

Phillips Community College of the University of Arkansas DeWitt, Helena and Stuttgart Campuses

2025 ANNUAL SECURITY REPORT (January 1-December 31, 2024)

Introduction

This report is provided in compliance with the Jeanne Clery Campus Safety Act. It provides students and employees of Phillips Community College of the University of Arkansas ("College" or "PCCUA") with information on: the College's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

Policy for Preparing the Annual Report

This report is prepared by the Vice Chancellor, College Advancement/Resource Development in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provide the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Rhonda St. Columbia, 1000 Campus Drive, Helena, AR 72342 870-338-6474, ext. 1130. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field and are constantly tested and re-evaluated for their effectiveness.

General Safety and Security Policies

Campus Security Personnel & Relationship with Local Law Enforcement

The PCCUA Campus Police, on the Helena Campus is responsible for campus safety for the Helena Campus students. The DeWitt and Stuttgart campuses are supported by the local police departments, who assist with monitoring and ensuring campus safety.

Members of the PCCUA Campus Police are commissioned law enforcement officers. They have the authority to make arrests and carry firearms. The department's jurisdiction covers the College's property in Helena and the neighborhoods surrounding the campus. Campus safety at the DeWitt and Stuttgart locations is supported through assistance from the local police force, who help monitor activity on and around campus.

While the College does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police.

Campus Security Authorities

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities, to whom the College would prefer that crimes be reported are listed below.

- Police Officer, Carle Nelson, 870-816-0377
- Police Officer, Sammie Henry, 870-816-0377
- Vice Chancellor, Rhonda St Columbia, 870-338-6474, ext. 1130
- Vice Chancellor, Dr. Kim Kirby, 870-673-4201, ext. 1825
- Associate Vice Chancellor, Lee Williams, 870-338-6474, ext. 1328

Reporting a Crime or Emergency

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged when the victim of a crime elects to, or is unable to, make such a report.

- All crimes occurring on or near Helena campus property should be reported immediately to the Campus Police Department. The number to contact is 870-816-0377 or 9999 using campus telephone. Crimes on the DeWitt and Stuttgart Campuses should be reported to local police by calling 911 and informing Vice Chancellor Kim Kirby, 870-673-4201, ext. 1825.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a college staff member will assist in making the report to police.
- Anonymous PCCUA incident reports can also be made by calling the Helena Campus Police, 870-816-0377 or 9999 using campus telephone. Inform Vice Chancellor Kim Kirby, 870-673-4201, ext. 1825.

Confidential Reporting

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the College's sexual misconduct policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system or the

criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the College without revealing the victim's identity. Such a confidential report complies with the victim's wishes but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

The College does not employ any pastoral or professional counselors and thus does not have procedures for these positions to inform the people they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Security of and Access to Campus Facilities

All academic buildings are secured during evenings and weekends, with access limited to faculty and staff. Students may only enter when accompanied by a faculty or staff member. In addition to securing facilities, Officers on the Helena Campus also perform vehicle patrols of parking lots and surrounding areas.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others.

- Students are expected to remain alert to their surroundings and immediately report any suspicious activity to Campus Police or an administrator.
- For safety reasons, exterior doors must remain closed and locked. Propping doors open or allowing unauthorized access is strictly prohibited.
- All members of the campus community share responsibility for maintaining a safe environment by complying with security procedures.

Keys to the offices, labs, and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employee and student identification cards may be used to verify the identity of people suspected of being in campus facilities without permission.

Security Considerations in the Maintenance of Facilities

On the Helena Campus, the Campus Police Department works with the Facilities Department to identify maintenance issues on campus that may be safety hazards. On all three campuses, the maintenance departments conduct safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

At the beginning of each academic term, the College provides students and employees with information on campus security procedures and practices. This information is communicated through posters, campus displays, articles posted on social media, and email notifications. Topics include the importance of reporting criminal activity, designated reporting channels, individual responsibility for personal and community safety, and the College's protocols for timely warnings and emergency notifications.

Crime prevention programs are also presented each semester by Student Services/Campus Life and the Office of Human Resources. In addition, email blasts are periodically sent out to students and employees with crime prevention and other safety tips, and pamphlets and videos on crime prevention are available in the Office of Student Services/Campus Life and Office of Human Resources.

Monitoring Off Campus Locations of Recognized Student Organizations

The College does not recognize, sponsor, or maintain off-campus facilities for student organizations. All recognized student organizations are required to operate solely on college premises

Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the College will 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 the College 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 treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

Drug and Alcohol Policy

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the College's activities, unless it is done so in accordance with applicable College policies, and it also enforces the state's underage drinking laws.

The College also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the College's activities.

Violators of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

Federal Drug Laws

Denial of Federal Benefits (21 U.S.C. § 862) A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. § 841) Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally defined schedules of controlled substances are published at 21 U.S.C. § 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "Rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university **(21 U.S.C. § 860)** face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Federal Drug Possession Penalties (21 U.S.C. § 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at <https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties>.

Drug and Alcohol State Laws

Category	Summary (Arkansas Statutes)
Possession of Marijuana	<p>Recreational use of marijuana and possession of marijuana is illegal in Arkansas. Ark. Code Ann. §§ 5-64-215(a)(1) (classifying marijuana as a Schedule VI substance), 5-64-419(b)(5) (outlining penalties for possession of a Schedule VI substance). The penalty for these offenses depends on the amount in possession. Possession of less than four ounces of marijuana is a Class A misdemeanor, carrying a penalty of up to \$2,500 in fines and imprisonment for up to one year. §§ 5-64-419(b)(5)(A), 5-4-401, 5-4-201. Penalties increase with additional amounts of marijuana. For instance, possession of four ounces or more but less than ten pounds is a Class D felony, which is punishable by a fine of up to \$10,000 and imprisonment for up to 6 years. <i>Id.</i> Additionally, the unlawful distribution of fourteen grams or less of a Schedule VI controlled substance, such as marijuana, is generally a Class A misdemeanor. § 5-64-438(b)(1)(A).</p> <p>Arkansas allows medical marijuana for qualifying medical conditions and has a regulated system of cannabis cultivation and distribution. Ark. Const. of 1878, amends. §§ 1-26 (2016). A qualifying patient with a registry identification card may legally possess not more than 2.5 ounces of usable marijuana. Ark. Const. of 1878, amend. § 3 (2016).</p>
Controlled Substances	<p>It is illegal to possess a controlled substance. <i>See generally</i> Ark. Code Ann. § 5-64-419. Penalties vary widely based on substance, amount, and criminal history. <i>Id.</i> For Schedule I and II controlled substances (such as methamphetamine, heroin, and cocaine), possession of the smallest listed amount (less than two grams) is a Class D felony. § 5-64-419(b)(1)–(2). Possession of less than two grams of a Schedule III controlled substance is generally a Class A misdemeanor, and possession of less than twenty-eight grams of a Schedule IV or V controlled substance is also generally a Class A misdemeanor. § 5-64-419(b)(3)–(4). Possession of fentanyl is a Class C felony. § 5-64-421(a)(2).</p> <p>It is illegal to deliver or distribute controlled substances. <i>See generally</i> Ark. Code Ann. §§ 5-64-420 to 5-64-440. Penalties vary based on the type of substance and increase for larger amounts distributed. <i>Id.</i> Delivery of methamphetamine, heroin, or cocaine (1) in the amount of less than two grams is a Class C felony (punishable by three to ten years imprisonment); (2) in the amount of more than two grams but less than ten grams is a Class B felony (punishable by five to twenty years imprisonment); and (3) in the amount of ten grams but less than two hundred grams is a Class Y felony (punishable by ten years to life imprisonment). §§ 5-64-422(b), 5-4-401(a)(1), 5-4-401(a)(3)–(4). Delivery of less than two grams of a Schedule I or Schedule II controlled substance that is not methamphetamine, fentanyl, heroin, or cocaine is a Class C felony, with increased penalties for larger amounts. § 5-64-426. Delivery of a Schedule III substance less than twenty-eight grams is a Class C felony. §§ 5-64-430(b), 5-4-401(a)(2). A person who delivers less than two hundred grams of a Schedule IV or Schedule V controlled substance is guilty of a Class D</p>

Category	Summary (Arkansas Statutes)
	<p>felony. § 5-64-434. Delivery of fentanyl is a Class Y felony. § 5-64-421(c)(2). Delivery to minors entails enhanced penalties. § 5-64-406.</p> <p>Arkansas also has enhanced penalties for certain controlled substance crimes (possession of a controlled substance in violation of Ark. Code Ann. § 5-64-419 punishable by a Class C felony or greater, and possession with the purpose to deliver, delivery, manufacture, or trafficking of a controlled substance in violation of §§ 5-64-420 to 5-64-440) that occur within one thousand feet of the real property of a city or state park, elementary or secondary school, college or university, church, or many other locations. § 5-64-411. Possession of drug paraphernalia is also illegal, and the penalties for a violation vary depending on the purpose of the paraphernalia and the substance it is used for. § 5-64-443.</p>
Alcohol and Minors	<p>It is illegal for any person under the age of 21 to purchase or to have in his/her possession any intoxicating liquor, wine, or beer. Ark. Code Ann. § 3-3-203. Violation by a person aged 18 or older results in a fine of \$100–\$500, surrender of the person’s driver’s license, and possible “writing of themes or essays on intoxicating liquors, wine, or beer” or placement on probation. § 3-3-203. It is unlawful for any person (except for the person's family or for use in any religious ceremony or rite in any established church or religion) to knowingly give, procure, or otherwise furnish any alcoholic beverage to any person under 21 years of age. § 3-3-202. A first offense constitutes a Class A misdemeanor. <i>Id.</i></p> <p>It is illegal to be under the influence of alcohol or a controlled substance to the extent that: the person is likely to endanger themselves or another person or property; or the person unreasonably annoys a person in his or her vicinity. Ark. Code Ann. § 5-71-212(a). This is known as public intoxication and is a Class C misdemeanor punishable by up to 30 days imprisonment and a fine of up to \$500. <i>Id.</i>; §§ 5-4-201, 5-4-401. If a person has been convicted of public intoxication two or more times within five years of the date of the current offense, they are guilty of an unclassified misdemeanor, punishable by up to 30 days imprisonment, a fine of up to \$500, probation not to exceed one year, and mandatory enrollment in an alcohol abuse or dependency treatment or counseling program. § 5-71-212(b). Drinking in public is also a Class C misdemeanor punishable by up to 30 days imprisonment and a fine of up to \$500. §§ 5-71-212(c)–(d); 5-4-201, 5-4-401.</p>
Driving Under the Influence (DUI)	<p>It is illegal to “operate or to be in actual physical control” of a motor vehicle while intoxicated (by alcohol or a controlled substance) or with a blood alcohol concentration of 0.08 or more. Ark. Code Ann. § 5-65-103. For a first offense, there is a minimum imprisonment of 24 consecutive hours up to one year with a fine of \$150–\$1,000, as well as a six-month license suspension and required alcohol education program. §§ 5-65-111, 5-65-112, 5-65-115. For a second offense within ten years of the first offense, there is a minimum imprisonment of 7 days up to one year, and if this second offense occurs within five years, there is a fine of \$400–\$3,000 as well as a 24-month license suspension. <i>Id.</i> Penalties increase for subsequent offenses. <i>Id.</i> Under certain circumstances, the court may order public service instead of some or all required imprisonment. § 5-65-111.</p>

Category	Summary (Arkansas Statutes)
	It is illegal for an underaged person to drive a motor vehicle while under the influence of alcohol or another intoxicant or with a blood alcohol concentration of 0.02 to 0.08. Ark. Code Ann. § 5-65-303. The penalty for a first offense is a fine of \$100 to \$500, potential public service work, and a 90-day driver's license suspension. §§ 5-65-304 - 5-65-306. It is also generally unlawful for a person to possess an open alcoholic beverage container within the driver or passenger area of a motor vehicle, although there are listed exceptions. § 5-71-218. A violation of this section is a Class C misdemeanor. <i>Id.</i>

Drug and Alcohol Abuse Prevention Program

The College has a drug and alcohol abuse and prevention program and conducts a review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy: Student Handbook; <https://www.pccua.edu/images/uploads/20241205/pccua-student-handbook-2024-2025-99783.pdf>
- Employee alcohol/drug policy: PCCUA Board Policy 262; PCCUA Administrative Procedure 262.01 [drug-free-workplace-policy-admin-procedure-092425-27791.pdf](https://www.pccua.edu/images/uploads/20250926/pccua-drug-free-workplace-policy-admin-procedure-092425-27791.pdf);
- Example of alcohol awareness of driving while intoxicated program: <https://www.pccua.edu/news/ctc-students-learn-about-dangers-of-driving-while-intoxicated/>
- Example of alcohol awareness, prom and graduation safety program: <https://www.pccua.edu/news/ctc-students-learn-prom-and-graduation-safety/>
- “Drugs and Alcohol at Work and Drug Free Workplace” and “Drug Free Workplace” training for employees is implemented through Workday Learning. Supervisors are also assigned “Recognizing Drug/Alcohol Abuse” training in Workday Learning.
- Biennial review of the College’s drug and alcohol abuse program: <https://www.pccua.edu/images/uploads/20250926/pccua-drug-free-schools-and-communities-act-biennial-review-2025-2026-98176.pdf>

Narcan Dispensers in Campus Drug Prevention

PCCUA has installed opioid overdose kits on all its campuses. These kits contain Naloxone (Narcan), an opioid overdose reversal medication, as well as a CPR face mask with a one-way filtered valve. Steps for administration are also included. Having Narcan available on campus does more than provide an emergency response, it also fosters awareness, education and a culture of care. <https://www.pccua.edu/narcan-dispensers/>

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

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- PCCUA Policy 275: <https://www.pccua.edu/policies/>
- PCCUA Administrative Procedure 275.01: <https://www.pccua.edu/title-ix/>

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

Primary Prevention and Awareness Program:

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

Crime Definitions

Crime Type (Arkansas Code)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Arkansas law does not define the term dating violence.
Domestic Violence	<p>The institution has determined, based on good-faith research, that Arkansas law does not define the term domestic violence (aside from as set forth below).</p> <p>However, Arkansas does have various degrees of “domestic battering” that are defined in a manner that could be classified as “dating violence” and “domestic violence.” These domestic battering crimes are found at Ark. Code § 5-26-303 to 305 and generally involve a perpetrator causing some degree of physical injury to a family or household member. In this regard, Ark. Code § 5-26-302 uses the following definitions:</p> <ul style="list-style-type: none"> • “Dating relationship” means a romantic or intimate social relationship between two (2) individuals that is determined by examining the following factors: (i) The length of the relationship; (ii) The type of the relationship; and (iii) The frequency of interaction between the two (2) individuals involved in the relationship. “Dating relationship” does not include a casual relationship or ordinary fraternization between two (2) individuals in a business or social context. • “Family or household member” means: (A) A spouse; (B) A former spouse; (C) A parent; (D) A child, including any minor residing in the household; (E) Persons related by blood within the fourth degree of consanguinity....; (F) Persons who presently or in the past have resided or cohabited together; (G) Persons who have or have had a child in common; or (H) Persons who are presently or in the past have been in a dating relationship together. <p>A person commits domestic battering in the first degree (Ark. Code § 5-26-303) if:</p>

Crime Type (Arkansas Code)	Definitions
	<ol style="list-style-type: none"> 1. With the purpose of causing serious physical injury to a family or household member, the person causes serious physical injury to a family or household member by means of a deadly weapon; 2. With the purpose of seriously and permanently disfiguring a family or household member or of destroying, amputating, or permanently disabling a member or organ of a family or household member's body, the person causes such an injury to a family or household member; 3. The person causes serious physical injury to a family or household member under circumstances manifesting extreme indifference to the value of human life; 4. The person knowingly causes serious physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger; 5. The person: <ol style="list-style-type: none"> A. Commits any act of domestic battering as defined in § 5-26-304 or § 5-26-305; and B. For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member or aggravated assault on a family or household member, as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction; 6. With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a firearm; or 7. The person knowingly causes serious physical injury to a family or household member who is four (4) years of age or younger under circumstances manifesting extreme indifference to the value of human life. <p>“Aggravated assault on a family member or household member,” as defined in § 5-26-306, means: A person commits aggravated assault on a family or household member if, under circumstances manifesting extreme indifference to the value of human life, the person purposely: (1) engages in conduct that creates a substantial danger of death or serious physical injury to a family or household member; (2) displays a firearm in a manner that creates a substantial danger of death or serious physical injury to a family or household member; or (3) impedes or prevents the respiration of a family or household member or the circulation of a family or household member’s blood by applying pressure on the chest throat, or neck or by blocking the nose or mouth of the family or household member.</p> <p>A person commits domestic battering in the second degree (Ark. Code § 5-26-304) if:</p> <ol style="list-style-type: none"> 1. With the purpose of causing physical injury to a family or household member, the person causes serious physical injury to a family or household member;

Crime Type (Arkansas Code)	Definitions
	<ol style="list-style-type: none"> 2. With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a deadly weapon; 3. The person recklessly causes serious physical injury to a family or household member: <ol style="list-style-type: none"> A. By means of a deadly weapon; or B. Who is four (4) years of age or younger; or 4. The person knowingly causes physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger. <p>A person commits domestic battering in the third degree (Ark. Code § 5-26-305) if:</p> <ol style="list-style-type: none"> 1. With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member. 2. The person recklessly causes physical injury to a family or household member. 3. The person negligently causes physical injury to a family or household member by means of a deadly weapon; or 4. The person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to a family or household member by administering to the family or household member, without the family or household member's consent, any drug or other substance. <p>Additionally, Arkansas' Domestic Violence Shelter Act (Ark. Code §9-6-112) defines "domestic violence" as: (A) Physical harm, bodily harm causing injury, or an assault against a person caused by: (i) A family or household member; or (ii) Another person with whom a person is in a dating relationship; (B) Mental or emotional harm to a person caused by: (i) A family or household member; or (ii) Another person with whom a person is in a dating relationship; or (C) Sexual abuse against a person by another person.</p>
Stalking	<p>Under Arkansas law, there are various degrees of stalking found at Ark. Code § 5-71-229. A person commits stalking in the third degree if he or she knowingly commits an act that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety. A person commits stalking in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of: (A) Placing that person in imminent fear of death or serious bodily injury; (B) Placing that person in imminent fear of the death or serious bodily injury of his or her family or household member; (C) Placing that person in imminent fear of unwanted sexual intercourse, a deviate sexual activity, or other sexual contact; or (D) Placing that person in imminent fear of unwanted sexual intercourse, a deviate sexual activity, or other sexual contact against his or her family or household member. As used in this statute, the following definitions apply:</p>

Crime Type (Arkansas Code)	Definitions
	<ul style="list-style-type: none"> • (1)(A) “Course of conduct” means a pattern of conduct composed of two (2) or more acts, separated by at least thirty-six (36) hours, but occurring within one (1) year, including without limitation an act in which the actor directly, indirectly, or through a third party by any action, method, device, or means follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person or interferes with a person's property. (B) “Course of conduct” includes without limitation sending mail or electronic communication to a person via electronic mail, text messages, or any other type of electronic message sent using the internet, websites, or social media platforms. (C)(i) “Course of conduct” does not include constitutionally protected activity. (ii) If the defendant claims that he or she was engaged in a constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence. • “Emotional distress” means significant mental suffering or distress. “Emotional distress” does not require that the victim sought or received medical or other professional treatment or counseling.
Sexual Assault	<ul style="list-style-type: none"> • Sexual assault in the first degree (Ark. Code § 5-14-124): A person commits sexual assault in the first degree if the person engages in sexual intercourse or deviate sexual activity with a minor who is not the actor's spouse and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity. • Sexual assault in the second degree (Ark. Code § 5-14-125): A person commits sexual assault in the second degree if the person: <ul style="list-style-type: none"> ◦ Engages in sexual contact with another person by forcible compulsion. ◦ Engages in sexual contact with another person who is incapable of consent because he or she is: (A) Physically helpless; (B) Mentally defective; or (C) Mentally incapacitated. ◦ Being eighteen (18) years of age or older, engages in sexual contact with another person who is less than fourteen (14) years of age. ◦ Engages in sexual contact with a minor and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) and is in a position of trust or authority over the minor. • Sexual assault in the third degree (Ark. Code § 5-14-126): A person commits sexual assault in the third degree if the person engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or

Crime Type (Arkansas Code)	Definitions
	<p>deviate sexual activity; or being a minor, engages in sexual intercourse or deviate sexual activity with another person who is less than fourteen (14) years of age.</p> <ul style="list-style-type: none"> Sexual assault in the fourth degree (Ark. Code § 5-14-127): A person commits sexual assault in the fourth degree if the person, being twenty (20) years of age or older: (A) Engages in sexual intercourse or deviate sexual activity with another person who is: (i) Less than sixteen (16) years of age; and (ii) Not the person's spouse; or (B) Engages in sexual contact with another person who is: (i) Less than sixteen (16) years of age; and (ii) Not the person's spouse.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Arkansas law are as follows:</p> <ul style="list-style-type: none"> Rape (Ark. Code § 5-14-103): A person commits rape if he or she engages in sexual intercourse or deviate sexual activity with another person: <ul style="list-style-type: none"> By forcible compulsion. Who is incapable of consent because he or she is: (A) Physically helpless; (B) Mentally defective; or (C) Mentally incapacitated. Who is less than fourteen (14) years of age. Who is a minor and the actor is the victim's: (i) Guardian; (ii) Uncle, aunt, grandparent, step-grandparent, or grandparent by adoption; (iii) Brother or sister of the whole or half blood or by adoption; or (iv) Nephew, niece, or first cousin. Capital rape (Ark. Code § 5–14–114): A person commits capital rape if: <ol style="list-style-type: none"> He or she engages in sexual intercourse or deviate sexual activity with another person who is thirteen (13) years of age or younger and causes or threatens to cause serious physical injury to that person; Acting alone or with one (1) or more other persons: <ol style="list-style-type: none"> The person commits or attempts to commit: The person commits or attempts to commit: (i) Terrorism, § 5–54–205; (ii) Kidnapping, § 5–11–102; (iii) Vehicular piracy, § 5–11–105; (iv) Robbery, § 5–12–102; (v) Aggravated robbery, § 5–12–103; (vi) Residential burglary, § 5–39–201(a); (vii) Commercial burglary, § 5–39–201(b); (viii) Aggravated residential burglary, § 5–39–204; (ix) A felony violation of the Uniform Controlled Substances Act, §§ 5–64–101 — 5–64–508, involving an actual delivery of a controlled substance; (x) First degree escape, § 5–54–110; (xi) Trafficking of persons, § 5–18–103; (xii) Engaging children in sexually explicit conduct for use in visual or print medium, § 5–27–303; or (xiii)

Crime Type (Arkansas Code)	Definitions
	<p>Transportation of minors for prohibited sexual conduct, § 5–27–305; and</p> <p>B. During the course of or in furtherance of the offense under subdivision (a)(2)(A) of this section, the person engages in sexual intercourse or deviate sexual activity with another person who is thirteen (13) years of age or younger;</p> <p>C. While using or threatening to use a deadly weapon, he or she engages in sexual intercourse or deviate sexual activity with another person who is thirteen (13) years of age or younger; or</p> <p>D. He or she engages in sexual intercourse or deviate sexual activity with another person who is thirteen (13) years of age or younger after previously having been convicted of rape under § 5–14–103(a)(3) or capital rape under this section.</p> <ul style="list-style-type: none"> • Fondling: The institution has determined, based on good-faith research, that Arkansas law does not define the term fondling. • Incest (Ark. Code § 5-26-202): A person commits incest if the person, being sixteen (16) years of age or older, purports to marry, has sexual intercourse with, or engages in deviate sexual activity with another person sixteen (16) years of age or older whom the actor knows to be: (1) An ancestor or a descendant; (2) A stepchild or adopted child; (3) A brother or sister of the whole or half blood; (4) An uncle, aunt, nephew, or niece; or (5) A step grandchild or adopted grandchild. • Statutory Rape: The institution has determined, based on good-faith research, that Arkansas law does not define the term statutory rape. However, Arkansas prosecutes sexual assault in the fourth degree in instances where an individual being 20 years of age or older engages in sexual contact, sexual intercourse, or deviate sexual activity with another person who is less than 16 years of age and not the person’s spouse (Ark. Code § 5-14-127).
Other “sexual assault” crimes	<p>Other crimes under Arkansas law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> • Sexual indecency with a child (Ark. Code § 5-14-110): A person commits sexual indecency with a child if: <ul style="list-style-type: none"> ○ Being eighteen (18) years of age or older, the person solicits another person who is less than fifteen (15) years of age or who is represented to be less than fifteen (15) years of age to engage in: (A) Sexual intercourse; (B) Deviate sexual activity; or (C) Sexual contact; ○ With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of another person, the person purposely exposes his or her sex organs to another person who is less than fifteen (15) years of age. ○ Being eighteen (18) years of age or older, the person causes or coerces another person who is less than fourteen (14)

Crime Type (Arkansas Code)	Definitions
	<p>years of age to expose his or her sex organs or the breast of a female with the purpose to arouse or gratify a sexual desire of the actor or another person; or</p> <ul style="list-style-type: none"> ○ Being eighteen (18) years of age or older, the person, for the purpose of arousing or gratifying a sexual desire of himself or herself or any other person, enters or remains in a public changing facility that is assigned to persons of the opposite sex while knowing a minor of the opposite sex is present in the public changing facility. This section does not apply to a person entering into or remaining in a public changing facility: (i) with a minor under seven (7) years of age if the person is a minor's parent, guardian, or family member, or is otherwise authorized to care for the minor; (ii) for maintenance or inspection purposes if the person is authorized to conduct maintenance or inspection of the public changing facility; (iii) to render medical assistance; (iv) to accompany a person needing assistance when the actor is the parent, guardian, or family member, or is otherwise authorized to care for the person needing assistance; (v) to provide assistance in using the public changing facility; (vi) if the public changing facility has been temporarily designated for use by persons of the same sex as the person entering into or remaining in the public changing facility; or (vii) who is a certified law enforcement or corrections officer accompanying a person of the opposite sex in his or her custody. <p>As used in this section, (1) "Sex" means a person's immutable biological sex as objectively determined by anatomy and genetics existing at the time of birth.</p>
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Arkansas law does not define the term consent (as it relates to sexual activity).

College Definition of Consent

The College uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

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 or actions, if those words or 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 so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. Incapacitation can be due to alcohol or drugs or being asleep or unconscious. This policy also covers incapacity due to mental disability, involuntary physical restraint, or from the taking of 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 (1) the individual knew the other person was incapacitated, or (2) 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 victim. Whether an individual has taken advantage of a position of influence over an alleged victim 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 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 actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated § 5-14-125, 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.

Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible for your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you, their intentions.

- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep safe.
- If things get out of hand, don’t hesitate to contact the police.

Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

Ongoing Prevention and Awareness Campaign:

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

PPAP and OPAC Programming Methods:

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and as appropriate, targeting specific audiences throughout the College.

Information is disseminated via the following programs, including Orientation, the Community Resource Fair, the First-Year Mixer, Fall Fest, the Rowdy Return Event, and at any program that is relative to the topic of awareness and prevention of dating violence, domestic violence, sexual assault, and stalking.

Additionally, the areas of crime prevention, drug/alcohol prevention, and Title IX issues are addressed in official documents including the student handbook, the student Residential Life and Housing Lease Agreement, the Student Advocacy site and Code of Conduct. Specific programming will take place in the upcoming Academic year.

The Human Resources department requires employees to complete training in the areas of “Active Shooter: Run, Hide, Fight”, “Discrimination and Harassment”, “Child Abuse: Mandatory Reporting”, “Duty to Prevent Violence”, “Drugs and Alcohol at Work” “Drug Free Workplace” and “Protecting Youth: Abuse and Neglect Prevention”.

Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Helena Campus Police Department at 870-816-0377. Report all complaints about sex discrimination (including sexual harassment) to:

Title IX Coordinator: Dr. Kimberley Johnson, PCCUA – Helena Campus 1000 Campus Drive Helena, Arkansas, 870-338-6474, Ext. 1235 kjohnson@pccua.edu

Title IX Deputy Coordinator: Rhonda St. Columbia, PCCUA- Helena Campus 1000 Campus Drive Helena, Arkansas 870-338-6474, Ext. 1130. rhonda@pccua.edu

Title IX Deputy Coordinator: Dr. Kim Kirby, PCCUA - Arkansas County 2807 Hwy. 165 S., Box A Stuttgart, Arkansas, 870-673-4201, Ext. 1825, kkirby@pccua.edu

In addition, the U.S. Department of Education, Office of Civil Rights, may be contacted by phone at 800-421-3481 or by email at ocr@ed.gov.

FILING REPORT WITH LOCAL LAW ENFORCEMENT In some instances, sexual harassment may constitute both a violation of this policy and criminal activity. The College grievance process is not a substitute for instituting legal action. The 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:

- DeWitt Police Department 120 Court Square DeWitt, AR 72042, 870-946-2122
- Helena-West Helena Police Department 1804 MLK Helena-West Helena, AR 72390, 870-572-3441
- Stuttgart Police Department 514 South Main Street Stuttgart, AR 72160, 870-673-1414

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at:

DeWitt Hospital-1641 South Whitehead Dr., DeWitt Arkansas, 870-946-3574

Helena Hospital, 1 MLK Drive, Helena, Arkansas, 870-338-5800

Baptist Health Medical Center, 1703 Buerkle St., Stuttgart, Arkansas 870-673-3511

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

Security/Law Enforcement & How to Make a Police Report

Helena Campus Police-Dial 9999 on any Helena campus phone or call 870-816-0377.

DeWitt Police Department 120 Court Square DeWitt, AR 72042, 870-946-2122

Helena-West Helena Police Department 1804 MLK Helena-West Helena, AR 72390, 870-572-3441

Stuttgart Police Department 514 South Main Street Stuttgart, AR 72160, 870-673-1414

To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

Information about Legal Protection Orders

In Arkansas, victims of domestic abuse and related offenses are afforded specific rights, and institutions have defined responsibilities concerning Orders of Protection, No-Contact Orders, Restraining Orders, and similar legal instruments.

Victims' Rights

1. **Access to Protective Orders:** Victims can petition for an Order of Protection in civil court without any filing fees. These orders can be temporary (ex-parte) or final, lasting from 90 days up to 10 years, depending on the court's findings. WomensLaw.org
2. **Comprehensive Protections:** Orders can prohibit the abuser from contacting the victim, require them to stay away from specific locations, and may include provisions for temporary custody, child support, and exclusive use of shared residences. [arkansasjustice.org+3Little Rock+3Arkansas Judiciary+3](http://arkansasjustice.org+3Little+Rock+3Arkansas+Judiciary+3)
3. **Notification Rights:** Victims have the right to be informed about court proceedings, the status of the offender (e.g., release, escape), and any changes in the case. [Arkansas Department of Public Safety](http://Arkansas+Department+of+Public+Safety)
4. **Participation in Legal Processes:** Victims can attend court proceedings, make impact statements, and have a support person present during trials. [Arkansas Department of Public Safety](http://Arkansas+Department+of+Public+Safety)
5. **Confidentiality:** Victims' addresses and contact information are protected and not subject to public disclosure, ensuring their privacy and safety.

Types of Protective Orders

Order of Protection. A civil order initiated by the victim to prevent contact or abuse by the respondent.

No-Contact Order. Typically issued in criminal cases as a condition of the defendant's release, prohibiting contact with the victim.

Restraining Order. Often used in civil matters like divorce, preventing one party from specific actions, such as disposing of property or harassment.

If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

Institutional Responsibilities

The College will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the College will take all reasonable and legal action to implement the order.

The College does not issue legal orders of protection. However, as a matter of institutional policy, the College may impose a no-contact order between individuals in appropriate circumstances. The College may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of

the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

Available Victim Services:

Victims will be provided with written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

College Resources

Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College's financial aid website can be found at: <https://www.pccua.edu/financial-aid/>

State/Local Resources

- Area hospitals:
 - DeWitt Hospital-1641 South Whitehead Dr., DeWitt Arkansas, 870-946-3574
 - Helena Hospital, 1 MLK Drive, Helena, Arkansas, 870-338-5800
 - Baptist Health Medical Center, 1703 Buerkle St., Stuttgart, Arkansas 870-673-3511
- Mental health services: www.mentalhealthclinics.org
- Victim advocacy and support organizations:
 - Arkansas County-<https://www.hhscenter.org/victims-services-program>
 - Contact the Arkansas Department of Human Services:
<https://humanservices.arkansas.gov/>
 - Call the Arkansas Coalition Against Domestic Violence at 1-800-332-4443
- Arkansas Legal Aid: <https://arlegalaids.org/>

National Resources

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

Accommodation and Protective Measures:

The College will provide written notification to victims about options for, and available assistance in changing academic, living, transportation, and working situations or protective

measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodation or protective measures should be made to the Title IX Coordinator at 870-338-6474, ext. 1235 and the Title IX Coordinator is responsible for deciding what, if any, accommodation or protective measures will be implemented.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodation or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party to implement the accommodation or protective measures. Such decisions will be made by the College considering the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

Procedures for Disciplinary Action:

Allegations of domestic violence, dating violence, sexual assault, or stalking will be processed through the College's Title IX Policy. Disciplinary procedures can be found in the PCCUA Policy Manual and the PCCUA Student Handbook.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

Title IX Coordinator, Dr. Kimberley Johnson, PCCUA-Helena Campus, 1000 Campus Drive, Helena, AR 72342, 870-338-6474, Ext. 1235 KJohnson@pccua.edu

Title IX Deputy Coordinator, Rhonda St. Columbia, PCCUA - Helena Campus, 1000 Campus Drive, Helena, AR 7242, 870-338-6474, Ext. 1130, rhonda@pccua.edu

Title IX Deputy Coordinator, Dr. Kim Kirby, PCCUA - Arkansas County, 2807 Hwy. 165 S., Stuttgart, AR 72160. 870-673-4201, Ext. 1825; kkirby@pccua.edu.

Any person may report sex discrimination, including sexual harassment (whether or not the person is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed above, or by any other means that results in the Title IX

Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Title IV Reports may be made **in-person or via e-mail**. An electronic form available at <https://www.pccua.edu/title-ix/>

NOTICE OF NONDISCRIMINATION UNDER TITLE IX

PCCUA prohibits sex discrimination in all education programs, activities, admissions, and employment in accordance with Title IX and its implementing regulations. Questions or concerns may be directed to the College's Title IX Coordinator or the U.S. Department of Education Office for Civil Rights.

JURISDICTION AND SCOPE

Sexual harassment as defined in this policy (including sexual assault) is a form of sex discrimination and is prohibited. Title IX requires the College to promptly and reasonably respond to sexual harassment in the College's education programs and activities, provided that the harassment was perpetrated against a person in the United States. At the time a formal complaint is filed, the complainant must be participating in (or attempting to participate in) an education program or activity of the College. 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.

This policy applies to allegations and complaints of sexual harassment as defined herein. All other complaints of discrimination or misconduct that do not fall within the jurisdiction of Title IX may be made through other campus procedures.

<https://www.pccua.edu/images/uploads/20231120/non-discrimination-policy-200-and-200-51425.pdf>

This policy shall not be construed or applied to restrict academic freedom at the College. Further, it shall not be construed to restrict any rights protected under the First Amendment, the Due Process Clause, or any other constitutional provisions. This policy also does not limit an employee's rights under Title VII of the Civil Rights Act.

AMNESTY

The College encourages reporting of incidents of prohibited conduct and seeks to remove any barriers to reporting. The College recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for their own conduct. Individuals who report prohibited conduct or participate as witnesses will not be subject to disciplinary sanctions for personal consumption of alcohol and/or other substances.

The College may initiate an educational discussion with individuals about their alcohol and/or drug use or may direct these individuals to services such as counseling for alcohol and/or drug use. 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 REPORT WITH LOCAL LAW ENFORCEMENT

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

DeWitt Police Department: 120 Court Square, DeWitt, Arkansas, 870-946-2122

Helena-West Helena Police Department: Phillips County Justice Complex, 1804 MLK, Helena-West Helena, Arkansas, 870-572-3441

Stuttgart Police Department: 514 South Main Street, Stuttgart, Arkansas, 870-673-1414

PRESERVING EVIDENCE

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

EMPLOYEES' DUTY TO REPORT TO TITLE IX COORDINATOR

In order to enable the College to respond effectively and to proactively stop instances of sexual harassment, employees must, within 24 hours of receiving information regarding a potential violation of this policy, report information 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. There are two categories of employees who are exempt from this requirement: (1) licensed health-care professionals and other employees who are statutorily prohibited from reporting such information and (2) people designated by the campus as victim advocates.

OFF-CAMPUS CONDUCT

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

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 procedures as confidential. The College will keep confidential the identity of any individual who has made a report or 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 perpetrator of sex

discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 CFR Part 99, or as required by law, or to carry out the purposes of 34 CFR Part 106, including the conduct of any investigation, hearing, or judicial proceedings arising thereunder.

AVAILABILITY OF COUNSELING AND ADVOCACY

Students and employees are encouraged to utilize counseling and other mental health services for victims of sexual assault in the community. Community mental health agencies, counselors, and psychotherapists in private practice in the area can provide individual and group therapy. Employees of the College may be able to seek additional help through the Employee Assistance Program. Domestic Violence and Rape Crisis Programs may assist with making referrals for individual counseling and support groups and in identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

EDUCATION AND AWARENESS PROGRAMS

The College's Title IX Coordinator is responsible for planning and coordinating campus education and awareness programs about all forms of sexual harassment. Programs are presented regularly throughout the academic year during orientation, in academic classes, for student organizations, employee training and professional development, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week.

GRIEVANCE PROCEDURE

These procedures apply to all grievances regarding conduct that may constitute sexual harassment as defined in this policy (including sexual assault) and that falls within 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, the Title IX Coordinator may also submit a formal complaint under the circumstances described below. The College will respond promptly to all formal complaints of sexual harassment.

BASIC REQUIREMENTS

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

- All relevant evidence, including both inculpatory and exculpatory evidence, 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 or panel members, decision-makers on appeal, persons involved with the informal resolution, and any other persons that play a significant role in the Title IX grievance process shall not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.
- The respondent is presumed to not be 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 set forth in more detail in the procedures below.
- The grievance process may be temporarily delayed, and limited extensions of time frames may be granted, for good cause. In such instances, written notice to the complainant and the respondent of the delay or extension and the reasons for the action will be provided. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurring law enforcement activity; or the need for language assistance or accommodations of disabilities.
- 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 gathering and present relevant evidence.
- A party whose participation in a hearing, investigative interview, or other meeting shall be provided with a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- The College shall maintain an administrative file that includes without limitation all documents and evidence in the institution's possession or control that is relevant to an alleged violation and the College's investigation. The parties shall have reasonable continuing access to the administrative file and may ask the Title IX Coordinator to schedule a reasonable time to inspect it. The administrative file shall not include privileged documents, internal communications, or communications from nonparties that the institution does not intend to introduce as evidence at a disciplinary proceeding. The administrative file shall include, without limitation
 - Exculpatory evidence.
 - Statements by an accuser or an accused student or a student organization.
 - Third-party witness statements.
 - Written communications.
 - Social media posts.
 - Demonstrative evidence.
 - Documents submitted by any participant involved in disciplinary procedures; and The College's choice of a video recording, audio recording, or a transcript of any disciplinary action is ultimately held on the matter.

INITIAL REPORT/INTAKE PROCESS

Initial Meeting with Complainant: 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 meeting to, as applicable:

- Provide a copy of this policy and a copy of the Arkansas Student Due Process and Protection Act, codified at Ark. Code Ann. § 6-60-1401 et seq.

- Explain the process for filing a formal complaint and provide a copy of the Sexual Harassment Complaint Form on which the complainant may, if he or she agrees to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation of policy
- 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 (and/or his or her 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

Form and Filing of Complaint: 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 utilize the form provided or may submit the complainant's own document that contains the complainant's signature (either physical or digital) and is filed with the College's Title IX Office by U.S. mail, in person, through the Title IX portal provided for this purpose, or by email. The formal complaint should set forth the allegations and request that the Title IX Office investigate the matter.

Filing by Title IX Coordinator: 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 particular circumstances require the College to formally respond to and address the allegations. Circumstances to be considered include, among others, a pattern of alleged misconduct by a respondent and 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. Where 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.

Consolidation of Formal Complaints: 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.

Dismissal of Complaint Prior to Resolution: A formal complaint must be dismissed by the Title IX Coordinator if the alleged conduct (1) does not constitute sexual harassment, as defined in this policy, even if proved; (2) did not occur in the College's education program or

activity; or (3) did not occur against a person in the United States. In addition, a complaint may be dismissed if, at any time during the investigation or hearing, a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the formal complaint or any allegations therein.

Upon dismissal of a formal complaint, for any reason, the Title IX Coordinator will send simultaneous, written notice of and 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.

Notice of Formal Complaint: 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). If, during 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 will provide notice of the additional allegations to the parties whose identities are known. The initial notice 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

Initial Meeting with Respondent: 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 above. 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 procedure and a copy of the Arkansas Student Due Process and Protection Act, codified at Ark. Code Ann. § 6-60-1401 et seq. (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
- At least 24 hours before a student may be questioned regarding the events giving rise to the complaint, the student must be notified of the student's rights under the Arkansas Student Due Process and Protection Act.

Right to Advisor: The College shall advise the parties that they may seek representation by an attorney. Additionally, both parties will be advised that they may be accompanied by one advisor/support person to assist them throughout the Title IX process (including any appeals), which can be (but is not required to be) an attorney. The advisor may discreetly advise the interviewee but may not interfere with the information-gathering process. It is the party's responsibility to obtain the services of an advisor, except that the College will make an advisor available to the parties during the hearing to determine responsibility upon request. A party who wants the College to provide an advisor for the determination hearing should make a request within 15 days after the party's filing or receipt of the formal complaint. The advisor's role at the hearing is further explained below.

Emergency Removal: The College may remove an accused student from the College's programs or activities on an emergency basis if the College:

- Undertake an individualized safety and risk analysis;
- Determines that an immediate threat or the threat of safety of a student or another individual arising from the allegations of misconduct justify removal of the accused student; and
- Provides the accused student with notice and an opportunity to challenge the decision immediately following his or her removal.
- An institution that removes an accused student on an emergency basis shall:
 - Within 24 hours of an institution removing an accused student on an emergency basis, provide written notice to the accused student that explains the institution's reasons for removing the accused student on an emergency basis;
 - Within three (3) business days of the written notice, unless otherwise waived by the removed student, convene an interim hearing to determine whether there is substantial evidence that the removed accused student poses a risk to the health or safety of any student or other individual and that the emergency removal of the accused student is appropriate to mitigate that risk.
- At the interim hearing, the removed accused student and the accusing student may be represented by an attorney or non-attorney advocate who may fully participate to the same extent as in a final hearing to determine responsibility.
 - An accused student's waiver of his or her right to be represented by an attorney or a non-attorney advocate shall not constitute an admission of guilt or a waiver of additional rights.

Administrative Leave: 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: 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.

Informal Resolution: 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 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.

Assignment of Investigator: 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.

Conflicts of Interest and Bias: 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 or bias exists.

Overview of Investigation: 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

Inspection and Access to Evidence: 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 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, if any, any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including 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 calendar 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.

Investigative Report: 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 ten (10) calendar days prior to the determination hearing. The parties may provide a written response to the investigative report within five (5) calendar 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 panel chairperson, or Title IX

Coordinator of the date, time and location of the hearing, as set forth in the notice provisions below.

The Hearing Panel: Within three (3) days of the release of the investigative report to the parties, the Chancellor will appoint (1) a three-member Hearing Panel, which shall be composed of 3 faculty and/or staff members. One panel member would be from the campus involved and the other two panel members from the partnering PCCUA campuses. The Chancellor or his designee will select one member of the Hearing Panel to act as the Chair. The Title IX Coordinator will provide a copy of the formal complaint and the investigative report, along with the parties' written responses to the investigative report, to each member of the Hearing Panel.

Promptly after the appointment of the members of the Hearing Panel, the Title IX Coordinator will provide concurrent written notice to the complainant and the respondent, setting forth the names of the individuals selected to serve as a member of the Hearing Panel. The parties may challenge the participation of any decision-maker based on bias or a conflict of interest by submitting a written objection to the Chancellor or his designee within three (3) calendar days of receipt of the notice. Any objection must state the specific reason(s) for the objection. The Chancellor will evaluate the objection and determine whether to alter the composition of the Hearing Panel. Failure to submit a timely and proper objection will constitute a waiver of the objection. Any changes to the hearing panel will be provided in writing to both parties prior to the date of the hearing.

Submission of Witnesses Lists: Within five (5) calendar days of receipt of the notice of the hearing panel, both parties may provide to the Chair of the hearing panel 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 panel reserves the right to call relevant witnesses who may not have been included on a party's witness list.

Notice of the Hearing: Not less than five (5) days but not more than ten (10) days after delivery of the notice of the initial composition of the hearing panel, or Chair of the hearing panel will provide a separate notice to the complainant, respondent, and any other witnesses whose testimony the hearing panel 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 panel shall provide, in its notice to the parties, the names of the witnesses that the

hearing panel plans to call. The hearing shall be conducted promptly but no sooner than ten (10) calendar days after release of the investigative report.

Failure to Appear: 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 above, then absent extenuating circumstances, the hearing panel will proceed to determine the resolution

of the complaint. As explained below, if a party fails to appear, it is unlikely that the panel will consider the non-appearing party's version of events based on another source, such as the formal complaint or a prior statement.

Option for Virtual or Separate Presence: 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 panel 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 witness answering questions. Instructions will be provided for accessibility prior to the hearing date.

Recordings: 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.

Advisor's Role at Hearing: The complainant and respondent may be accompanied by an advisor during the hearing to determine responsibility. A party must identify his or her advisor (if any) at least 5 days prior to the hearing. The advisor's role at the hearing shall consist of (1) providing private advice to the party he/she is supporting and (2) 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. A party who wants an advisor to be provided by the College should notify the Title IX Coordinator at least 15 days after the filing or receipt of the formal complaint.

Evidentiary Matters and Procedure: 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 panel will conduct the initial questioning of witnesses prior to the questioning by an advisor. The Hearing Chair of the Hearing Panel (in

consultation with other panelists) 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 Panel may, in its discretion, choose to call the Investigator for the purpose of providing an overview of the investigation and findings.

Witness Examinations by the Parties: 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 panel. 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 Chair of the hearing panel and ask that the questions be posed to the opposing party or witness.

The decision-maker(s) cannot draw an inference about responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. In a circumstance where a party or witness does not participate in a hearing, the panel should weigh the facts and circumstances in determining whether to consider, and what weight to assign, any statements furnished outside the hearing process.

The Hearing Officer or Chair of the Hearing Panel 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 or Panel Chair will provide an explanation of why the question was deemed irrelevant and excluded. The Hearing Officer or Panel Chair may disallow the attendance of any advisor if, in the discretion of the Hearing Officer or Panel Chair, 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 the College's Office of General Counsel on questions of law, policy, and procedure at any time during the process.

Prior Sexual Conduct: 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.

Confidentiality and Disclosure. 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.

Decision of the Hearing Officer or Panel and Standard of Evidence: Following the conclusion of the hearing, the Hearing Panel will confer and determine whether the evidence establishes that it is more likely than not that the respondent committed a violation of this policy. In other words, the standard of proof will be the preponderance of the evidence. This standard applies to complaints against both students and employees. In reaching the

determination, the Hearing Panel will objectively and thoroughly evaluate all relevant evidence, both inculpatory and exculpatory, and reach an independent decision, without deference to the investigative report. If a Hearing Panel is utilized, the determination of responsibility shall be made by majority vote.

Written Determination of Responsibility: As soon as practicable following the hearing (and ordinarily within ten (10) days thereafter), the Hearing Panel Chair shall complete a report of the decision-maker's findings. The Hearing Panel Chair 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
- A description of the procedural steps taken from the receipt of the formal complaint through 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 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 respondents
- 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 the policy.

Sanctions: If the Hearing Panel determines that more likely than not the respondent committed a violation of this policy, then the Hearing Panel will determine sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both. The range of potential sanctions is set forth in the definitions section of this policy.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this policy. However, if it is deemed necessary to protect the welfare of the victim or the College community, the Hearing Panel may recommend to the decision-maker on appeal that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

Remedies: Where a determination is made that the respondent was responsible for sexual harassment, the Hearing Panel 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 non-punitive and need not avoid burdening the respondent.

No Retaliation: The Title IX Coordinator will take steps to prevent any harassment 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

Procedure for Appeals: Both the complainant and the respondent may appeal from (1) the Title IX Coordinator's dismissal of a formal complaint or any allegations therein or (2) the hearing panel's determination. The appeal should be submitted in writing to the Title IX Coordinator within seven (7) days of receipt of the hearing panel's decision. The Title IX Coordinator will forward the appeal to the Chancellor. The appeal will be decided based on the written record and without reference to the decision of the hearing panel.

If the respondent is an employee, the Chancellor or designee will decide the appeal. If the respondent is a student, the appeal will be decided by the Chancellor or, in the alternative, the Chancellor will designate an Appeal Panel comprised of three faculty and/or staff members. One panel member would be from the campus involved and the other two panel members from the partnering PCCUA campuses.

If an Appeal Panel is utilized, the Chancellor 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 Chancellor or designee (in other cases) shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal described below.

The party appealing may use the Appeal Form, or the party may submit his/her own written and signed document. Acceptable means of notification include email, facsimile, hand-delivered notification, or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

Grounds for Appeal: The appeal from the decision of the hearing panel must be for one of the following reasons: (1) a procedural irregularity that affected the outcome of the decision; (2) 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; or (3) the Title IX Coordinator, Investigator(s), Panel Member(s) 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.

Responses: Within five (5) days of receipt of the appeal, the other party may submit a written statement in response to the appeal, 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.

Decision on Appeal: As soon as practicable after receiving the parties' written submissions (and ordinarily within approximately ten (10) days), the 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. The 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.

Employees: All non-tenure track faculty and staff members of the College without term contracts are at-will employees who may be terminated at any time, with or without cause. Regarding such faculty and staff, nothing in this Policy shall create an expectation of continued employment with the College or be construed to prevent or delay the College from

taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of state law, federal law or College policy.

CERTIFICATION OF COMPLIANCE

At the conclusion of a hearing and appeal (if any), the Chancellor or Vice Chancellor for Student Services/Campus Life shall certify that the substantial rights of student complainants and respondents as established in the Arkansas Student Due Process and Protection Act, codified at Ark. Code Ann. § 6-60-1401 et seq., have been followed. The certification shall be maintained in the administrative file.

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 changes 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. However, 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.

Kansas City Office

Office of Civil Rights (OCR) U.S. Department of Education, One Petticoat Lane, 1010 Walnut St, 3rd floor, Suite 320, Kansas City, MO 64106, Telephone: 816-268-0550, Fax: 816-268-0599 ; TDD 800-877-8339 Email: OCR.KansasCity@ed.gov

NSF Grantees Only National Science Foundation, Office of Diversity and Inclusion, 2415 Eisenhower Ave, Alexandria, VA 22314, Telephone: 703-292-8020, Fax: 703-292-9072, Email: programcomplaints@nsf.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 result therefrom
- Any informal resolution and the result therefrom
- All materials are 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

Complainant: Any individual who is alleged to be the victim 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 the person reporting is the person alleged to be the victim 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 or actions, if those words or 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 so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. Incapacitation can be due to alcohol or drugs or being asleep or unconscious. This policy also covers incapacity due to mental disability, involuntary physical restraint, or from the taking of 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 (1) the individual knew the other person was incapacitated, or (2) 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 victim. Whether an individual has taken advantage of a position of influence over an alleged victim 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 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 actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated § 5-14-125, 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.

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 and where the existence of such relationship is determined based on consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Days: Refers to working 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 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 Arkansas, or by any other person against an adult or youth victim 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 consanguinity, 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 owned or controlled by an officially recognized student organization.

Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient 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.

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 perpetrator 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, expulsion from campus housing, 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, revision of job duties, reduction in pay, exclusion from campus or particular 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 wherein 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 victim including instances where the victim 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 victim.
- **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 victim 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 victim 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 victim 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 on the basis of sex, constituting one of the following:

(1) An employee of the College conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;

(2) 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

(3) Any of the following:

(A) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) and this policy

(B) "Dating violence" as defined in 34 U.S.C. 12291(a)(10) and this policy

(C) "Domestic violence" as defined in 34 U.S.C. 12291(a)(8) and this policy

(D) "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 his or 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.

Rights of the Parties in an Institutional Proceeding:

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
 - A prompt, fair and impartial process is one that is:

- Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - Conducted in a manner that:
 - Is consistent with the institution's policies and transparent to the accuser and the accused.
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
 - Such training addresses topics such as the definition of sexual harassment; the scope of the College's education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest. Training for individuals involved in investigating, adjudicating and deciding appeals will be provided guidance by University of Arkansas System legal counsel.
 3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
 4. Have the outcome determined using the preponderance of the evidence standard.
 5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:

Following a final determination in the institution's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include warning; reprimand; probation; restitution; fine; loss of privileges; housing probation; suspension or expulsion/termination; restriction on eligibility to represent the College at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will

be required to meet with the Vice Chancellor for Student Services/Campus Life (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

In addition, the College can make available to the victim a range of protective measures. They include forbidding communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

Publicly Available Recordkeeping:

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

Victims to Receive Written Notification of Rights:

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

Sex Offender Registration Program:

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone on all three of our campuses that are interested in determining whether such people are on this campus may do so by contacting the PCCUA Officer Sammie Henry or PCCUA Officer Carle Nelson at 870-816-0377. State registry of sex offender information may be accessed at the following link:<https://sexoffenderregistry.ar.gov/public/#/disclaimer?returnUrl=%2Flocation>

Timely Warnings & Emergency Response

Timely Warnings

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Rhonda St Columbia (Helena Campus-Phillips County) or Dr. Kim Kirby (DeWitt and Stuttgart Campuses-Arkansas County). constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Vice Chancellor, Phillips County: Rhonda St. Columbia, 870-338-6474, ext. 1130
- Vice Chancellor, Arkansas County: Dr. Kim Kirby 870-673-4201, ext. 1825

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

Emergency Response

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the appropriate Vice Chancellor for any emergency or potentially dangerous situation.

The appropriate Vice Chancellor will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Vice Chancellor for Advancement will consult with other appropriate College officials to determine the appropriate segment or segments of the College community to be notified.

The Vice Chancellor for Advancement in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Vice Chancellor for Advancement will direct the issuance of internal emergency notifications, which will be accomplished using one or more methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

A Campus Vice Chancellor or designee will notify local law enforcement of the emergency, if they are not already aware of it, and local media outlets in order that the larger community outside the campus will be aware of the emergency.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

Method	Sign Up Instructions
RAVE Alert (phone call, text messaging)	Sign up through RidgeNet
Social media	No sign-up required
College E-mail Accounts	Accounts are provisioned upon employment or student registration.

Testing & Documentation

The College tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the College's emergency response plan.

The Associate Vice Chancellor, Information Technology maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employee's information to remind them of the College's emergency response and evacuation procedures.

Stop Campus Hazing Policy and Programming

Hazing is prohibited by PCCUA.

Hazing means:

- a. A willful act on or off the property of the College by one Student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others when the conduct is directed against any other Student and done for the purpose of intimidating the Student attacked by threatening him or her with social or other ostracism or of submitting such Student to ignominy, shame, or disgrace among his or her fellow Students, and acts calculated to produce such results;
- b. The playing of abusive or truculent tricks on or off the property of the College by one Student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others, upon another Student to frighten or scare him or her.
- c. A willful act on or off the property of the College by one Student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others which is directed against any other Student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the Student attacked or to discourage him or her from remaining in that school, college, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts;
- d. A willful act on or off the property of the College by one Student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting

to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any Student of any such educational institution; or any assault upon any such Student made for the purpose of committing any of the acts, or producing any of the results, to such Student as defined in this section.

- e. The term “hazing”
 - i. Does not include customary athletic events or similar contests or competitions; and
 - ii. Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

If you are a victim of hazing, go to a safe place and call the Vice Chancellor of Student Services/Campus Life or to the local police. The Vice Chancellor of Student Services/Campus Life can be contacted at kjohnson@pccua.edu and 870-338-6474, ext. 1235. Complaints may also be submitted online at <https://www.pccua.edu/student-discipline-policy/>. Those who witness or hear about an incident of hazing are also encouraged to report in the same manner.

Complaints or concerns of hazing reported to the institution will be investigated and handled using the process identified in the Student Code of Conduct found at <https://www.pccua.edu/student-discipline-policy/>.

Hazing Prevention and Awareness Program

The institution provides prevention and awareness programming related to hazing annually and methods of training, such as computer modules, in person, brochures, or seminars. The community is reminded that hazing is prohibited and is provided with information regarding how to file a report how reports of hazing are investigated and information regarding local, state and tribal laws on hazing.

In addition, the institution provides research-informed programming for students and employees that covers a wide range of information designed to stop hazing before it occurs. It includes information regarding bystander intervention, such as how to take steps to watch out for those around you, as well as information regarding ethical leadership. Community members are also provided with information regarding how to strengthen group ties without engaging in hazing behavior.

Hazing State Laws

Summary (Code of Arkansas)	
a. ...“hazing” means:	
1.	A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others when the conduct is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;
2.	The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1)

Summary (Code of Arkansas)

student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others, upon another student to frighten or scare him or her;

3. A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or
 4. A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.
- b. The term “hazing” as defined in this section:
1. Does not include customary athletic events or similar contests or competitions; and
 2. Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program. Ark. Code Ann. § 6-5-201

Arkansas statute also prohibits hazing as follows:

- a. A student, alumnus, or volunteer or employee of a fraternal organization of a school, college, university, or other educational institution in Arkansas shall not knowingly engage in hazing or encourage, aid, or assist any other student, alumnus, or volunteer or employee of a fraternal organization in hazing.
- b.
 1. A person shall not knowingly permit, encourage, aid, or assist another person in committing the offense of hazing, or knowingly acquiesce in the commission of the offense of hazing, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.
 2. An act of omission or commission is hazing under this subsection.
- c. A violation of this section is a Class B misdemeanor.
- d. In addition to any penalty provided by this section, a student convicted of hazing shall be expelled from the school, college, university, or other educational institution that he or she is attending. Ark. Code Ann. § 6-5-202.

Helena

Crime Statistics The statistical summary of crimes for this College over the past three calendar years follows:

Crime	On Campus			Non-Campus			Public Property		
	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

* The College does not have on-campus student housing facilities.

Hate crimes:

2024: No hate crimes reported.

2023: No hate crimes reported.

2022: No hate crimes reported.

Crimes unfounded by the College:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

Data from law enforcement agencies: Certain law enforcement agencies did not comply with the College's request for crime statistics.

Stuttgart

Crime Statistics The statistical summary of crimes for this College over the past three calendar years follows:

Crime	On Campus			Non-Campus			Public Property		
	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

* The College does not have on-campus student housing facilities.

Hate crimes:

2024: No hate crimes reported.

2023: No hate crimes reported.

2022: No hate crimes reported.

Crimes unfounded by the College:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

Data from law enforcement agencies: Certain law enforcement agencies did not comply with the College's request for crime statistics.

DeWitt

Crime Statistics The statistical summary of crimes for this College over the past three calendar years follows:

Crime	On Campus			Non-Campus			Public Property		
	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

* The College does not have on-campus student housing facilities.

Hate crimes:

2024: No hate crimes reported.

2023: No hate crimes reported.

2022: No hate crimes reported.

Crimes unfounded by the College:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

Data from law enforcement agencies: Certain law enforcement agencies did not comply with the College's request for crime statistics.