially be a violation of Title IX, the Title IX Coordinator (or designee) will contact the complainant to schedule an initial report to, as applicable:

- Provide a copy of this policy
- Explain the process for filing a formal complaint
- Explain avenues for resolution, including informal and formal
- Explain the steps involved in an investigation and hearing under this policy
- Discuss confidentiality standards and concerns
- Refer to law enforcement, counseling, medical, academic or other resources, as appropriate
- Discuss, as appropriate, possible supportive measures, which are available with or without the filing of a formal complaint

If the complainant requests that no further action be taken and/or that no formal complaint be pursued, the Title IX Coordinator (or designee) will inform the complainant that retaliation is prohibited and that honoring the complainant's request may limit the College's ability to fully respond to the incident.

In the event the complainant stands firm on his or her request that no further action be taken, the Title IX Coordinator will evaluate whether to file a complaint under the criteria set forth below.

Formal Complaint Process

The filing of a formal, written complaint initiates the formal grievance process and is available to any person who is participating in (or attempting to participate in) a College educational program or activity.

The Title IX Coordinator (or an investigator designated by the Title IX Coordinator) will investigate the allegations in the formal complaint.

Formal complaints can be filed in several ways; the complainant may submit the complainant's own document that contains their signature (either physical or digital) and is filed with the College's Title IX Office by U.S. mail, in person, or by email.

The formal complaint should set forth the allegations and request that the Title IX Office investigate the matter.

The Title IX Coordinator may initiate the grievance process, even where the complainant declines to file a formal complaint, if the coordinator determines that the circumstances require the College to formally respond to and address the allegations. Circumstances to be considered include:

- a pattern of alleged misconduct by a respondent
- whether the complaint has alleged use of violence, weapons, or other similar conduct

The Title IX Coordinator will also consider the complainant's wishes with respect to supportive measures and desired response by the College.

When a report is made anonymously and the Title IX Coordinator files the complaint, both the complainant and respondent will receive notice of the allegations with written details and identities of the parties, if known.

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

A formal complaint must be dismissed by the Title IX Coordinator if the alleged conduct

- does not constitute sexual harassment, as defined in this policy, even if proved
- did not occur as part of the College's education programs or activities
- did not occur against a person in the United States • a complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations
- the respondent is no longer enrolled or employed by the College
- specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the formal complaint or any allegations

Upon dismissal of a formal complaint, for any reason, the Title IX Coordinator will send simultaneous, written notice of the reason(s) for the dismissal to the parties.

The dismissal decision may be appealed pursuant to the procedure for appeals set forth in this policy.

Dismissal of a complaint under this Title IX policy does not preclude a complainant from pursuing a grievance through other appropriate campus procedures.

Upon receipt of the formal complaint, the Title IX Coordinator will send simultaneous notifications of the filing of the complaint to the complainant and the respondent (if known).

The initial notice of formal complaint will contain the following:

- The allegations of the complaint that potentially constitute sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview (including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, if known)
- A copy of the Title IX policy
- A statement that the respondent is presumed "not responsible" for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process

- A statement informing the parties that they have a right to have one advisor of their choice to assist them throughout the proceedings who may be (but is not required to be) an attorney
- A statement that the parties have the right to inspect and review all evidence collected during the complaint process
- A statement that any party who knowingly makes false statements or submits false information during the grievance process will be subject to disciplinary procedures

If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known.

If a formal complaint is filed, the Title IX Coordinator will promptly schedule an initial meeting with the respondent after the written notice of the formal complaint is sent as described herein.

Prior to the initial meeting, the Title IX Coordinator shall provide a written notice of the date, time, location, participants, and purpose of the meeting, with sufficient time for the party to prepare to participate.

During the initial meeting with the respondent, the Title IX Coordinator (or designee) will, as applicable

- provide a copy of this policy (if not previously provided)
- explain avenues for resolution, including informal and formal
- explain the steps involved in an investigation and hearing under this policy
- discuss confidentiality standards and concerns
- discuss non-retaliation requirements • inform of any supportive measures already determined and being provided to the complainant that would directly affect the respondent
- refer to law enforcement, counseling, medical, academic or other resources, as appropriate
- discuss, as appropriate, possible supportive measures that can be provided to the respondent

Both parties will be advised that they may be accompanied by one advisor/support person to assist them throughout the Title IX process, which can be (but is not required to be) an attorney.

The advisor is not allowed to speak or otherwise actively participate during the prehearing interviews or meetings.

It is the party's responsibility to obtain the services of an advisor, except that the College shall make an advisor available to the parties during the determination hearing upon request. 21.22 A party who wants the College to provide an advisor for the determination hearing should make a request at least 10 business days prior to the hearing.

The advisor's role at the hearing is further explained herein.

If, after a safety and risk analysis, the Title IX Coordinator determines that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, the Title IX Coordinator may recommend the respondent be removed from the College's programs or activities.

Such a recommendation is made to the Vice President of Student Services where a student is the respondent, to the appropriate Dean on matters where a faculty member is the respondent, and to the Director of Human Resources for matters where a staff member is the respondent.

n such instances, the respondent will be provided with a written notice of the reasons for the removal.

Within 5 business days of receiving the notice, the respondent may seek reconsideration of the decision by requesting a meeting with the Title IX Coordinator or designee.

Nothing in this policy precludes the College from placing a non-student employee respondent on administrative leave during the pendency of the grievance process.

Supportive measures, as defined in this policy, will be based on the facts and circumstances of each situation.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. They may include, but are not limited to, the following:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- mutual restrictions on contact between the parties
- changes in working or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

At any time after a formal written complaint is filed, but prior to reaching a determination regarding responsibility, the College may facilitate a resolution without a full investigation and adjudication.

The complainant and respondent must give their voluntary, written consent to the informal resolution process.

The informal resolution process will not be utilized to resolve any allegation of sexual assault as defined by College policy or allegations that an employee sexually harassed a student.

Prior to commencing the informal resolution process, the Title IX Coordinator or designee must provide the parties a written notice that includes the following information:

- Notice of the allegations contained in the formal complaint, including dates, location(s), and identities of the parties
- Any agreed upon resolution reached at the conclusion of the informal complaint process will preclude the parties from resuming a formal complaint arising from the same allegations
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

Comprehensive Investigation

If resolution of the allegations does not proceed through the informal process, the matter will proceed with a comprehensive investigation and resolution through the formal complaint processes.

The Title IX Coordinator will be responsible for overseeing the prompt, equitable, and impartial investigation during the formal complaint process.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest on the College and not the parties.

If the Title IX Coordinator's designee is to conduct the investigation, the Title IX Coordinator will forward the complaint to the investigator and share the investigator's name and contact information with the complainant and the respondent.

Immediately after the identity of the person who will conduct the investigation is determined and communicated to the parties, the investigator, the complainant, or the respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest or bias that the person charged with conducting the investigation (including the Title IX coordinator, where applicable) may have.

The Title IX Coordinator will carefully consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest exists.

Upon receipt of the formal complaint, the Title IX Coordinator/Investigator (hereinafter "Investigator") will promptly begin the investigation, which shall include but is not limited to the following:

- conducting interviews with the complainant, the respondent, and any witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form
- visiting, inspecting, and taking photographs at relevant sites
- where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies)
- obtaining any relevant medical records pertaining to treatment of the complainant, provided that the complainant has voluntarily authorized release of the records in writing to the investigator

The parties may identify to the investigator any evidence or witnesses they wish to be included as part of the investigation.

Both parties will also have equal opportunity to inspect and review any evidence obtained during the investigation.

The investigator will complete the gathering of evidence as soon as practicable, which will ordinarily occur within approximately 30 business days after the filing of the formal complaint.

After the gathering of evidence has been completed, but prior to completion of the investigative report, the investigator will provide to each party and party's advisor any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint.

The evidence will be provided in either electronic or hard copy format and can include the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source), so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

The evidence will be provided in an electronic format or a hard copy.

The parties will have 10 business days to submit a written response to the evidence, which will be considered by the investigator prior to completion of the investigative report.

The evidence will be made available for the parties to use at the hearing to determine responsibility.

The investigative report shall fairly summarize the relevant evidence and must include the following items and information that is relevant to the allegations in the formal complaint:

- the dates of the Title IX Coordinator's initial receipt of a report of alleged sexual harassment against the complainant, intake meeting, and the filing of the formal complaint
- a statement of the allegation(s), a description of the incident(s), the date(s) and time(s) (if known), and location of the alleged incident(s)
- the names of all known witnesses to the alleged incident(s)
- the dates that the complainant, respondent, and other witnesses were interviewed, along with summaries of the interviews
- descriptions or summaries of any physical or documentary evidence that was obtained (e.g., text messages, emails, surveillance video footage, photographs)
- any written statements of the complainant, respondent, or other witnesses
- the response of college personnel and, if applicable, College-level officials, including any supportive measures taken with respect to the complainant and respondent

The investigator shall provide a draft of the investigative report to the Title IX Coordinator for review before the report becomes final.

An electronic or hard-copy version of the final investigative report will be provided to each party (and each party's advisor) concurrently.

The investigative report shall be provided as soon as practicable after the parties have submitted their written responses to the evidence (if any) and at least 10 business days prior to the determination hearing.

The parties may provide a written response to the investigative report within five (5) business days after receiving it.

Determination Hearing

Following the conclusion and distribution of the investigative report, a hearing will be conducted to determine the outcome and resolution of the complaint.

The parties and their advisors, if any, will be notified by the Hearing Officer, the Title IX Coordinator, or a designee, of the date, time, and location of the hearing, as set forth in the notice provisions below.

Within three (3) business days of the release of the investigative report to the parties, or as soon as practicable, the Title IX Coordinator or designee will appoint a hearing officer, who may be (but is not required to be) an individual not permanently employed by the College, who will be responsible for conducting the hearing and making findings regarding responsibility and, if applicable, any necessary sanctions.

The Title IX Coordinator will provide a copy of the formal complaint, the investigative report, and the parties' written responses to the investigative report, to the hearing officer.

Promptly after the appointment of the hearing officer, the Title IX Coordinator will provide concurrent written notice to the complainant and the respondent, setting forth the name of the individual selected to serve as the hearing officer.

The parties may challenge the participation of the appointed hearing officer based on bias or a conflict of interest by submitting a written objection to the Title IX Coordinator or designee within three (3) business days of receipt of the notice.

Any objection must state the specific reason(s) for the objection. The Title IX Coordinator or designee will evaluate the objection and determine whether to select a new hearing officer.

Failure to submit a timely and proper objection will constitute a waiver of the objection.

Any changes in the hearing officer will be communicated in writing to both parties prior to the date of the hearing.

Within five (5) business days of receipt of the notice of the hearing officer, both parties may provide the hearing officer with a list of witnesses, if any, that they propose be called to testify and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute.

Absent good cause, a party cannot include a witness on the party's pre-hearing witness list unless the witness was identified during the investigation.

The hearing officer reserves the right to call relevant witnesses who may not have been included on a party's witness list.

Not less than five (5) business days but not more than 10 business days after delivery of the notice of the hearing officer's identity, the hearing officer will provide a separate notice to the complainant, respondent, and any other witnesses whose testimony the hearing officer deems relevant, requesting such individuals to appear at the hearing to determine responsibility.

The notice should set forth the date, time, and location for the individual's requested presence.

The hearing officer shall provide, in the notice, to the parties, the names of the witnesses that the hearing officer plans to call.

The hearing shall be conducted promptly but no sooner than 10 business days after release of the investigative report.

If any party fails to appear at the hearing if requested to do so, and such party was provided notice of the hearing as set forth herein, then absent extenuating circumstances, the hearing officer will proceed to determine the resolution of the complaint.

If a party fails to appear, it is unlikely that the hearing officer will consider the nonappearing party's version of events based on another source, such as the formal complaint or a prior statement.

Live hearings may be conducted with either all parties present in the same geographic location or, at the College's discretion, any or all parties and witnesses may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Either party may request not to be in the same room as the other party. If any party makes such a request, then both parties will be required to attend the hearing from a location or room different from where the hearing officer is sitting.

If the hearing is virtual, or there is a request for separate rooms at a physical location, the College will ensure that all participants are able to simultaneously see and hear the party or the witness answering questions.

Instructions will be provided for accessibility prior to the hearing date.

An audio or audio-visual recording will be created of the live hearing and will be made available for inspection and review at any party's request.

Both the complainant and respondent may be accompanied by an advisor during the hearing. The advisor's role at the hearing shall consist of:

- providing private advice to the party he/she is supporting and
- questioning the opposing party and other witnesses

The advisor can be anyone, including an attorney.

A party may arrange for the party's advisor of choice to attend the hearing at the party's own expense.

Alternatively, the College will select and provide an advisor to assist a party at the hearing to determine responsibility, without fee or charge, upon request.

In either scenario, the advisor may only participate in the hearing to the extent allowed under this policy.

The parties, through their advisors, shall have an equal opportunity to question the opposing party and other witnesses, including fact and expert witnesses, and present other inculpatory or exculpatory evidence.

Formal rules of evidence will not be observed during the hearing.

The hearing officer will conduct the initial questioning of witnesses prior to the questioning by an advisor.

The hearing officer will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process.

The hearing officer may, at his/her discretion, choose to call the investigator for the purpose of providing an overview of the investigation and findings.

Each party's advisor is permitted to question the opposing party and the other witnesses, so long as the questions are relevant and not duplicative of the questions posed by the hearing officer.

The questions may include challenges to credibility.

No other questioning or speaking participation by an advisor will be allowed.

A party may not examine a party or witness directly; rather, a party must utilize the services of an advisor for the purpose of posing questions to another party or witness.

A party not represented by an advisor may, however, submit a list of proposed questions to the hearing officer and ask that the questions be posed to the opposing party or witness.

The hearing officer will make determinations regarding relevancy of questions before a party or witness answers.

If a determination is made to exclude the question based on relevancy, the hearing officer will provide an explanation of why the question was deemed irrelevant and excluded.

A party should notify the hearing officer at least five (5) business days in advance of the hearing if the party will be accompanied by an advisor.

The hearing officer may disallow the attendance of any advisor if, in the discretion of the hearing officer, such person's presence becomes disruptive or obstructive to the hearing or otherwise warrants removal.

Advisors will not be permitted to badger or question the opposing party or any witness in an abusive or threatening manner.

Absent accommodation for a disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this policy.

College officials may seek advice from outside counsel on questions of law, policy, and procedure at any time during the process.

Outside counsel can be (but is not required to be) an attorney, judge, or other subject matter expert.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the hearing officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility.

However, the hearing officer cannot draw an inference about the determination of responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

To comply with FERPA and Title IX, and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the grievance process is not open to the general public.

Accordingly, documents prepared in anticipation of the hearing (including the formal complaint, investigative report, evidentiary materials, notices, and prehearing submissions), recordings of the hearing, and documents, testimony, or other information used at the hearing may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

Following the conclusion of the hearing, the hearing officer will determine whether the evidence establishes that it is more likely than not that the Respondent committed a violation of this policy.

The standard of proof will be the preponderance of the evidence. This standard applies to complaints against both students and employees.

In reaching the determination, the hearing officer will objectively and thoroughly evaluate all relevant evidence, both inculpatory and exculpatory, and reach an independent decision, without deference to the investigative report.

As soon as practicable following the hearing (ordinarily within 10 business days thereafter), the hearing officer shall complete a report of his/her findings.

The hearing officer will send simultaneous notification of the decision to both parties and their advisors, where applicable, with the following information:

- Identification of the allegations potentially constituting sexual harassment under the policy
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and the hearing held

- Findings of fact that support the determination
- Conclusions regarding the application of the College's conduct standards to the facts
- A statement and rationale for the result as to each allegation, including a determination as to responsibility using the preponderance of the evidence standard
- Any disciplinary sanctions imposed on respondent
- Whether any remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant (description of remedies is not included)
- Procedures and permissible bases for the parties to appeal

If the hearing officer determines that it is more likely than not that the respondent committed a violation of this policy, then the hearing officer will determine sanctions and consider whether a given sanction will:

- bring an end to the violation in question,
- reasonably prevent a recurrence of a similar violation, and • remedy the effects of the violation.

Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both.

The range of potential sanctions is set forth in the definitions section of this policy.

Sanctions will not be imposed until the resolution of any timely appeal under this policy; however, if it is deemed necessary to protect the welfare of the complainant or the College community, the hearing officer may recommend to the appeals panel that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

Where a determination is made that the respondent was responsible for sexual harassment, the hearing officer will determine any final remedies to be provided to the complainant, if any, and the Title IX Coordinator will communicate such decision to the complainant and the respondent to the extent that it affects him/her.

Remedies must be provided in all instances in which a determination of responsibility for sexual harassment has been made against the respondent.

Remedies must be designed to restore or preserve equal access to the College's education program or activity.

Such remedies may include the same individualized services described above as "supportive measures"; however, remedies need not be non- disciplinary or nonpunitive and need not avoid burdening the respondent.

The Title IX Coordinator will take steps to prevent any harassment of or retaliation against the complainant, the respondent, or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, and providing training for the campus community.

Appeals

Both the complainant and the respondent may appeal from either the Title IX Coordinator's dismissal of a formal complaint or any allegations therein or the hearing officer's determination.

The appeal should be submitted in writing to the Title IX Coordinator within five (5) business days of receipt of the hearing officer's decision. The Title IX Coordinator will forward the appeal to the appeal panel.

The appeal will be decided based on the written record and without reference to the decision of the hearing officer.

If the respondent is a student, the appeal will be decided by an appeal panel.

If the respondent is an employee, the Title IX Coordinator or designee will decide the appeal. 24.6 The appeal panel will be comprised of at least two faculty and/or staff members.

One of the members of the appeal panel can be (but need not be) a person who is not a college employee.

The Title IX Coordinator or designee shall designate one of the panelists as the chair of the appeal panel.

The chair of the appeal panel (in cases where the respondent is a student and a panel is utilized) or the Title IX Coordinator or designee (in other cases) shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal described below.

The party appealing may submit his/her written and signed appeal by way of email, facsimile, hand- delivery, or postal delivery.

The Title IX Coordinator will promptly inform the other party of the appeal.

The appeal from the decision of the hearing officer must be for one of the following reasons:

- a procedural irregularity that affected the outcome of the decision
- there is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter
- the Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against complainants or respondents in general or against an individual complainant or respondent that affected the outcome
- the sanctions imposed are not appropriate to the nature and severity of the conduct for which the respondent was found responsible

Within five (5) business days of receipt of the appeal, the other party may submit a written statement in response to the appeal, and which supports or challenges the dismissal or determination.

The response should be submitted to the Title IX Coordinator, who shall provide a copy to the decision-maker and the appealing party.

As soon as practicable after receiving the parties' written submissions (and ordinarily within approximately 10 business days), the Title IX Coordinator (or designee) or appeal panel will issue a written decision describing the result of the appeal and the rationale for the result.

The decision on appeal may uphold the decision, modify it, or remand for further factual development.

Decision-maker on appeal will concurrently notify the Complainant and the Respondent of the decision, with a written copy provided to the Title IX Coordinator.

Nothing in this policy shall create an expectation of continued employment with the College or be construed to prevent or delay the institution from taking any disciplinary action deemed appropriate and consistent

with applicable College policies (including suspension and immediate termination of employment) for any violation of state law, federal law or College policy.

Time Periods

The College will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible.

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

The Title IX Coordinator may also modify timelines in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, absence of an advisor, concurrent law enforcement activity, the need for language assistance or disability accommodation and/or other circumstances that may arise.

Retaliation Prohibited

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination of harassment, for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

False Reports

Willfully making a false report of sexual harassment or submitting false information during these proceedings is a violation of college policy and is a serious offense.

However, a determination regarding responsibility alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Any person who willfully makes or participates in making a false or frivolous report of discrimination, harassment, retaliation, or sexual misconduct will be subject to disciplinary action.

False reporting may also violate state criminal statutes and civil defamation laws.

External Reporting Agencies

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this complaint/grievance procedure, they may have the right to file a complaint directly with the following agencies.

Individuals who wish to file complaints with these external agencies should make contact as soon as possible and verify any applicable time limits and deadlines.

- Arkansas Office of Civil Rights Kansas City Office Office of Civil Rights (OCR) U.S. Department of Education One Petticoat Lane 1010 Walnut Street, 3rd Floor, Suite 320 Kansas City, MO 64106 Telephone: 816-268-0550 Fax: 816-268-0599 TDD: 800-877-8339

- National Headquarters Office of Civil Rights U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson Dept. of Education Bldg. 400 Maryland Avenue, SW Washington, DC 20202-1100 Telephone: 800-421-3481 Fax: 202-453-6012 TDD: 800-877-8339 Email: OCR@ed.gov

Effective Date

The College reserves the right to make changes and amendments to this policy as needed, with appropriate notice to the campus community.

However, the policy in force at the time that a complaint is filed will be the policy used throughout the investigation, hearing, and any appeals.

Retention of Records

For a period of at least seven years, the College will maintain the records of:

- Each sexual harassment investigation, including any determination regarding responsibility, any recordings or transcripts, disciplinary sanctions, and remedies provided to the Complainant
- Any appeal and the results of appeal
- Any informal resolution and the results of informal resolution
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the College's website.
- Records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, along with documentation of the College's bases for its conclusion that its response was not deliberately indifferent.

Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

Definitions

Offenses prohibited under the College's policy include: 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).

Coercion: Unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Complainant: Any individual who is alleged to be the object of conduct that could constitute sexual harassment. At the time of the filing of a formal complaint, a complainant must be participating in or

attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. Any person may report sex discrimination, including harassment, whether or not the person reporting is the person alleged to be the injured party of discrimination or harassment.

Consent: Consent is 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/actions if those words/actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. If coercion, intimidation, threats, or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol or drugs or being asleep or unconscious.

Incapacitation: a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent. This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of drugs commonly referred to as rape drugs.

Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Brundage, 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 http://www.911rape.org.

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

An individual violates this policy if the individual initiates and engages in sexual activity with someone who is incapacitated, and

- the individual knew the other person was incapacitated
- a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated

There is also no consent when there is force, expressed or implied, or use of duress or deception upon the injured party.

Whether an individual has taken advantage of a position of influence over an alleged injured party may be a factor in determining consent.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access.

Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.

Coercion is an unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Under Arkansas law, the age of consent varies with the degrees of assault, the age of the offender, and the relationship of the offender to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated §, 5-14-1256 Sexual Assault in the Second Degree).

Consent to any one form of sexual activity **cannot** automatically imply consent to any other forms of sexual activity. In addition, previous relationships or prior consent cannot imply consent to future sexual acts.

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the injured party and where the existence of such relationship is determined based on consideration of the following factors

- the length of the relationship
- the type of relationship, and
- the frequency of interaction between the persons involved in the relationship

Days: Refers to business days, rather than calendar days, unless otherwise specified.

Domestic Violence: The term includes felony or misdemeanor crimes of violence committed by

- a current spouse or intimate partner of the injured party
- a person with whom the injured party shares a child in common
- a person who is cohabitating with or has cohabitated with the injured party as a spouse or intimate partner
- a person similarly situated to a spouse of the injured party under the domestic or family violence laws of Arkansas
- any other person against an adult or youth injured party who is protected from that person's acts under the laws of Arkansas

Under the Arkansas law on domestic abuse, "family or household members" means:

- spouses
- former spouses
- parents and children
- persons related by blood within the fourth degree of blood kinship
- in-laws
- any children residing in the household
- persons who presently or in the past have resided or cohabitated together
- persons who have or have had a child in common, and
- persons who are presently or in the past have been in a dating relationship together

Education Program or Activity: Includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building, vehicle, or property owned or controlled by an officially recognized College organization.

Exculpatory Evidence: Evidence is favorable and may exonerate the respondent from responsibility or blame of the accused actions.

Force: The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.

Formal Complaint: A signed document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. The phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Inculpatory Evidence: Evidence showing a person's involvement in an act, or evidence that can establish responsibility.

Party: The complainant or respondent.

Preponderance of the Evidence: A standard of proof where the conclusion is based on facts that are more likely true than not.

Respondent: An individual who has been reported to be the performer of conduct that could constitute sexual harassment.

Sanctions: The determination of sanctions to be imposed against a respondent who is found to have been responsible for violating this policy will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both.

- Sanctions against students may include (without limitation):
  - expulsion or suspension from the College
  - disciplinary probation or mandated counseling, and/or educational sanctions.
- Sanctions against employees and other non-students may include (without limitation):
  - a written reprimand
  - disciplinary probation
  - suspension
  - termination
  - demotion
  - reassignment or revision of job duties
  - reduction in pay
  - exclusion from campus or activities, and/or
  - educational sanctions deemed appropriate

Sexual Assault: The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

A nonforcible sex offense includes incest (i.e., the nonforcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law) and statutory rape (i.e., nonforcible sexual intercourse with a person who is under the statutory age of consent).

A forcible sex offense is any sexual act directed against another person, without the consent of the injured party including instances where the injured party is incapable of giving consent.

- A forcible sex offense includes
  - Forcible rape: the penetration, no matter how slight, of the vagina or anus with any part of the body or object, or oral penetration by a sex organ of another person, without the consent of the injured party
  - Forcible sodomy: Oral or sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the injured party is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity
  - Sexual assault with an object: Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the injured party is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity

- Forcible fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the injured party is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity

Sexual Harassment: Sexual harassment is conduct based on sex constituting one of the following:

- An employee of the College conditioning the delivery of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's educational programs or activities; or
- Any of the following: o "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) and this policy
    - "Dating violence" as defined in 34 U.S.C. 12291(a)(10) and this policy
    - "Domestic violence" as defined in 34 U.S.C. 12291(a)(8) and this policy
    - "Stalking" as defined in 34 U.S.C. 12291(a)(30) and this policy

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without a fee or charge to the Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment or deter sexual harassment.

Referral Services

SEARK does not provide counseling services but can assist in setting up an appointment with a local provider. For assistance contact the Student Success Office at (870) 850-3075

The 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)

Additional Title IX Related Information

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 to promote safety and to help individuals and communities address conditions that facilitate violence.

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.

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.

Victim Resources

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)

Higher Education Department Title IX and Sex Disclination web page:

https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

Department of Justice Title IX and Sex Discrimination web page:

https://www.justice.gov/crt/title-ix

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 an active file of all sex offenders in Jefferson County. To review this file contact DPS at (870) 850-4911.

Students who are registered Sex Offenders

The SEARK Department of Public Safety vigorously enforces the law pertaining to registered sex offenders. All students and prospective students are required to check the restrictions associated with their status and to fully comply with those restrictions. Any student who violates a sex offender restriction will be prosecuted. SEARK College uses the Arkansas Law regarding sex offender classification. A brief description is listed below.

a. **Level 1 Low Risk:** Considered to pose the lowest risk to the community.
b. **Level 2 Moderate Risk:** Moderate likelihood of re-offending.
c. **Level 3 High Risk:** High Likelihood of re-offending.
d. **Level 4 Sexually Violent Predator:** Individuals with impaired judgement or control who are likely to engage in predatory sexually violent offenses.

Students and prospective students may enroll in SEARK College without restriction if they are a level 1 or level 2. This is provided there are no case specific stipulations that would require restrictions or prohibit enrollment. Those at level three will be restricted to online instruction only. Special exceptions can be made in extreme circumstances but can only be made by the college president and the chief of police. The college reserves the right to place reasonable requirements and/or restrictions that may differ from those imposed on the general public. **Those at level 4 are restricted to online instruction only without exception**. If physical presence on campus is required to conduct business, it will be conducted by appointment only and under escort by a member of the SEARK Department of Public Safety. Any prospective student unsure of their status may contact the SEARK Department of Public Safety for consultation.

Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) requires the statistical reporting of certain reported crimes within the Clery Geography of SEARK College. This section will show those statistics as well as the definitions of the reportable offenses. The previous sections of this report represent the current policies of SEARK College. This section will be historical and will cover reported crimes from 2022, 2023 and 2024.

Specific areas covered include

1. Definition of Geography
2. Boundaries of SEARK Clery Geography
3. Definitions used to create the report
    - Clery Definitions and Arkansas Criminal Statutes
    - Violence Against Women Act (VAWA)
4. Crime statistics from the following
    - Seark Department of Public Safety
    - Pine Bluff Police Department
    - Jefferson County Sheriff's Office
    - Arkansas State Police.

Definition of Geography 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.

SEARK Clery Geography

The following list is of current SEARK College Properties.

Main Campus: Located at 1900 S Hazel St the main campus is where all educational instruction occurs. It is comprised of eight buildings which include.

1. Welcome Center: Administrative offices.
2. Learning Resource Center: Library and tutoring resources.
3. Technology Building: Classrooms for instruction in general education and vocational programs.
4. McGeorge Building: Classrooms for instruction in general education, science and humanities.
5. Founders Hall: Classrooms for instruction in health sciences.
6. Business and Student Services: Student and business support functions.
7. Commons Hall: Food pantry and café.
8. Maintenance Shop: Facilities, grounds, and custodial services in support of college operations.

All reported crimes that occur within these properties are considered on-campus.

2505 W 18th: Office space currently rented to People Shores which is a private business not in support of college operations.

All reported crimes that occur within this property are considered non-campus.

SEARK Daycare: Located at 2200 S Hazel St, the former Early Childhood Development Center was converted into an open to the public for-profit daycare.

All reported crimes that occur within this property are considered non-campus.

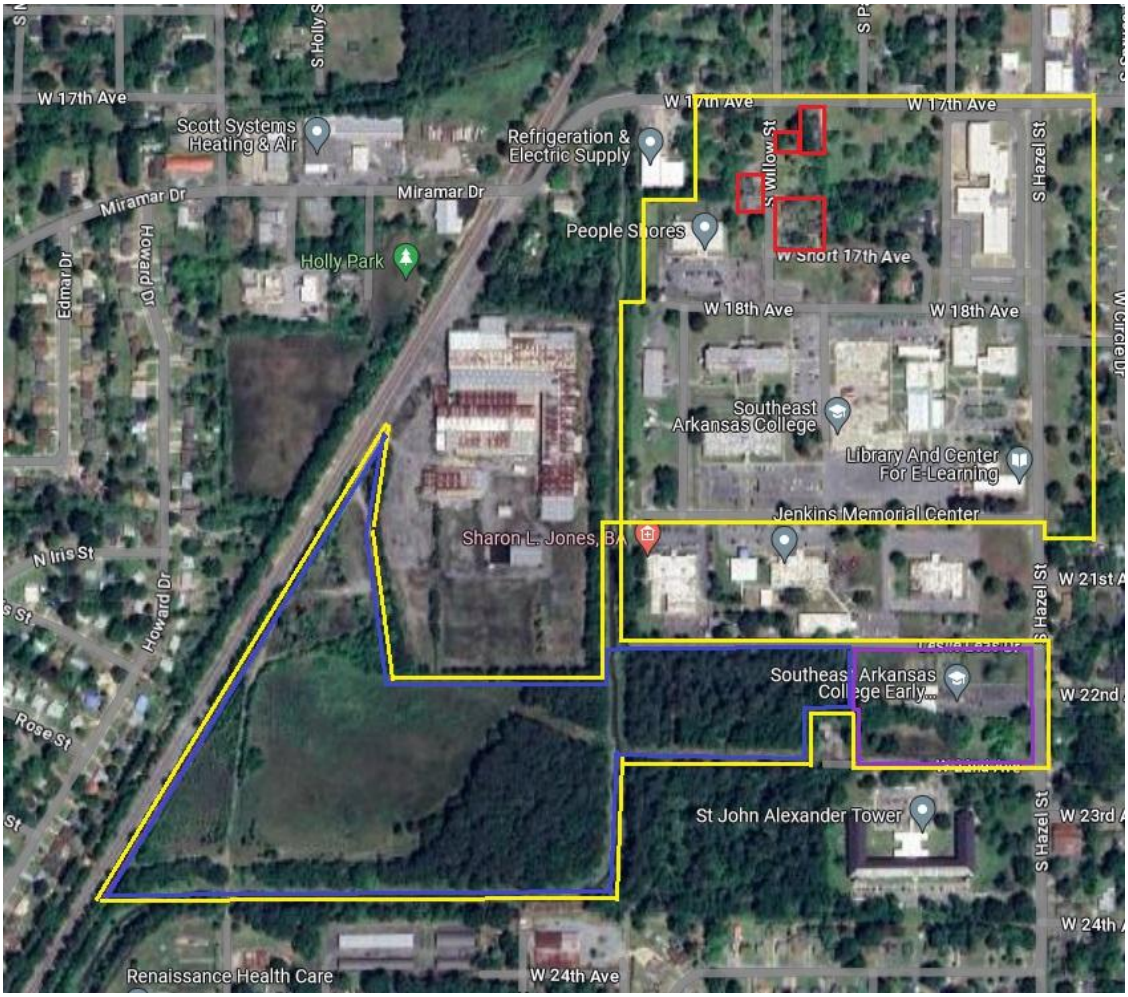
Relyance Athletic Center: Formerly Seabrook, which was open to the public, SEARK College finalized purchasing the building in 2024. Located at 6808 S Hazel the building supports the college's athletics program by providing practice basketball courts, baseball and softball playing fields, workout rooms and recreational activities for students. The facility is now closed to the public.

All reported crimes that occur within this property are considered non-campus.

The Reef Dormitory: Located four miles from the main campus at 6811 S Hazel is the SEARK student housing. This location provides rooms, cafeteria, laundry, and recreational facilities to our residential students. Although SEARK has residential students, under the Clery guidelines it is not sufficiently close enough to the main campus for SEARK College to be considered a residential campus.

All reported crimes that occur within this property are considered non-campus.

Clery Maps



This map shows the geography of Southeast Arkansas College. See the legend below for further description.

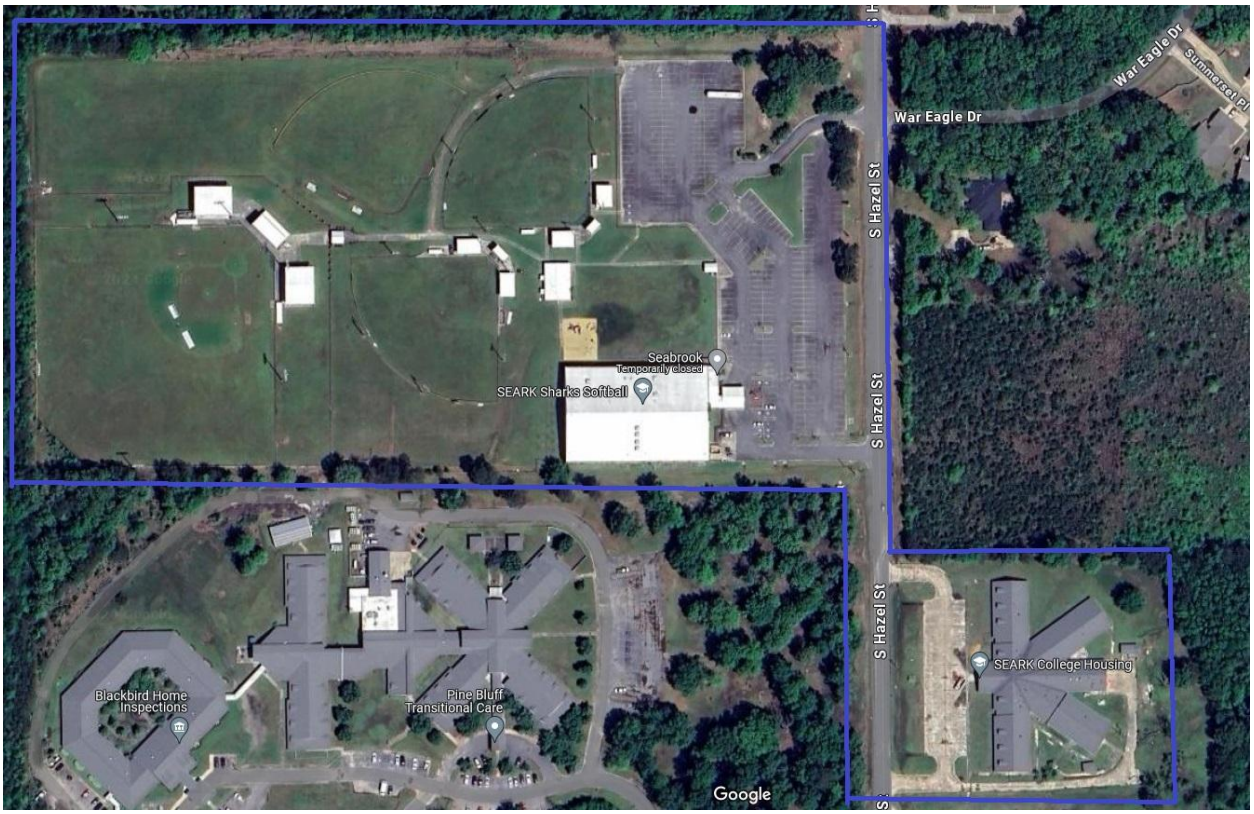
Yellow: Represent the property holdings for the college.

Blue: Represents unimproved land the college owns but currently does not utilize for any college operations.

Purple: Represents 2200 S Hazel which is a college owned and operated daycare facility. This location is utilized for income only with no educational classes conducted and is open to the public.

Red: Within the boundaries of the college there are private residences that the college does not own or have control over. These residences are identified by their addresses.

1. 1703, 1708, 1710, 1711, and 1715 South Willow Street.
2. 2406 West 17th Ave
3. 2407 West Short 17th Ave.



The areas in blue represent SEARK's Off-Campus properties.

Crime Definitions

The following definitions are those provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime (UCR) Program. SEARK College adopts these definitions as its institutional definitions for the purpose of the Clery Annual Security Report. These definitions may differ in their language than what the State of Arkansas uses in its definition of the same offense. This section will provide the Clery definitions.

It is important to know the difference between institutional definitions and jurisdictional definitions.

1. Institutional Definitions: Those rules and guidelines established in the Clery reporting requirements that are used to report the crime statistics within this document.
2. Jurisdictional Definitions: Those criminal statutes used by law enforcement and the courts within the state of Arkansas to determine criminal violations of the law.

For example, someone illegally enters a storage shed and steals property. That person would be reported in this report as Burglary. However, in the courts they would be prosecuted for Breaking or Entering. If you

wish to compare Arkansas Criminal Statutes to their corresponding Clery category visit the following site for specific statutes.

https://advance.lexis.com/container?config=00JAA3ZTU0NTIzYy0zZDEyLTRhYmQtYmRmMS1iMWIxNDgxYWMxZTQKAFBvZENhdGFsb2cubRW4ifTiwi5vLw6cI1uX

Clery Crime Reporting 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, fentanyl); 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. Larceny is only reported if it is in conjunction with a hate crime. (It should be noted that Arkansas does not use the word Larceny in its criminal statutes. The state uses the language, Theft of Property and Breaking or Entering to describe the offenses listed here.)

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 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).

Consent

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.

To give effective consent, one must be at least 16 years old.

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.

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.

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 (Scopolamine), 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.

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

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts.

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.

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

Unless otherwise noted SEARK College adopts these definitions as its 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

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 is 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					
Category	Year	On Campus	Non-campus	Public Property	Total
Murder / non-negligent manslaughter	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Fondling	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Incest	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Robbery	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Aggravated Assault	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Burglary	2024	0	1	0	1
	2023	2	0	0	2
	2022	0	0	0	0
Motor Vehicle Theft	2024	0	1	0	1
	2023	0	1*	0	1
	2022	0	0	0	0
Arson	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Total		2	3	0	5
*In 2023 this motor vehicle theft was listed as public property in error. It was corrected to non-Campus.					

VAWA Offenses					
Category	Year	On Campus	Non-campus	Public Property	Total
Domestic Violence	2024	1	0	0	1
	2023	0	0	0	0
	2022	0	0	0	0
Dating Violence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Stalking	2024	0	0	0	0
	2023	0	1	0	1
	2022	0	0	0	0
Total		1	1	0	2

Arrests					
Category	Year	On Campus	Non-campus	Public Property	Total
Weapons: Carrying, Possessing, etc.	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Abuse Violations	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Liquor Law Violations	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Total		0	0	0	0

Disciplinary Actions					
Category	Year	On Campus	Non-campus	Public Property	Total
Weapons: Carrying, Possessing, etc.	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Abuse Violations	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Liquor Law Violations	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Total		0	0	0	0

Hate Crimes – On Campus										
		Occurrences of Hate Crime (Category of Bias for Crimes)								
	Year	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Rape	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Fondling	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Incest	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Robbery	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Burglary	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Arson	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Simple Assault	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Larceny-Theft	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Intimidation	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Destruction, Damage, vandalism of property	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Total		0	0	0	0	0	0	0	0	0

Hate Crimes – Non-campus										
		Occurrences of Hate Crime (Category of Bias for Crimes)								
	Year	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Rape	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Fondling	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Incest	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Robbery	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Burglary	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Arson	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Simple Assault	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Larceny-Theft	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Intimidation	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Destruction, Damage, vandalism of property	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Total		0	0	0	0	0	0	0	0	0

Hate Crimes – Public Property										
		Occurrences of Hate Crime (Category of Bias for Crimes)								
	Year	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Rape	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Fondling	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Incest	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Robbery	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Burglary	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Arson	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Simple Assault	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Larceny-Theft	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Intimidation	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Destruction, Damage, vandalism of property	2024	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0
Total		0	0	0	0	0	0	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 2021, 2022, or 2023 calendar year.

Unfounded Crimes					
Category	**Year**	**On Campus**	**Non-campus**	**Public Property**	**Total**
Total	**2024**	**0**	**0**	**0**	**0**
	2023	**0**	**0**	**0**	**0**
	2022	**0**	**0**	**0**	**0**

All statistics in these tables were taken from SEARK Department of Public Safety records. Inquiries to the Pine Bluff Police Department, Jefferson County Sheriff's Office, and the Arkansas State Police revealed no reportable offense on record with these agencies within the SEARK Clery Geography.

Annual Fire Safety Report

As of 2024, SEARK College does not offer on-campus residential housing. There were no incidents of fire related damage reported on the campus. No fire alarm should be considered false.

Anyone inside a SEARK building during the activation of a fire alarm (active horns, bells, strobes) should immediately use the nearest exit from the building and move to the designated rally point for that building. The rally points are published on page 10, in the SEARK Emergency Response plan available at https://www.seark.edu/sites/default/files/DPS/Emergency_Response_Plan.pdf All fires should be reported to DPS by calling (870) 850-4911.

SEARK conducted an assessment of the campus fire detection system in 2023. As a result of that assessment the entire system including control panels, sensors, pull stations, sirens and strobes were replaced. The system was completed in mid-2024 with all new equipment.