

# Arkansas State University

## Annual Security Report

### October 1, 2019

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## **Drug and Alcohol Information**

### **Drug- Free Workplace Act Requirements**

Employees working for the university under the provisions of a federal grant are required to agree to abide by this policy and to notify the Chancellor's Office within five (5) days of any criminal drug statute conviction for a violation occurring in connection with their employment.

The provisions of this policy are designed to comply with rules published by the federal Office of Management and Budget on January 13, 1989, implementing the Drug-Free Workplace Act of 1988, and rules published by the federal Department of Education on August 16, 1990, implementing the Drug-Free Schools and Communities Act Amendments of 1989.

### **Drug and Alcohol Free Workplace**

It is the policy of Arkansas State University to maintain an educational and working environment which is free from the influence of unlawful drugs and alcohol in compliance with the Drug Free Schools and Communities Act and the Drug-Free Workplace Act. Therefore, it is the policy of Arkansas State University that the unlawful manufacture, distribution, dispensing, possession, or use, of a controlled substance /or alcohol on any property owned or maintained by Arkansas State University or as a part of any university activity is strictly prohibited.

Individuals who violate this policy will be subject to a number of sanctions imposed both by the university and by the state and federal criminal justice systems, including termination of employment.

In addition to any sanctions and/or disciplinary action which may be taken by the university, the university may refer violations to the appropriate legal authorities for criminal prosecution.

### **System Process for Staff – Drug Policy**

- A. Employees and students are encouraged to attend events which occur on campuses periodically designed to make the campus community aware of the dangers of drug abuse.
- B. Employees who believe that they need drug counseling or rehabilitation are urged to contact an Employee Assistance Program or other medical facilities offering appropriate services. In order to determine whether services of this type are covered by university insurance, contact the Human Resources Department.
- C. Employees and students who violate this policy are subject to appropriate disciplinary action, up to and including termination. The university may refer violations to the appropriate state and federal authorities for criminal prosecution.
- D. Each campus shall biennially review their drug abuse prevention program to determine its effectiveness and implement needed changes.
- E. Each campus shall biennially review their disciplinary sanctions to ensure they are consistently enforced.

(Adopted by the Arkansas State University Board of Trustees on December 11, 2009, Resolution 09-91, Supersedes Drug-Free Workplace Policy of April 27, 1989, and the Unlawful Use of Drugs and Alcohol on Campus Policy of October 11, 1990.)

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- C. Employees working for the institution under the provisions of a federal grant are required to abide by this policy.
- D. Employees and students who violate this policy are subject to appropriate disciplinary action, up to and including termination. The university may refer violations to the appropriate state and federal authorities for criminal prosecution.
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## **Behaviors That May Result in Disciplinary Action**

Employees are prohibited from engaging in conduct listed below and may receive discipline up to and including termination for such behavior. This list has been established to serve as examples of behavior that could warrant a range of disciplinary sanctions and is not exclusive. Appropriate levels of discipline may be based on the severity of employee behavior.

- Violating any System Policy set by the Board of Trustees or any operating procedure, rule, regulation, or guideline established by a campus;
- Displaying disrespectful and/or inappropriate behaviors toward a student, employee, or supervisor;
- Refusing to do assigned work or failing to carry out the reasonable assignment of a manager, supervisor, or department head;
- Being inattentive to duty, including sleeping on the job;
- Falsifying a time card or other university record or giving false information to anyone whose duty is to make such record;
- Smoking on any university property including building, grounds, and vehicles;
- Operating state-owned vehicles, equipment or private vehicles on state business without proper license or operating any vehicle on university property or on university business in an unsafe or improper manner;
- Possessing an unauthorized weapon, firearm, or explosive on university property;
- Appropriating state or student equipment, time, or resources for personal use or gain;

- Computer abuse, including but not being limited to, misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possession of unauthorized passwords, disruptive behavior on the computer and non-work related utilization of computer software or hardware;
  - Misusing or willfully neglecting university property, funds, materials, equipment or supplies;
  - Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence;
  - Interfering in any way with the work of others;
  - Stealing or possessing without authority any equipment, tools, materials, or other property of the university or attempting to remove them from the premises without approval or permission from the appropriate authority;
- Sexual Harassment including, but not being limited to, unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature or behaviors which create a hostile environment. Examples include:
  - Verbal harassment including, but not being limited to, comments or questions about a person's sexual behavior, sexually oriented jokes, comments or questions about a person's body, and conversations with sexual innuendo;
  - Physical harassment including, but not being limited to, unwelcome touching, fondling, patting, pinching, or kissing; and
  - Direct or implied threats that failure to cooperate with the request or advance will result in negative employment consequences.
- Improper behavior related to attendance, including excessive absenteeism, tardiness, leaving work early, extending break periods, or failure to report or work when scheduled;
  - Failure to report sick or annual leave time used;
  - Taking or attempting to take property from the university, its students, employees, visitors or patrons;
  - Providing false information on employment applications or other records;
  - Failure to comply with safety rules and regulations, including but not being limited to failure to immediately report all accidents and injuries, failure to comply with and/or follow safety rules and regulations, and failure to wear required personal protective equipment;
    - Use of official position and influence for personal gain ;
    - Unauthorized disclosure of records or other business information; and
  - Misconduct related to the use and/or possession of alcoholic beverages and controlled substances, including:
    1. Unlawful manufacture, distribution, possession or use of illegal drugs or controlled substances;
    2. Unlawful manufacture, distribution, dispensing, possession or use of alcoholic beverages on any property owned or maintained by Arkansas State University or as a part of university activity;

3. Consuming or possessing controlled substances on university premises without a prescription;
  4. Being under the influence of alcohol when reporting to or while at work;
  5. Being under the influence of controlled substances without a prescription or being under the influence of illegal drugs when reporting to or while at work; and
  6. Failure to pass a required drug or alcohol screen.
- Use of vulgar or obscene language;
  - Threatening and/or intimidating other persons, fighting and/or instigating a fight, and/or horseplay;
  - Verbally abusing, physically attacking or obstructing any person;
  - Gambling on university property;
  - Acts of moral turpitude;
  - Illegal acts committed by employees when not at work that reflects adversely upon the university; and
  - Discrimination against any person based on protected status.

### **Alcohol and Drug Sanctions for Employees**

Taken from ASU System Staff Handbook at

<http://www.asusystem.edu/about/handbooks/files/staff-handbook.pdf>

### **Progressive Discipline Policy**

Arkansas State University utilizes a progressive discipline policy. It is the goal of the university to use progressive steps in employee disciplinary matters except when immediate termination is warranted. The existence and use of a progressive discipline policy does not in any way alter the at-will status of employees.

The employee's supervisor will administer any appropriate corrective or disciplinary action. Appropriate action will be determined based on factors such as severity, frequency, and degree of deviation from expectations and length of time involved. Because of the great variety of situations that may arise, the university may need to make decisions related to employment in a manner other than as provided in this section.

Disciplinary actions may take place in several forms. The forms of disciplinary actions are Verbal Counseling, Written Counseling, Final Counseling, and Dismissal. Your Human Resources Department should be consulted when disciplinary action with an employee is necessary. The following outlines the four forms of disciplinary action.

### **Verbal Counseling**

Verbal counseling sessions may take place between employees and supervisors in situations that are deemed less serious in nature. Every effort to determine and resolve the cause of the problem should be made. At the same time, however, it should be specifically stated that the employee is receiving a formal warning. Documentation of the verbal counseling should occur utilizing the Employee Counseling Form (available from the forms section of the Human Resources website).

Copies of all documentation of verbal counseling should be distributed as follows: one copy to the employee, one copy to the department file, and one copy to your Human Resources Department for inclusion in the employee's personnel file.

### **Written Counseling**

Written counseling sessions take place between a supervisor and an employee when the behavior of the employee is a repeated violation and verbal counseling has been administered, when the behavior hinders the operations of the department in which the employee works, or when the behavior hampers the progress of the university. Written warnings should be documented on an Employee Counseling Form. Copies of all written warnings should be distributed as follows: one copy to the employee, one copy to the department file, and one copy to your Human Resources Department for inclusion in the employee's personnel file.

### **Final Counseling**

Final counseling is utilized when previous counseling has failed to produce the proper results. Final Counseling may also be utilized to address an initial incident or an incident that is too severe for a verbal or written warning yet not sufficiently severe for dismissal. Copies of all Final Counseling Forms should be distributed as follows: one copy to the employee, one copy to the department file, and one copy to your Human Resources Department for inclusion in the employee's personnel file.

### **Dismissals**

Employment may be terminated after other disciplinary measures have failed or when a first time incident occurs that is extremely serious. An employee may be discharged at any time without regard to any progressive steps if he or she commits an offense for which immediate discharge is specified as a penalty or if, in the university's judgment, the employee's continued presence would be contrary to the well-being of the university or its employees. Your Human Resources Department should be consulted prior to the dismissal of an employee.

### **Terminations/Resignations**

The university strives to maintain good working conditions. Instances of personal or job dissatisfaction should be discussed with the supervisor and/or your Human Resources Department before the employee considers termination of employment.

If an employee wishes to terminate employment with the university, two weeks' notice to the supervisor is requested, but not required. If an employee voluntarily terminates employment with proper notice and the employee's work record has been satisfactory, the employee may be considered for reemployment.

Should it be necessary to eliminate a position because of a reduction in work force, reasonable efforts may be made to place the employee elsewhere in the University.

Upon termination, resignation, retirement, death, or other action by which a person ceases to be an employee of the University, any amount which may be due the employee or the employee's estate for unused annual or sick leave shall be issued within 30 days of completing checkout process.

When an employee terminates and later returns to the university, both sick and annual leave may be reinstated. See your Human Resources Department for eligibility requirements.

### **Alcohol and Drug Policies for Students**

The Standards of Student Conduct address all student behavior including Alcohol and Drugs located at <http://www.astate.edu/a/student-conduct/Student%20Handbook%20201920.pdf>

Prohibited behavior includes:

#### Alcohol

- Sale, possession, manufacturing, distribution, consumption, or evidence of consumption of alcoholic beverages, on university property or at university sponsored events, except as allowed by Institutional and System policy.
- Use by, possession of or distribution to person(s) under twenty-one (21) years of age of any alcoholic beverage.
- Public intoxication or impairment that can be attributed to the use of alcohol.
- Activities or promotions that encourage excessive and/or rapid consumption of alcoholic beverages, including the use of common containers.
- The possession and/or use of drinking paraphernalia or products that promote the abuse of alcohol and/or put the user in a position to consume alcohol irresponsibly. This includes but is not limited to funnels, taps, and beer pong tables.

#### Drugs

- Use, manufacturing, distribution, sale or illegal possession of any quantity, whether usable or not, of any drug, narcotic or controlled substance without a valid medical prescription under current medical supervision.
- Impairment that can be attributed to the use of any drug, narcotic or controlled substance.
- Possession and/or use of drug paraphernalia which includes objects used, primarily intended for use or designed for use in ingesting, inhaling, or otherwise introducing any drug, narcotic or controlled substance into the human body including, but not limited to, pipes, water pipes, bong, hookahs, roach clips and vials without valid medical prescription.
- Misuse or abuse of prescription drugs.
- Misuse or abuse of any chemical substance.

#### Violations of Other University Regulations

Violations of any university rule or regulations outside the Standards of Student Conduct.

Residence Life Standard of Student Conduct additionally addresses behavior regarding Alcohol in the Residence Halls and can be found at <http://www.astate.edu/a/student-conduct/Student%20Handbook%20201920.pdf>

## Alcohol

Sale, possession, manufacturing, distribution, consumption, or evidence of consumption of alcoholic beverages is prohibited in university owned housing.

## University Jurisdiction

The university has jurisdiction over any student or student organization alleged to have violated the Standards of Student Conduct on campus or off campus. For the purpose of the student conduct process, a “student” is defined as any person who is admitted, enrolled or registered for study at Arkansas State University for any academic period. Persons who are not officially enrolled for a particular term but who have a continuing student relationship with, or an educational interest in, Arkansas State University are considered “students”. A person shall also be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity preparatory to the beginning of the academic year including, but not limited to, fraternity or sorority recruitment, orientation, placement testing, and residence hall check-in.

## Possible Drug and Alcohol Sanctions for Students

Sanctions for Non-Academic Misconduct will be imposed by the Dean of Students or their designee upon individuals, groups or organizations that have been found responsible for violating the Standards of Student Conduct. The following sanctions may be imposed for Non-Academic Misconduct:

- Educational Task - Completion of a task which educates the student about and allows the student to learn from the misconduct.
- Written Warning - Official record that a student has been warned about behavior.
- Removal of Property - Required removal of property.
- Restitution - Reimbursement by the student to cover the cost of repair or replacement of damaged or misappropriated property.
- Restriction of Activities or Privileges - Restriction of active status or participation in any and/or all organized university activities other than required academic endeavors for a designated period of time. These restrictions may include, but are not limited to, denial of the right to represent the University in any way, access to facilities or individuals, parking privileges, and/or participation in co-curricular activities.
- Fees - Monetary requirements based on the resolution of a case.
- Conduct Probation - A period of self-reflection, during which a student is on official warning that subsequent violations of university rules, regulations or policies are likely to result in a more severe sanction including suspension or expulsion from the university.
- Housing Probation - A period of self-reflection, during which a student is on official warning that subsequent violations of university rules, regulations or policies are likely to result in a more severe sanction including relocation or removal from university housing.
- University Housing Relocation - Required movement to another room, hall, floor, wing or building within Residence Life. Once assigned this sanction, students must relocate in no

more than 24 hours, after which the relocated student cannot enter the room, hall, floor, wing or building he/she was removed from throughout their term of probation without permission from the Director of Residence Life, Director of Student Conduct or designee.

- Removal from University Housing - Required removal from university housing. This action occurs without the refund of room fees. Once assigned this sanction, students must move within the designated time required or no more than 72 hours, after which the removed student cannot enter university housing without permission from the Director of Residence Life, Director of Student Conduct or designee.
- Conduct Suspension - Temporarily canceling a student's enrollment at Arkansas State University. A student cannot graduate while suspended. Once assigned this sanction, students are immediately removed from their classes and banned from university property. A student cannot enter university property during their term of suspension without prior permission from the Director of Student Conduct or designee. Any classes taken at another institution during this period of suspension cannot be transferred to Arkansas State University.
- Expulsion - Permanently canceling a student's enrollment at Arkansas State University. A dismissed student cannot re-enroll or graduate. Once assigned this sanction, students are immediately removed from their classes and banned from university property. A student cannot enter University property once dismissed without prior permission from the Director of Student Conduct or designee.
- Revocation or Denial of Degree - The University reserves the right to revoke or refuse to confer a degree on the basis of a violation of the Standards of Student Conduct that occurred while the student was enrolled, given that the violation(s) would have resulted in expulsion.
- Additional Sanctions – In addition to those listed above, other sanction may be implemented.

### **Tolerance of Alcohol or Drug Misuse**

Arkansas State University does not tolerate inappropriate use of alcohol or drugs. All alleged violations of any ASU drug or alcohol policy will be investigated and properly addressed. All persons found responsible for being in violation of policy will be sanctioned appropriately through the appropriate means based on their status with the institution.

### **HEA Drug Provision**

The following provision was contained in subsection (r) of section 484 of the Higher Education Act of 1998 (see 20 U.S.C. 1091®).

(r) Suspension of eligibility for drug related offenses—

(1) IN GENERAL—A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

‘If convicted of an offense involving:

The possession of a controlled substance:

Ineligibility period is:

First Offense—1 year Second Offense—2 years Third Offense—Indefinite

The sale of a controlled substance:

Ineligibility period is:

First Offense—2 years Second Offense—Indefinite

Rehabilitation—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if—

(A) The student satisfactorily completes a drug rehabilitation program that —

(i) complies with such criteria as the Secretary shall prescribe in regulations for the purposes of this paragraph; and

(ii) includes two unannounced drug tests; or

(B) the conviction is reversed, set aside, or otherwise rendered nugatory.

(3) DEFINITIONS = in this subsection, the term ‘controlled substance’ has the meaning given the term is section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) EFFECTIVE DATE—The amendment made by paragraph (1), regarding suspension of eligibility for drug-related offenses, shall apply with respect to financial assistance of cover the costs of attendance for periods of attendance for periods of enrollment beginning after the date of enactment of this Act.

### **Drug or Alcohol Counseling, Treatment, Rehabilitation and Re-Entry Programs**

There are a number of groups, organizations, agencies, and hospitals which offer drug and alcohol abuse treatment and rehabilitation services and programs. The costs associated with these services and programs vary widely and are the responsibility of the patient. Listed below are some of the services which are available. Students, faculty, and staff who believe that they or anyone with whom they come in contact need such services are encouraged to contact one of these organizations.

Information and Referrals:

Student Health Center

(870) 972-2054

A-State Counseling Center

Student Union Room 2203

(870) 972-2318

Employee Assistance Program

St. Bernard’s Behavioral Health

870-930-9090 or 1-800-346-0183

<https://www.stbernards.info/services/behavioral-health>

### **Health Risks Associated with the Abuse of Alcohol**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive safely, increasing the likelihood that the

driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including peer, spouse, and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation to alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. Research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.

### **Health Risks Associated with the Use of Illicit Drugs**

Illicit drugs include narcotics, such as heroin or morphine; depressants, such as barbiturates, Quaaludes, or valium; stimulants, such as cocaine or "crack"; hallucinogens, such as PCP, LSD or mescaline; cannabis, such as marijuana or hashish; inhalants, such as nitrous oxide, amyl nitrite (poppers) or various hydrocarbon solvents; and designer drugs, such as  $\alpha$ -methylfentanyl (China White), methamphetamine (Ecstasy) or meperidine (Demerol).

#### **Narcotics**

Narcotics initially produce a feeling of euphoria that is often followed by drowsiness, nausea and vomiting. Tolerance may develop rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as AIDS, endocarditis (inflammation of the lining of the heart), and hepatitis.

#### **Depressants**

The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but a somewhat larger dose can cause slurred speech, ataxia or unstable gait, and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence.

#### **Stimulants**

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils; elevated blood pressure, heart and respiratory rate; and increased body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose with long-term use eroding the nasal septum. The injection of cocaine with unsterile equipment can cause AIDS, hepatitis and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency. In addition, tolerance develops rapidly. Crack or freebase rock is extremely

addictive. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures. Overdoses occur easily.

### **Hallucinogens**

Phencyclidine (PCP) users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens, and senses are dulled. Speech is blocked and incoherent. Chronic PCP users report persistent memory problems and speech difficulties. Mood disorders, such as depression, anxiety and violent behavior, may also occur. In late stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, heart failure, lung problems and/or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

### **Inhalants**

The chemicals in most inhalants are rapidly absorbed in the lungs and exert their central nervous system effects within seconds, producing an altered mental state for about five to fifteen minutes. Immediate effects of inhalants include nausea, sneezing, coughing, nose bleeds, fatigue, and lack of coordination and loss of appetite. Solvents and aerosol sprays can decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite can cause rapid pulse, headaches, and involuntary passing of urine and feces. Inhalation of toluene as well as other hydrocarbons has been associated with kidney and liver damage, peripheral nerve problems, convulsions, encephalopathy (organic brain damage) and other central nervous system disorders. Sudden death associated with both glue sniffing and especially the inhalation of aerosols containing halogenated hydrocarbons (Freon) has been reported and is thought to be secondary to cardiac arrhythmias (abnormal electrical conduction patterns in the heart).

### **Marijuana**

The short term effects of marijuana include distortion of time perception, increased heart rate, dilation of blood vessels, and loss of short-term memory. Also decreased are visual perception and psychomotor skills, which have adverse effects on driving ability. The effects of long-term use include loss of motivation, chronic bronchitis, decreased vital lung capacity and an increased risk of lung cancer. Tolerance and psychological dependence do develop with marijuana.

### **Designer Drugs**

Designer drugs are synthetic chemical modifications of older drugs of abuse that are designed and manufactured in covert laboratories and sold at great profit for recreational use. These drugs can be several hundred to several thousand times stronger than the drugs they are designed to imitate. Designer drugs similar to opiates include fentanyl, demerol, and "china white." The narcotic analogs of designer drugs can cause symptoms such as those seen in Parkinson's disease – uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating and faintness. Psychological effects include anxiety, depression and paranoia. Withdrawal problems include sweating, diarrhea, fever, insomnia, irritability, nausea and vomiting, and muscle and joint pain.

## **Possible Legal Sanctions for Inappropriate Drug and Alcohol Use**

These are possible legal ramifications for violation of Alcohol/Drug laws. This is not an all-inclusive list, and the laws listed have been abbreviated. Note that the penalties listed are the minimum and maximums according to law and subsequent offenses (especially with the DWI and DUI laws) can include substantially harsher penalties. If you need more information on any of these, or other, laws, please contact the Arkansas State University Police Department.

### **Manufacture or delivery of controlled substance**

It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Penalties for the manufacture, delivery, transporting, administering, or distributing of a controlled substance can range from 3 years to life in prison and fines up to \$250,000 depending on quality and type of drugs. Additionally, a person may be subject to a term of imprisonment of ten (10) years if the offense is committed on or within one thousand feet (1,000) of the University. In addition, real and personal property used in the manufacture, delivery, or importing of controlled substances may be forfeited to the government.

### **Manufacture or delivery of a counterfeit substance**

It is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance purported to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can range from one to twenty (20) years in prison, and fines up to \$15,000 depending on the type of drug being counterfeited.

### **Possession of a controlled or counterfeit substance**

It is unlawful for any person to possess a controlled substance or counterfeit substance. Penalties for possession of a controlled or counterfeit substance on the first offense can range from one (1) to ten (10) years in prison, fines up to \$10,000 depending on type of drug (or counterfeit) possessed.

### **Minor in possession of alcohol (mandatory suspension of driving privilege)**

Any person under twenty-one (21) years of age who has purchased or is in possession of intoxicating liquor, wine, or beer, in violation of the "Minor in possession of alcohol" statute, will be subject to a mandatory driver's license suspension for 60 days by the Office of Driver Control, whether or not the person was in or about a vehicle at time of arrest.

### **Underage DUI law**

The State of Arkansas has an "Underage DUI Law" (Act 863 of 1993) in which it is an offense for a person under the age of 21 with a blood alcohol content of .02 to .07 (approximately one (1) can of beer, one (1) glass of wine, or one (1) drink of hard liquor) to operate a motorized vehicle. Penalties for a first offense can result in (1) suspension of driver's license for not less than 90 days or more than 120 days; (2) a fine of not less than \$100 nor more than \$500; (3) assignment to public service work; and/or (4) attendance at a state sponsored alcohol and driving education program.

### **Driving while intoxicated**

A person who drives a motorized vehicle while influenced or affected by the ingestion of alcohol, a controlled substance, or any intoxicant, commits the offense of driving while intoxicated. Penalties for such offense may include: (1) License seized upon arrest and suspension of license for up to 120 days for the first offense (and additional days for subsequent offenses); (2) imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offenses); (3) fines of no less than \$150 and no more than \$1,000 for the first offense (with stiffer fines for subsequent offenses); (4) payment of an additional \$250 in court costs, or as an alternative to payment, public service work as deemed appropriate by the courts; and (5) a requirement to complete an alcohol education program as prescribed and approved by the Arkansas Highway Safety Program, or an alcoholism treatment program as approved by the Office on Alcohol and Drug Abuse Prevention. A blood alcohol level of .04 may be considered with other competent evidence in determining guilt or innocence. A blood alcohol level of .08 or more shall give rise to a presumption of intoxication.

### **Public intoxication**

A person commits the offense of "Public Intoxication" if (1) they appear in a public place manifestly under the influence of alcohol or a controlled substance to the degree that they are likely to endanger themselves, other persons or property, or that they unreasonably annoys persons in their vicinity; or (2) they consume an alcoholic beverage in a public place.

Public intoxication is a Class C misdemeanor, and can result in (1) a fine of up to \$100, and/or (2) imprisonment in the county jail (or other authorized institution) for up to 30 days.

### **Contributing to delinquency of a minor**

A person commits the offense of "contributing to the delinquency of a minor" if, being an adult, he knowingly purchases or provides alcoholic beverages for a minor. Such an offense is a Class A misdemeanor. The first offense can result in a fine of \$1,000 and/or (2) imprisonment in the county jail (or other authorized institution) for up to one full year.

### **Federal penalties and sanctions for illegal possession of a controlled substance**

- 21 U.S.C. 844(c) - First conviction: up to one (1) year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After first prior drug convictions: at least 15 days in prison, not to exceed two (2) years and fined at least \$2,500 but not more than \$250,000, or both. After two or more prior drug convictions: at least 90 days in prison, not to exceed three (3) years and fined at least \$5,000 but not more than \$250,000, or both. 21 U.S.C. 953(a) (2) and 881 (a)(7) - Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year imprisonment (See special sentencing provisions re: crack.) 21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance. Civil fine of up to \$10,000. 21 U.S.C. 844(a)(7) – Special sentencing provisions for possession of crack cocaine: mandatory at least five (5) years in prison, not to exceed 20 years and fined up to \$250,000, or both if (a) first conviction and the amount of crack possessed exceeds 5 grams, (b) second conviction and the amount of crack possessed exceeds 3 grams, (c) third or subsequent conviction and the amount of crack possessed exceeds 1 gram. 21

U.S.C. 853(a) - Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second or subsequent offenses. 19 U.S.C. 922(g) - Ineligible to receive or purchase a firearm. Misc. - Revocation of certain Federal licenses and benefits, (e.g., pilot license, public housing, etc.) are vested within the authorities of individual Federal agencies.

It is illegal for a person under the age of 21 to possess alcohol. Penalties include a fine of up to \$500 and probation under the direction of the court.

### **Programs and Activities Available on Campus to Raise Awareness of Safety and Risk Reduction**

Throughout the year, on a continuous basis, programs and activities are held at A-State to educate and raise awareness of safety issues, including alcohol, drugs, domestic violence, dating violence, stalking, sexual harassment and sexual abuse. The list below is not all inclusive, but gives some of the programs and activities at A-State.

#### **Campus Walk Through**

A regular walk through of campus with all necessary constituents (UPD, Facilities, Students, etc) is conducted to identify if there are areas of campus that need additional lighting or other safety measures.

#### **Counseling Center**

The Counseling Center provides confidential consultation and other services to the University Community as needed. The Counseling Center is encouraged to inform all potential victims of how to report a crime. They also provide group session and multiple programs throughout the year, including but not limited to:

- ACES Alcohol Awareness Class – An educational class for students who have violated the alcohol policy.
- Alcohol Awareness Week—this annual event includes multiple events and passive programming that reaches out to students to make them aware of the dangers of alcohol abuse and educate on responsible use of alcohol. Events have included: Drunk Driving Simulations, Speakers, parties, mock tails and other educational programming.
- Golf Cart Driving—the counseling center teams up with UPD to provide this real life drunk driving activity. Using a golf cart and beer goggles, student experience what it is like to drive while intoxicated in a safe environment.
- Domestic Violence Candlelight Vigil—this program speaks to students about domestic abuse and commemorates Arkansas citizens who have lost their lives to domestic violence during the previous year.
- Sexual Assault Awareness – Ongoing programming for the campus community that includes teal ribbon giveaways, test your knowledge activities, programs on “Textual Harassment” and pledge cards.

- Sexual Assault/Domestic Violence Week – A week that includes educational programming for the campus community including safety whistle giveaways, a candlelight vigil, and includes the showing of “Telling Amy’s Story.”
- Alcohol Awareness Social Norming – An educational presentation on “normal” alcohol use given in first year classes.

### **General Campus**

Campus publications are utilized annually by running a series of articles dealing with rape, date rape, sexual assault, prevention and awareness. The television station and radio station present programs on awareness and prevention.

### **Office of Student Conduct**

The Office of Student Conduct provides programming upon request to classes, student organizations and resident assistants on appropriate behavior and decision making.

### **Residence Hall Programming**

- Security Awareness Programming is completed at the beginning of each semester when Resident Assistants host hall meetings to educate residents
- Each semester residents are exposed to campus safety programs. Programs include importance of locking doors, engraving personal property, reporting suspicious behavior, theft prevention, self-defense, tips to avoid sexual misconduct/harassment, and alcohol awareness. An emphasis will be placed on advocating safety and security during the month of October through self-defense, alcohol and drug prevention, and sexual assault prevention programs
- Assault prevention programs are presented to residence halls and other on-campus resident students including fraternities and sororities each semester. Residence Life Coordinators receive training in assault prevention. Informational brochures regarding sexual assault are available
- Alcohol Abuse and Drug prevention programs are presented in the residence halls and other on-campus resident students including fraternities and sororities each semester. Resident Assistants and Residence Life Coordinators receive programming training and are networked with offices and staff members that can assist in this training

### **University Police Department**

A primary goal of A-State’s Police Department is to prevent crime before it occurs. The department provides safety measures and regularly presents programs covering crime prevention topics such as the ones named and described on the following list.

- Escort Service: This service is provided by request through the University Police to help individuals. This service is provided when officers are available or when contacted.
- New Student Orientation: Crime prevention brochures and other printed materials are made available to new students during orientation.

- **Residence Hall Programming:** Crime prevention programming accompanied by brochures and other printed materials are made available to residence halls and other on-campus resident students including fraternities and sororities.
- **Night Custodial Services:** The University's cleaning service works some employees after business hours. These employees are advised to report any suspicious or criminal activity to the University Police.
- **Crime Prevention Presentation:** Crime prevention presentations are made annually to various campus groups and organizations. Crime prevention presentations are made available to the Division of Student Affairs, University Police, and to the campus community.
- **Crime Prevention Materials:** Brochures, posters, and bookmarks related to motor vehicle security, bicycle security, personal security, and residence hall security are distributed at crime prevention presentations and at various locations throughout the university's campus.
- **Operation Identification:** The engraving of serial numbers or owner recognized numbers on items of value is provided through the University Police. This service is provided to students and employees.
- **Security Surveys:** Comprehensive security surveys and audits are made for a number of campus facilities each year.
- **Facilities Surveys:** Continuous surveys of exterior lighting, exterior doors and grounds are conducted by the University Police and Facilities Management on a continuous basis.
- **Special Surveillance:** Isolated surveillance provides great assistance in crime prevention. These activities are conducted in areas in which the frequency of crime has increased.
- **Rape Awareness, Education, and Prevention:** In cooperation with the Counseling Center, fraternities, sororities, and other student organizations, numerous rape awareness, education, and prevention presentations are made each year to members of the campus community.
- **Emergency call boxes** on the Jonesboro campus are located at multiple locations on campus; they are identified by their red color and blue light on top. These call boxes are available in an emergency requiring University Police.
- **Self Defense classes** are offered for women throughout the year to educate the community on how to protect oneself in case of an assault.
- **UPD regularly trains staff in Residence Life** on how to deal with various situations and when/how to get UPD assistance.
- **UPD provides programming to classes and organizations upon request** on alcohol awareness and safety. These programs can involve Drunk Driving Simulations and Active Shooter Safety Responses among others.

### **Sexual Assault and Sexual Harassment Programming**

Outside of the programming provided for Sexual Assault and Sexual Harassment Awareness above, there are additional programs and trainings coordinated through the Office of Title IX & Institutional Equity. These include providing an annual comprehensive Title IX overview in-person to all incoming first-year students enrolled in First Year Experience courses, SafeColleges online

training to all first year students, monthly programming from imPACT (registered student organization) which includes peer-to-peer training on topics such as consent, bystander intervention, and healthy relationships, sexual assault awareness month (April), and in-person faculty and staff training. Each campus within the Arkansas State University System provides educational materials and programs on sexual discrimination. Contact the Human Resources Department or Title IX & Institutional Equity Coordinator for additional information on awareness and prevention of sexual discrimination.

## **Sexual Harassment and Sexual Assault Information**

### **Title IX of Education Amendments**

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX benefits both males and females, and is at the heart of efforts to create gender equitable schools. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on sex. Under this law, males and females are expected to receive fair and equitable treatment in all areas of public schooling including recruitment, admissions, educational programs, and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarships, sexual discrimination and athletics. Arkansas State University has designated a Title IX coordinator for each campus. Any incidence of sexual discrimination including sexual harassment or sexual violence should be reported to the Title IX & Institutional Equity coordinator who will take prompt action to secure a full and equitable review. In the event the sexual discrimination allegation is against the Title IX & Institutional Equity coordinator, the report should be made to the Office of University Counsel.

### **Discrimination/Sexual Misconduct**

Arkansas State University is committed to providing an educational and work environment for its students, faculty, and staff that is free from sexual discrimination including sexual harassment, sexual assault, sexual violence, stalking, domestic violence, and dating violence. No form of sexual discrimination will be tolerated.

Sexual Harassment is defined as unwelcome gender-based verbal or physical conduct that is severe, persistent or pervasive and occurs when:

- Submission to, or toleration of, such conduct is made a term or condition of instruction, employment, or participation in other university activities;
- Submission to, or rejection of, such conduct is used as a basis for employment or education decisions affecting the individual; or
- Such conduct has the effect of unreasonably interfering with an individual's education or employment performance or creating an intimidating, hostile, or offensive university environment.

Sexual assault occurs when a person is subjected to an unwanted sexual act by force or threat without consent. Sexual acts occur without consent when they are perpetrated against a person's will or where a person is incapable of giving consent due to minority, intellectual impairment, or use of mind altering substances such as drugs or alcohol.

Sexual violence includes sexual assault but may also consist of an attempt to obtain a sexual act or sexual advances using coercion which do not result in a completed sexual act.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Domestic Violence is defined as felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Arkansas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Arkansas.

Dating Violence is defined as violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

It is important to preserve all evidence of sexual discrimination, especially if the discrimination is also a criminal offense, such as sexual assault, sexual violence, stalking, domestic violence, or dating violence.

Supervisors and staff members must recognize that their positions necessarily embody unequal power relationships with their subordinates and students. Because of the inherent power differences in these relationships, the potential exists for the less powerful to perceive a coercive element in suggestions relative to activities outside those appropriate to the professional relationship. It is the responsibility of supervisors and staff members to behave in such a manner that their words or actions cannot reasonably be perceived as coercive.

Each campus has a Title IX Coordinator who is charged with investigating allegations of sexual discrimination including sexual harassment, sexual assault, sexual violence, stalking, and domestic violence or dating violence. The person who has allegedly been subjected to sexual discrimination may also contact law enforcement and may seek an order of protection, no contact order, or similar order. The Title IX & Institutional Equity Coordinator will assist the person alleging to be subjected

to sexual discrimination with locating resources for counseling, medical treatment, legal advice, victim advocacy, or other services.

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual discrimination in order to protect individuals' rights and personal safety. Such measures include, but are not limited to, modification of campus living or employment arrangements, interim suspensions from campus, no contact or communications requirements, leave with or without pay, and reporting the matter to law enforcement. Persons reporting allegations of sexual discrimination must follow the Sexual Discrimination Grievance Procedure.

### **Retaliatory Action is Prohibited**

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by law and Arkansas State University. Any person who needs further explanation or who believes he or she has been retaliated against should contact the Human Resources Department.

Anyone who has experienced any form of discrimination including sexual misconduct is encouraged to report the incident promptly. All university employees (excluding licensed professionals in counseling services) must promptly report known incidents. All reports should be communicated to the Title IX & Institutional Equity Coordinator at [title9@astate.edu](mailto:title9@astate.edu) or by calling (870) 972-2015. All reports, complaints, and investigations are treated with discretion. Information is revealed as law and policy permit; however, the identity of the complainant is usually revealed to the person(s) accused of such conduct and any witnesses with consent of the complainant. A-State strictly prohibits retaliation against any person for reporting, filing, testifying, assisting, or participating in any manner in any investigation or proceeding involving allegations of discrimination or misconduct. Publicizing information about alleged discrimination, misconduct, or retaliation is strictly prohibited and may be considered a violation of university policy. Any person who violates these policies will be subject to discipline, up to and including termination and/or expulsion.

The university reserves the right at any time to change, delete, or add provisions to this procedure. The full procedure is posted on the webpage of the Office of Title IX & Institutional Equity. This version supersedes all previous versions - electronic or in print.

<http://www.astate.edu/a/affirmative-action/>

### **Reporting Confidentially**

You can seek advice from certain resources that are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These are individuals who the university has not specifically designated as "responsible employees" for purposes of putting the institution on notice, other than in the stated limited circumstances. These resources include those without supervisory responsibility or remedial authority to address sexual discrimination, such as advisors to student organizations, career services staff, student activities personnel, support staff, and many others. If you are unsure of someone's

duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best.

Some of these resources, are instructed to share incident reports with their supervisors, but they will not share any personally identifiable information about your report unless you give permission, except in the rare event that the incident reveals a need to protect you or other members of the community. If your personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

If one desires that details of the incident be kept confidential\*, they should speak with on- or off-campus mental health counselors, on- or off-campus health service providers, or domestic violence/rape crisis resources who can maintain confidentiality. Campus counselors are available to help you free of charge, and can be seen on an emergency basis. Employees may access their Employee Assistance Program benefit through Human Resources. In addition, you may speak on and off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential.

\* \*\*Providers may be required to report certain felony incidents to law enforcement.

The Title IX & Institutional Equity Coordinator will notify the appropriate law enforcement agency of all reports of sexual assault, sexual violence, stalking, domestic violence or dating violence. The person who has allegedly been subjected to sexual discrimination may also contact law enforcement and may seek an order of protection, no contact order, or similar order.

### **Grievance Issues**

The Sexual Discrimination Grievance Procedure applies to all allegations of sexual discrimination including sexual harassment, sexual assault, sexual violence, stalking, domestic violence, and dating violence.

### **University Procedures for Reporting Sexual Assault**

Victims of sexual assault are encouraged to report the incident to the police and/or a university official. University officials should notify the Office of Title IX & Institutional Equity of the report. The Office of Title IX & Institutional Equity will contact the appropriate university officials from there (including UPD). The victim is not required to cooperate nor to report. The police department makes decisions about filing charges against the assaulter. (The Counseling staff is exempt from this regulation unless the consent of the victim is given.)

### **Options:**

1. All individuals that feel they have been a victim of sexual misconduct or sexual harassment should contact the Office of Title IX & Institutional Equity at (870) 870-2015 or [title9@astate.edu](mailto:title9@astate.edu). The Office of Title IX & Institutional Equity will refer the person to the appropriate office for investigation.

2. Individuals requesting changes in academic settings or housing assignments will be assisted by the Office of Title IX & Institutional Equity to complete these processes as well as any other accommodations that are appropriate for the situation.

3. Written notification of these accommodations are distributed to the University community through the Title IX and Sexual Discrimination brochure provided by the Office of Title IX & Institutional Equity and found on their website <http://www.astate.edu/a/affirmative-action/files/title-ix-brochure.pdf>

### **Report of Sexual Discrimination**

Any employee, student, or visitor who believes he or she has been subjected to sexual discrimination should report the incident to the Title IX & Institutional Equity Coordinator utilizing the grievance form available on the Office of Title IX & Institutional Equity, Human Resources or Student Conduct web sites. Employees with supervisory responsibilities and university police personnel must report incidents of sexual discrimination either observed by them or reported to them to the Title IX Coordinator. In the event the sexual discrimination allegation is against the Title IX & Institutional Equity Coordinator, the report form should be submitted to the Office of University Counsel. In order to ensure timely investigation and remedy, a sexual discrimination grievance should be activated within sixty (60) days from the time the events leading to the complaint occurred. All complaints are investigated; however, delay in reporting impedes the ability to achieve prompt resolution. All efforts will be made to honor a request for confidentiality but confidentiality cannot be ensured. Reports of sexual assault, sexual violence, stalking, domestic violence and dating violence will be reported to law enforcement authorities.

Criminal investigations by any law enforcement agencies or investigations conducted under the Faculty, Staff, or Student Handbook s may occur simultaneously with a sexual discrimination grievance and do not affect the grievance process.

### **Title IX Coordinator's Response**

Within forty-five (45) calendar days after receipt of a written grievance form, the Title IX & Institutional Equity Coordinator, or designee, will conduct a full and impartial investigation including interviewing the complainant, the accused, and any witnesses identified as well as reviewing any documentary evidence submitted by either party. Upon the start of an investigation, the Title IX & Institutional Equity Coordinator will provide a Notice of Investigation to both the Complainant and Respondent that explains the institution's procedures for disciplinary action in cases of alleged dating, domestic violence, sexual assault or stalking and provide both parties with a brochure notifying them of the resources available to them. As early as possible in the investigation, the Title IX & Institutional Equity Coordinator should determine whether temporary remedial measures are warranted such as suspension from employment with or without pay, suspension from classes, issuance of a no contact directive, reassignment of job duties, or changing class or classroom assignments. If immediate action is required to protect the complainant, the Title IX & Institutional Equity Coordinator shall work with the appropriate administrator to implement temporary remedial measures. The past sexual history or sexual character of a party will not be admissible by the other

party in the investigation or any subsequent hearing unless the party was found to be responsible, the previous incident was substantially similar to the present allegation, and the past actions indicate a pattern of behavior consistent with the current allegations. After studying all the pertinent facts and documents, carefully examining any policies involved, and discussing the issue with the parties and witnesses, the Title IX & Institutional Equity Coordinator shall either (1) propose an informal resolution to the parties which, if accepted, shall be documented in writing and shall conclude the investigation or (2) prepare a formal written report making a finding, based on the preponderance of the evidence, as to whether sexual discrimination occurred, and if so, recommending a remedy which will end the discrimination, prevent its recurrence, and remove its effects on the complainant and the university community. The report shall be transmitted simultaneously to the complainant and the accused and implemented immediately. If both parties agree with the report, the grievance shall be closed and the remedies continued. If either party does not agree with the finding of the Title IX Coordinator and desires to appeal, that party must submit, within five (5) working days of the date of the report, a written request to the Department of Human Resources for a hearing before the Sexual Discrimination Hearing Committee. The written request will detail the alleged error of the Title IX Coordinator and the requested remedy. The Department of Human Resources will provide the party not appealing with a copy of the request.

Within five (5) business days of the date of the letter from the Human Resources Department, the party not appealing may submit a written response to the request for hearing countering any allegations in that document. Copies will be provided to the Title IX & Institutional Equity Coordinator for placement in the case file. Timelines may be extended by the Title IX & Institutional Equity Coordinator in extenuating circumstances.

### **Sexual Discrimination Hearing Committee Composition**

The Sexual Discrimination Hearing Committee is composed of members selected by the Chancellor from the Academic Hearing Committee, the Student Conduct Hearing Committee, and the Staff Hearing Committee for that campus. The Sexual Discrimination Hearing Committee is composed of seven (7) members. When a student is the complainant, three (3) members of the committee shall be students, two (2) members faculty, and two (2) members staff; when the complainant is a staff member the committee shall be composed of three (3) staff members, two (2) faculty members, and two (2) students; when the complainant is a faculty member the committee shall be composed of three (3) faculty members, two (2) students, and two (2) staff. The committee elects a chair once convened. The Sexual Discrimination Hearing Committee shall have specific training on sexual discrimination

A member of Human Resources or Human Resources' designee sits as an ex-officio, non-voting member of the Sexual Discrimination Hearing Committee, offering technical assistance on procedural and policy matters.

### **Sexual Discrimination Hearing Committee Functions**

The Sexual Discrimination Hearing Committee reviews the findings of the Title IX & Institutional Equity Coordinator to determine, based on the preponderance of the evidence, whether institutional error has occurred and, if so, to recommend an appropriate corrective action. Institutional error occurs when no legitimate reason exists for the action taken.

Decisions which require the exercise of judgment or discretion cannot constitute institutional error. The committee has twenty (20) working days to prepare a written response after it has received a complaint. All proceedings shall be in closed session. Because the committee will have received the entire file from the Title IX Coordinator including all witness statements, the hearing will not include the grievant, the party complained against, or other witnesses unless either (1) the Committee requests their oral testimony or (2) either party requests to testify and/or present witnesses. In the event that oral testimony is requested, the grievant and the party complained against may be present and question the witnesses. If the grievance is one alleging sexual assault, sexual violence, stalking, domestic violence, or dating violence the parties will not question the other. Instead, the party testifying before the committee shall be screened so that they may be heard by the other party but not seen. The non-testifying party shall have the opportunity to provide written questions to the committee to be asked of the testifying witness based on his or her testimony. The committee may also question any person testifying. Each party may have an advisor present during the testimony, there is no limit to the choice of advisor. The advisor may provide personal consultation but may not actively participate in the hearing. The parties must disclose to the Chair of the Sexual Discrimination Hearing Committee the identity of any testifying witness or any advisor at least two (2) working days before any hearing. The Chair shall provide the list of witnesses to each party upon receipt. No audio or video recording is permitted.

In reviewing a case two options are open to the Committee:

1. It may find no institutional error has occurred and recommend that no further action be taken.
2. It may find that institutional error has occurred and recommend a remedy different than that proposed by the Title IX & Institutional Equity Coordinator.

### **Sexual Discrimination Hearing Findings**

In all instances the committee shall make a record of its findings, a statement of its conclusion, including the reason or policy criteria used in reaching a decision, and its recommendations for resolution of the grievance. The Committee decision shall be forwarded to the Chancellor of the campus for action. Copies will be filed with the Title IX & Institutional Equity Coordinator as a part of the complaint record and sent to the grievant and the accused. Within ten (10) working days of receipt of the Committee recommendation, the Chancellor will accept or reject the Committee recommendation in writing after review of all file materials. The Chancellor's decision is final. A copy of the decision shall be provided to the Title IX & Institutional Equity Coordinator for distribution to both the complainant and the accused. The Department of Human Resources or Student Conduct (as appropriate) will coordinate the implementation of any remedies resulting from the grievance.

## **Document Collection**

When a sexual discrimination grievance proceeding has been closed, all material relating to that case shall be retained on file by the Title IX & Institutional Equity Coordinator for seven years. Care will be taken to ensure that no incomplete or inaccurate information pertaining to the grievance is retained in the file. Sexual discrimination grievance proceedings are considered confidential and no person involved with the grievance may make the documents public except as required by law.

## **Federal Statistical Reporting Obligations**

Certain campus officials have a duty to report crimes for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime and to ensure greater community safety. Mandated federal reporters (Campus Security Authorities or CSAs) include: student conduct officials, Dean of Students office, campus law enforcement, local police, coaches (including part-time employees and graduate assistants), athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, Title IX & Institutional Equity Coordinator, coordinator of Greek affairs, director of campus health or counseling center, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

## **Federal Timely Warning Reporting Obligations**

Victims of crimes should also be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a serious or continuing threat to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the above paragraph.

## **Title IX Coordinator Training**

The Title IX & Institutional Equity Coordinator and Deputy Title IX Coordinators receive annual and ongoing training on the issues related to dating violence, domestic violence, sexual harassment, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

## **Bystander Intervention and Risk Reduction**

Bystander intervention is the use of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate

violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

There are several safe and effective options that a person can employ to intervene and stop inappropriate and potentially criminal behavior, including creating a distraction by using appropriate humor or interjecting in a conversation, directly confronting the potential perpetrator, or enlisting others to help intervene when you sense that someone may be at risk of harm. If you see or suspect that a crime has or is about to occur, seek help or call the police.

Individual preventative measures are risk reduction behaviors designed to decrease perpetration and bystander inaction and to increase empowerment for those who may be at risk. These measures promote safety and help individuals and communities address conditions that may facilitate violence. For instance, consider strategies for safety and accountability when planning activities or attending events with friends. Establish an agreement that no one will attempt to intimately engage with someone who may have over-consumed alcohol or other substances. If there is a possibility that you might be separated, agree to periodically check in with each other either in-person or via text message. You can also agree to not leave the event until everyone is accounted for and safe and that everyone will either leave together or continue to check in on anyone who remains at the event. If you become uncomfortable with a situation or the people involved, trust your instincts and take action or get help to increase your sense of safety and empowerment.

## **Bystander Tips**

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

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

## **How to Intervene Safely**

- Tell another person. Being with others is a good idea when a situation looks dangerous
- Ask a person you are worried about if they are okay. Provide options and a listening ear
- Distract or redirect individuals in unsafe situations
- Ask the person if they want to leave. Make sure that they get home safely
- Call the police (9-911 or 911) or someone else in authority or yell for help

*Information adapted from Stanford University 9/2016*

## **Sanction Statement**

### **Sexual Exploitation or Sexual Harassment**

Any individual found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to termination/expulsion,

depending on the severity of the incident, and taking into account any previous campus conduct code violations.\*

### **Non-Consensual or Forced Sexual Contact**

Any individual found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to termination/expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.\*

### **Non-Consensual or Forced Sexual Intercourse**

Any individual found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or termination/expulsion.\*

\*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Sanctions for Non-Academic Misconduct will be imposed by the Dean of Students or their designee. The following sanctions may be imposed for Non-Academic Misconduct:

- Educational Task - Completion of a task which educates the student about and allows the student to learn from the misconduct.
- Written Warning - Official record that a student has been warned about behavior.
- Removal of Property - Required removal of property.
- Restitution - Reimbursement by the student to cover the cost of repair or replacement of damaged or misappropriated property.
- Restriction of Activities or Privileges - Restriction of active status or participation in any and/or all organized university activities other than required academic endeavors for a designated period of time.
- Fees - Monetary requirements based on the resolution of a case.
- Conduct Probation - A period of self-reflection, during which a student is on official warning that subsequent violations of university rules, regulations or policies are likely to result in a more severe sanction including suspension or expulsion from the university.
- Housing Probation - A period of self-reflection, during which a student is on official warning that subsequent violations of university rules, regulations or policies are likely to result in a more severe sanction including relocation or removal from university housing.
- University Housing Relocation - Required movement to another room, hall, floor, wing or building within Residence Life. Once assigned this sanction, students must relocate in no more than 24 hours, after which the relocated student cannot enter the room, hall, floor, wing or building he/she was removed from throughout their term of probation without permission from the Director of Residence Life, Director of Student Conduct or designee.

- Removal from University Housing - Required removal from university housing. This action occurs without the refund of room fees. Once assigned this sanction, students must move within the designated time required or no more than 72 hours, after which the removed student cannot enter university housing without permission from the Director of Residence Life, Director of Student Conduct or designee.
- Conduct Suspension - Temporarily canceling a student's enrollment at Arkansas State University. A student cannot graduate while suspended. Once assigned this sanction, students are immediately removed from their classes and banned from university property. A student cannot enter university property during their term of suspension without prior permission from the Director of Student Conduct or designee. Any classes taken at another institution during this period of suspension cannot be transferred to Arkansas State University.
- Expulsion - Permanently canceling a student's enrollment at Arkansas State University. A dismissed student cannot re-enroll or graduate. Once assigned this sanction, students are immediately removed from their classes and banned from university property. A student cannot enter University property once dismissed without prior permission from the Director of Student Conduct or designee.
- Revocation or Denial of Degree - The University reserves the right to revoke or refuse to confer a degree on the basis of a violation of the Standards of Student Conduct that occurred while the student was enrolled, given that the violation(s) would have resulted in expulsion.
- Additional Sanctions – In addition to those listed above, other sanction may be implemented.

**Disclosure of Disciplinary Proceedings Policy Statement**

Upon request, A-State will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim or next of kin if the victim is deceased as outlined in the Standards of Student Conduct <http://www.astate.edu/a/student-conduct/student-standards/handbook-home.dot>

**Sexual Harassment and Sexual Assault Resource Information**

The Title IX Coordinator will assist the person alleging to be subjected to sexual discrimination with locating resources for counseling, medical treatment, legal advice, victim advocacy, with written notification on visa and immigration assistance or other services.

Assistance for Victims:

Campus Telephone . . . . .	9-911
Off-Campus . . . . .	911
University Police . . . . .	870-972-2093
Dean of Students Office . . . . .	870-972-2048
Jonesboro City Police . . . . .	870-935-5553
St. Bernard’s Behavioral Health Center . . . . .	870-932-2800

A-State Counseling Center . . . . .	870-972-2318
Mid-South Mental Health System . . . . .	870-972-4000
NEA Baptist Memorial Hospital. . . . .	870-936-1000
Craighead County Victim Assistance Program . . . . .	870-972-9593
Regional Sexual Assault Center (West Memphis) . . . . .	870-732-7552
St. Bernard's Regional Medical Center . . . . .	870-207-4100
Wilson Student Health Center . . . . .	870-972-2054
Family Crises Center. . . . .	870-933-9449
International Student Services. . . . .	870-972-2329

**Policy for Preparing the Annual Disclosure of Crime Statistics**

The Clery Report is compiled by the Office of Student Conduct at A-State. Crime and arrest statistics for A-State are compiled by A-State University Police. Conduct referral statistics for Arkansas State University - Jonesboro are provided by the Office of Student Conduct. Every attempt is made to ensure that the information provided is accurate.

**Arkansas State University Campus Security Policy and Campus Crime Statistics**

**Introduction**

Arkansas State University Jonesboro is a state-supported institution of higher education with an enrollment of over 14,000 students, and employs approximately 1,500 faculty and staff. A-State is committed to providing a safe learning, working, and living environment for each of its members, visitors and guests. In compliance with the Student Right-To-Know and Campus Security Act, the following report states the university's campus security policies, current security programs, and crime statistics. The intent of this report is to increase the readers' awareness of security issues and to assist in the decision-making process regarding personal safety. Each year, the university will disseminate this information to all current students and employees, and upon request, will be provided to any applicant for enrollment or employment.

**Reporting of Criminal Actions and/or Emergencies and Response**

University Police is responsible for law enforcement, security, and emergency response at Arkansas State University. The responsibilities emerge from Act 328 of the 1967 General Assembly of Arkansas. The department is to enforce all federal, state, and local laws of its jurisdiction. The University Police Department is accredited through the Commission on Accreditation for Law Enforcement Agencies. The University Police street officers are on duty around the clock, 365 days a year. Each officer meets the requirements of ACT 452 of 1975 of the state of Arkansas as a certified law enforcement officer. University Police will respond immediately to any report of criminal actions or other emergencies.

All students and employees are encouraged to accurately and promptly report all crimes to campus police. Police can be contacted 24 hours a day, seven days a week by calling (870) 972-2093 (off campus) or 2093 (on campus). The Jonesboro Police Department, Jonesboro Fire Department, and

ambulance service can be reached by dialing 9-911 from any campus telephone or 911 from any off-campus phone.

## **Access to Campus Facilities**

### **Administrative/Academic Buildings**

Most campus buildings and facilities are accessible to members of the campus community, guests and visitors during normal hours of business, Monday through Friday, and for designated periods of time on special events and occasions. Buildings may close earlier when classes are not in session, during holidays, between semesters, and on weekends.

### **Residence Halls**

In traditional residence halls unlimited access is available to residents only through a staffed central entrance to each building. The remaining exterior doors to all residence halls remain locked from the outside twenty-four (24) hours a day. In upper-classman housing visitation varies.

The entrance to Kays/University, Northpark Quads/Red Wolf Den, Pack Place, Greek Village, and The Circle parking lots are gate controlled. Only students residing in these complexes have access to the parking lots.

Residence Life's visitation hours as well as escort policies are established to ensure a safe environment. Visitation policies can be found in the student handbook at

<http://www.astate.edu/a/student-conduct/Student%20Handbook%20201920.pdf>

### **Fraternities and Sororities**

Fraternity houses are located both on and off campus. Through an agreement with the Jonesboro Police Department and the University Police, both departments patrol the off-campus fraternity locations. Five Sorority Houses house students on campus. Five fraternities and three religious student groups recognized by the university maintain either a meeting or living facility on campus.

Any reports related to criminal activity associated with campus groups on or off campus are shared with University Police. This information is then shared with the Division of Student Affairs.

### **Maintenance and Security of Campus Facilities**

Arkansas State University maintains a strong commitment to the safety and security of the campus community. Motor vehicle parking lots, pedestrian walkways and building exteriors are well lighted.

Surveys of exterior lights on campus are conducted on a periodic basis to determine the effectiveness of the lighting situation. Members of the campus community are encouraged to report any exterior lighting deficiencies to JPD, the University Police Department, or Facilities Management. Campus lighting is monitored each night, and deficiencies are reported to Facilities Management, Residence Life, or Parking Services. Exterior doors on campus buildings are locked and secured each evening, and rechecked periodically each night. Unsecured doors are reported on a daily basis to the building supervisor, and door and security hardware operating deficiencies are also reported by the officers to Facilities Management and to the building supervisor on a daily basis.

University Police Department officers check exterior doors to ensure that each door and its locking mechanism are functioning properly. Each door on campus is cataloged and numbered to ensure quick and accurate response.

Parking lots and other areas of the campuses are actively patrolled.

### **Law Enforcement Authority and Interagency Relationships**

University Police maintains a close working relationship with community law enforcement officers, county, state and federal law enforcement agencies. A-State's UPD are State Certified Officers. Regular meetings are held, both on a formal and informal basis, between these groups. Crime-related reports and data are routinely exchanged.

### **Accurate and Prompt Crime Reports**

All students and employees are encouraged to accurately and promptly report all crimes to campus police. This can be done by calling 870-972-2093 and the dispatch officer will assist the caller in contacting the most appropriate officer. The importance of crime reports is emphasized at Security Awareness and Crime Prevention Programs listed in the programming section of this report.

Students wishing to report crimes on a voluntary and confidential basis can do so by using the form at <http://www.astate.edu/a/police/online-forms/silent-witness.dot>. Additionally, community members can use the QuikTip app on their I-phone or Android phone to report crimes on a voluntary and confidential basis.

### **Crime Reporting**

1. Monthly/Annual Reports: Comprehensive monthly/annual reports of crime-related information are compiled. These reports assist the university in monitoring and upgrading security measures.
2. Special Alerts: If circumstances warrant it, special crime alerts are prepared and distributed throughout campus.
3. Incident Reporting: Crime-related incidents are reported daily to the Office of Student Conduct office with a view toward immediate corrective action.
4. Media: A crime report is made available to the student newspaper, The Herald, on the Jonesboro campus on a weekly basis.

### **Monitoring and Recording of Crimes at Off Campus Locations of Student Organizations**

Crimes occurring at off-campus locations of student organizations recognized by the university are reported to local law enforcement agencies and to the University Police. As soon as practical, following any such incident, a copy of the incident report is obtained from the local law enforcement agency by the University Police. Immediate attention is given to each of these incidents.

### **Timely Notification Policy**

In the event of a major crime incident occurring on the A-State campus or the surrounding area that will endanger or affect the campus community, the Chief of University Police, or their designee(s),

will evaluate the circumstances and determine the need and manner for alerting the campus community.

The mode of notification will vary depending on the particular circumstances of the crime, or other emergency. One or more of the following communication tools will be used to notify students, faculty and staff:

- Text message through the emergency alert system
- Messages on Telephones through the Cisco Phone System
- Alerts on the A-State Website
- Signage placed in and around buildings
- Emails to A-State email addresses
- Media alerts

If a problem appears to be confined to a building or group of buildings, notification will generally occur through posting flyers in the affected area. If the buildings identified in this case are residential, Residence Life Staff may notify their students through hall meetings or word of mouth in addition to the postings.

### **Sex Crimes Prevention Act**

In response to the Campus Sex Crimes Prevention Act (Public Law 106-386), institutions of higher education are required to advise the campus community where law enforcement agency information provided by the State concerning registered sex offenders may be obtained.

### **Registered Sex Offender Policy Statement**

Sex offender registrations are handled through the Jonesboro Police Department. The University Police Department receives notifications when any sex offender moves to areas near campus. Members of the public may view the current sex offender registry by visiting [www.acic.org](http://www.acic.org). A direct link to this site can also be found on the homepage of the University Police Department's website.

## Campus Crime Statistics

2019 Campus Security Act Report - Arkansas State University												
Reported Offenses Of	2018				2017				2016			
	On Campus	Non-Campus	Public Property	Residence Halls (Subset of On	On Campus	Non-Campus	Public Property	Residence Halls (Subset of On	On Campus	Non-Campus	Public Property	Residence Halls (Subset of On
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	6	0	0	6	5	1	0	5	7	0	0	7
Fondling	7	0	0	3	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	2	0	0	1	2	0	0	1
Burglary	4	0	0	3	11	0	0	9	1	0	0	1
Motor Vehicle Theft	2	0	0	0	0	0	0	0	2	0	0	0
Arson	0	0	0	0	1	0	0	1	0	0	0	0
<b>Unfounded Crimes (Crimes determined through investigation to be false or baseless)</b>												
There were no unfounded crimes in 2018.												
There were no unfounded crimes in 2017.												
There were no unfounded crimes in 2016.												
<b>Hate Crimes (Crimes committed with bias against the following: race, gender, religion, sexual orientation, ethnicity/national origin, or disability)</b>												
There was one Intimidation incident characterized by Race that occurred on Public Property in 2018.												
There were no hate crimes reported in 2017.												
There were no hate crimes reported in 2016.												
<b>Violence Against Women</b>												
Dating Violence	6	0	0	4	7	0	0	5	2	0	0	1
Domestic Violence	4	0	0	3	4	0	0	4	2	0	0	1
Stalking	3	0	0	1	1	0	0	0	0	0	0	0
<b>Arrests for Liquor Law, Drug Related, and Weapon Violations</b>												
Liquor Law Violations	16	0	2	2	26	0	2	3	35	0	4	7
Drug-related Violations	12	0	23	0	27	0	22	3	35	0	21	8
Weapons Possessions	2	0	5	0	0	0	4	0	6	0	1	0
<b>Referrals to Student Conduct for Liquor Law, Drug Related, and Weapon Violations</b>												
Liquor Law Violations	50	0	1	21	119	0	2	78	116	0	2	72
Drug-related Violations	55	0	12	40	32	0	3	22	15	0	0	8
Weapons Possessions	1	0	0	0	1	0	0	0	0	0	0	0
<b>Other Crimes</b>												
Larceny (Theft) (Offenses Of	57	0	0	22	55	0	0	9	112	0	0	14
DW/DUI (Arrests)	6	0	21	0	6	0	24	0	21	0	24	0
Public Intoxication (Arrests)	6	0	0	2	14	1	6	2	11	0	4	0
<p>Campus= (1) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes; and (2) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (includes parking lots, sidewalks, common areas, and all academic</p> <p>Non-campus= (1) any building or property owned or controlled by a student organization recognized by the institution; and (2) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution (includes religious student centers, farm, and all buildings not on the main campus).</p> <p>Public Property= all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes (includes streets running through or next to campus, contact ASU PD for an exact description of all areas- sidewalks and parking facilities are on campus).</p> <p>Residence Halls= all residence halls, sororities, and fraternities</p>												

## **Missing Student Procedure**

### **Rationale**

In accordance with Section 485 of the Higher Education Act (HEA), every institution of higher education that provides on-campus housing must implement a missing student notification procedure for those students residing in on-campus housing.

### **Procedure for Informing Students**

As part of the electronic application process, students will designate a confidential contact to be reached in the event the student is considered to be missing. Students may, at any time, change this information on-line. If the student is under the age of 18 and is not an emancipated minor, the confidential contact must be the student's parent or legal guardian. Students 18 years and older may designate the contact of their choice. During the first floor meeting of the fall semester or as part of the check-in process, Resident Assistants (RAs) will review the Missing Student Procedure with new students. During the first week of the spring semester, the RA will meet with all new students to review the Missing Student Procedure.

### **Procedure for Determining if a Student is Missing**

For purposes of this procedure, a University residence student may be considered to be a "missing student" if the person's absence is contrary to their usual pattern of behavior without explanation. For example, a student who typically stays on campus during weekends should not be considered missing if he/she has informed others of a weekend trip off campus. However, the unexplained absence of a student expected to be on campus triggers the Missing Student Procedure. Any person believing that a student is missing should report to Residence Life.

If a student is reported missing to a Residence Life staff member, the staff member should be sure to obtain the reporting person's name, relationship to the student, and contact information where the reporting person can be reliably reached. The staff member should obtain local directory information about the missing student and immediately notify the missing student's residence hall director or the staff member on call.

The Residence Life Coordinator/Assistant Director should refer to the Reported Missing Student Checklist and contact the reporting person to obtain the additional information needed. If the Residence Life Coordinator/Assistant Director determines at any point there is a credible threat to the well-being of the student reported as missing, the Residence Life Coordinator/Assistant Director should call University Police and make a report to supervisory staff. The Residence Life Coordinator/Assistant Director should then proceed to contact known student friends/relationships, beginning with roommates/suitemates, and the missing student's Resident Assistant. The Residence Life Coordinator/Assistant Director should also use direct and indirect methods of leaving messages for the student to make contact immediately. The purpose at this point is to determine if the student is truly missing or has simply failed to make the desired contact with the reporting person. If the student is located or is determined not to be missing, the student should be advised to contact the reporting person. The Residence Life Coordinator/Assistant Director may

also contact the reporting person and relay that the student is not missing and has been asked to contact the reporting person.

If pursuing known contacts has not resulted in locating the student, the Residence Life Coordinator/Assistant Director should contact the Assistant Director/Associate Director of Residence Life, who will then contact the Director of Residence Life. The Director of Residence Life will then notify the Dean of Students. The Dean of Students is responsible for reporting all obtained information. Residence Life Staff will follow verbal notification with an Incident Report (IR). The contacted individuals may then authorize one or more of the following measures to determine recent activity by the student reported as missing:

- Building card reader access report
- Meal plan access report
- Class attendance
- Social Networking activity on sites such as Facebook
- In-plain-sight examination of room to see signs of recent use or planned departure
- Location of vehicle

If the results of these activity measures suggest that the student is indeed missing and unaccounted for, the contacted individual will file a police report with University Police to request law enforcement investigation. All information obtained about the missing student through investigation should be shared with the University Police.

If University Police determine that a student for whom a missing person report has been filed has been missing for more than 24 hours, then within the next 24 hours, they must:

- Notify the individual identified by the student to be contacted in this circumstance
- If the student is under 18 years old, notify a parent or guardian

### **Notify Regional Law Enforcement**

Contact area hospitals and local detention facilities

Send e-mail to students, faculty and staff that student is missing with pertinent information and photograph if available

### University Communication of a Missing Student

In cases involving missing student residents, all inquiries by media or the public regarding missing student residents shall be referred to University Relations. All public statements will be coordinated through University Relations.

As part of the electronic housing application process, students will designate a confidential contact to be reached in the event the student is considered to be missing.

## **Withdrawal from the University**

Students may withdraw from the university using Self-Service at any time during the scheduled registration periods. Students withdrawing from the university after Sunday of the first full week of classes in a Fall or Spring semester or Friday of the first week of classes in a five-week Summer term must obtain an Application for Withdrawal from the [Advisement Services Office](#) located in the Wilson Advisement Center.

Students receiving Financial Aid must obtain an approval signature from the Financial Aid Office. The withdrawal process is complete when the form is accepted and signed by Advisement Services in the Wilson Center for Academic Advisement. This process must be completed two weeks prior to the first day of final examinations during Fall and Spring semesters. Academic Affairs will identify appropriate deadlines for other semesters (Interims, Summer, Half Sessions).

Grades earned in courses completed prior to official withdrawal from the university (i.e., short courses) will not be affected by that withdrawal. Classes that have been withdrawn will remain on the student's transcript with a "W" grade for withdrawal. Once the withdrawal process is complete, the classes withdrawn will not affect the student's GPA.

Students who cease to attend classes without processing an official withdrawal or who do not complete the withdrawal process will automatically receive an "F" in all courses in which they were enrolled.

## **Student Records and Privacy Policy**

### 1. Purpose

Arkansas State University will comply with the Family Educational Rights and Privacy Act (FERPA)

### 2. Definitions

#### **Arkansas State University:**

Arkansas State University (ASU) means all the campuses within the Arkansas State University System, now and in the future.

#### **Student:**

Student means an individual who attends or has attended classes at ASU. This policy does not apply to the records of applicants for admission who are not accepted to ASU nor does it apply to applicants who are accepted but choose not to attend ASU.

#### **Education Record:**

Education records are those records, files, documents, and other materials which contain information directly related to a student and are maintained by ASU or a person acting for ASU.

#### **Directory Information:**

Directory Information is designated to be the student's name; local and permanent physical addresses; electronic mail addresses; telephone listings; photographs and electronic images; date and

place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; and the most recent previous educational agency or institution attended by the student.

### 3. Arkansas State University Family Educational Rights and Privacy Act Policy

The Family Educational Rights and Privacy Act requires that institutions of higher education strictly protect the privacy rights of all students who are or who have been in attendance. Information contained in the student's education records can be shared only with those persons or entities specified within the Act. The law also provides that students have the right to review their education records for the purpose of making any necessary corrections. The Office of the Registrar maintains a copy of the full text of FERPA, posts electronic information on FERPA, and processes all FERPA requests and challenges. Arkansas State University will utilize the following process to implement the provisions of the Family Educational Rights and Privacy Act.

### 4. Process

#### A. Disclosure of Education Records

##### **I. Disclosure with Student Consent:**

A student may consent in writing to disclosure of education records. The student's written consent must be signed, dated, and specify which records are to be disclosed, to whom, and for what purpose. The consent must be delivered to the office of the Registrar. The student may retract the consent in writing at any time. Proper proof of identity may be required by the Registrar's office before consent is retracted.

##### **II. Disclosure without Student Consent:**

A-State may disclose education records without the student's written consent to any school official within the institution with a legitimate educational interest. School officials include administrators, supervisors, faculty members, instructors, support staff, members of the Board of Trustees, persons with whom ASU has contracted for special tasks (e.g. National Student Clearinghouse), and university committee members. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. School officials of ASU are considered to be within the institution for the purposes of FERPA and may exchange education records without student consent so long as they have a legitimate educational interest.

Disclosure without student consent may also be made to other persons and entities as allowed by FERPA.

Faculty sponsors of registered honor societies may have access to student education records for the sole purpose of determining eligibility for membership on the basis that they are acting in an official university capacity that is integral to the educational function of ASU.

The parents of students may exercise rights under FERPA if the student is claimed as a dependent by the parents for income tax purposes. Dependency must be proven by submission of a copy of income tax returns.

#### B. Disclosure of Directory Information

Directory information may be disclosed to any person or entity without student consent unless the student submits a completed request for non-disclosure of directory information form to the Office of the Registrar. If a student elects not to allow disclosure of directory information, ASU cannot share information regarding the student with any person or entity including prospective employers, licensing agencies, government agencies, the media, and others. The student may retract the directory information non-disclosure in writing at any time. Proper proof of identity may be required by the Registrar's office before the directory information non-disclosure is retracted.

#### C. Inspection, Review, and Correction of Education Records

Students have the right to inspect and review their education records except for specific exclusions contained within the Family Educational Rights and Privacy Act. A student should contact the Office of the Registrar to arrange for inspection, review, and correction of an education record. The Registrar may charge a fee for copies of any education records.

#### D. Ownership of Education Records

Education records are the property of ASU. Education records, including transcripts and diplomas, will not be released to any student who has a delinquent financial obligation to the University. Additional Information and Requests

### **Non Academic Student Conduct Records**

#### **Retention**

Non-Academic Student Conduct Records will be maintained for seven years from the date of the last case resolution or two years post-graduation, whichever comes later. Any student record with an outstanding sanction, suspension or dismissal will be kept indefinitely.

#### **External Release**

External release of records will occur in accordance with federal and state law.

### **Voter Registration Forms Available**

Any student or employee who is qualified to register to vote and wishes to do so may obtain a form at the link below. The registration form is printed and issued by the Arkansas Secretary of State's Office, which may be contacted by calling 501-682-5070 or 800-482-1127 or by e-mail at [electionsemail@sos.arkansas.gov](mailto:electionsemail@sos.arkansas.gov). The form can be found online at <https://www.sos.arkansas.gov/uploads/elections/ArkansasVoterRegistrationApplication.pdf> Information on voter registration also is available through the Office of the County Clerk in Craighead County.

## Emergency Notification Policy

Arkansas State University (A-State) will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The University Police Department is the designated central warning point for A-State. All emergencies should be reported to UPD. The primary means for public dissemination of emergency and/or warning information available to UPD include:

- Emergency Notification System Texts
- Emergency Notification System Emails
- Campus Outdoor Warning System

When a warning or watch for a hazard is identified via a warning point, the University's Warning Point Operator will complete the following:

- Acknowledge receipt of a warning or watch as it was received via the warning point
  - Repeat the information back as it was provided
  - Provide identification or call sign
- Notify locations and persons listed in the A-State EOP Appendix A.4 Warning Point Notifications by any means available
- Communicate warning to students, faculty, and staff to turn on their radios and/or televisions for instructions
- Terminate any type of warning via radio or telephone to those who received the original message

The Office of Marketing and Communications is responsible for releasing all information to the media and other outlets. Upon receipt of warnings using the channels above, Marketing & Communications Office will also issue warnings via Web site and social media:

- A-State Web site (<http://www.astate.edu>) for releasing emergency information on and off campus through either a trailer at the top of the screen or collapsible full screen alert
- A-State Facebook page (<https://www.facebook.com/ArkansasState>) for releasing emergency information on and off campus through status update
- A-State Twitter feed (<https://twitter.com/ArkansasState>) for releasing emergency information on and off campus via Tweet

The following outlines actions for the university's Internet Communications division:

- Acknowledge receipt of a warning or watch as it was received via the warning point and/or PIO
  - Repeat the information back as it was provided
  - Confirm level of alert to be deployed
- Communicate warning on primary university website
- Communicate warning on primary university social media accounts
- Begin monitoring Internet traffic regarding the emergency. Capture and save screens or text related to emergency and relay information as needed
- Respond as appropriate to convey approved messages to general public on official social media accounts

- Record interactions through social media
- When directed from the WP and/or PIO, communicate stand down or all clear messages via website and social media accounts

A-State will disseminate emergency information to the public via the following methods:

- 91.9 FM KASU
- ASU-TV for disseminating information directly on Sudden Link Channel 18 in Jonesboro

Emergency alerts and notifications are issued for situations such as: a Declaration of Campus Emergency, a Declaration of Campus Closure, an evacuation, and/or sheltering order, and for shelter-in-place procedures.

### **Emergency Procedures**

Arkansas State University (A-State) is committed to protecting the safety, security, and welfare of its campus, farm, and community members. The A-State Emergency Operations Plan (EOP) was developed to provide the Jonesboro campus a means to mitigate, prepare for, respond to, and recover from emergencies. The community can view the full public version of the plan here:

<http://www.astate.edu/a/ehs/emergency-services/files/eop.pdf>

The University Chancellor or their designee, and the USEM Coordinator, is authorized to order activation of the EOP, or any portion thereof, as required:

- To provide increased readiness in the event of an impending threat, emergency or disaster, and;
- To address all threats, emergencies, or disasters that may impact the A-State campus

The EOP will be activated by:

- The notification of an “Emergency Activation” from the Chancellor or appointed representative/designee
- Authorization of the USEM Coordinator as necessary

During the impact of a disaster, law enforcement personnel will keep the appropriate administration informed of the scope of the damage and areas being affected. Law enforcement personnel involved in critical incidents become disorder managers, where prompt capacity to adapt, plan, and react, with or without the presence of agency management, is necessary. With this in mind A-State and its police department are adopting an Incident Command System (ICS) for operations management.

The University Police Department recognizes the possibility of altering traditional management concepts and normal job functions in times of emergency in order to support the extraordinary tactics and decisions that must be made by first responders when protecting lives, confronting active threats, and achieving recovery. In such cases the department will utilize and implement the ICS when needed to maintain order and assist in necessary recovery efforts. Selective application of various protocols, professional maturity, application of sound law enforcement protocols, selfless

conduct, problem solving capabilities and emotional resilience are concepts that bring about control of major incidents.

When a warning has been issued affecting the A-State campus, the UPD will assist in opening shelters on campus. Upon impact of a man-caused disaster, the law enforcement service will assist in providing warning to the population in the affected area. Activities will be coordinated with other functional areas required for emergency operations.

### **Evacuation Procedures**

A campus-wide evacuation may be ordered by off-campus authority or ranking university police officer on duty. The UPD will use their public address system as described above to order an evacuation. Evacuation information will also be broadcast on the traditional and social media platforms listed above.

An evacuation of a building is used to move persons out of a building to avoid a potentially threatening situation. Upon the sounding of the fire alarm or notification by the campus Warning System, or upon direction of the UPD/emergency services personnel, all occupants will evacuate a building and proceed immediately, in a calm and orderly manner, to the designated Emergency Evacuation Checkpoint at least 300 feet away from the facility. A list of Emergency Evacuation Checkpoints for each building can be found on page 12 of the Emergency Procedures Handbook, at the following web address: <https://www.astate.edu/a/ehs/emergency-services/files/eph.pdf>

In some instances, the best action may be to Shelter-in-Place during an accidental or intentional release of hazardous chemical or biological agents in the area.

- The UPD and local emergency services are to use every means available (email, A-State website (<http://www.astate.edu>), telephone, KASU and local radio and television stations, and the Campus Outdoor Warning System) to advise the university Community of imminent dangers
- Ensure the HVAC for the building is shut down – Call Facilities Management if needed.
- The Facilities Management Department will turn off all main air handlers and exhaust systems
- Do not use the elevators. Elevators can become stuck when air handlers are turned off.
- Seek shelter on floors above ground level and in the interior part of the building, in an area with the least amount of windows and doors
- After everyone has settled, use material such as plastic and tape to seal doorways
- Use phones only for an emergency. Overuse of phones, including cellular, can overburden the system and delay emergency calls
- Wait for further instructions from the UPD or other emergency personnel
- Once the emergency is over you will be instructed to evacuate the building until it has been properly ventilated for any remaining hazards

### **Tests of Emergency Procedures**

A-State has adopted the National Incident Management System (NIMS) for emergency response to disasters on campus. The Office of USEM maintains the A-State Emergency Operations Plan and

NIMS training records for the university. Departmental employees across campus hold integral posts within the Emergency Response Team.

With support and guidance from UPD and USEM, departments and building safety committees are encouraged to use the Emergency Procedures Handbook as a basis for department and/or building-specific emergency plans, which serve as supplements to campus emergency procedures. These planning activities are designed to familiarize campus personnel with existing emergency plans, ensure consistency across supplemental plans, and establish a schedule to test the plans. Information about these tests are publicized via A-State Daily Digest to all university email accounts.

At a minimum, A-State will perform a review of its EOP annually to ensure it remains current, make revisions if required, and formally adopt revisions. Each department is responsible for the review and revision of their respective plans at least annually or as specified in their plans. Drafting the EOP is a community effort and relies heavily on the administrators and experts in the community to provide comprehensive guidance on hazard analysis, exercise design, evacuation planning, emergency management, mitigation, recovery, emergency preparedness, and educational awareness.

The USEM Coordinator will coordinate with emergency response organizations/officials to ensure the development and maintenance of an appropriate emergency response capability. It is the responsibility of the USEM Coordinator to ensure that the EOP is tested and exercised on a scheduled basis. The USEM Coordinator will maintain the exercise schedule and assure that the appropriate resources are available to complete these activities. After each exercise, an After-Action Report (AAR) will be developed. Any findings from post-event reviews, hot washes, and debriefings will be analyzed and incorporated as deemed necessary into a revised EOP.

The university publishes the A-State Emergency Operations Plan on its website, along with a quick-reference Emergency Procedures Handbook. Both can be found at: <http://www.astate.edu/a/ehs/emergency-services/>. Updates to these documents are made according to exercises, activations, and their follow-up activities such as hot washes and after-action reviews. In addition to publication on the website, a hard copy of the Emergency Procedures Handbook is available in student services and other departmental offices on campus. It is also posted to bulletin boards throughout university buildings. The university publicizes all major drills and exercises on campus, including their purpose and implications for campus activities and emergency planning, in advance through the A-State Dailey email to all campus email accounts. AARs for all exercises, regardless of scale, are also publicized using the A-State Daily Digest email.

The university tests the campus emergency alert system monthly. This includes a text to all cell phones in the university system and all university email accounts, and clearly states the messages are tests. While the text provides basic information due to character limitations, the email includes a safety tip that is aimed at addressing common safety issues on campus. Safety tip topics include, but are not limited to, stressing the importance and responsibility of securing exterior access doors, resources to help students communicate their physical address in an emergency, and announcements on upcoming safety training sessions. UPD uses one safety tip in conjunction with each monthly test of the emergency alert system, to direct users of university email accounts to resources on immediate actions to be taken in an emergency as described in the A-State Emergency Procedures Handbook. The web address for the Emergency Procedures Handbook is provided at the bottom of all emergency alert emails.

### **Campus Fire Safety and Compliance Report**

Arkansas State University's Fire Safety Compliance Report can be found at <http://www.astate.edu/a/ehs/emergency-services/files/2018-fire-report.pdf> If you have questions in regards to this report, please contact Environmental Health and Safety at 870-972-2862.

### **Equity in Athletics Disclosure Act**

The intercollegiate athletic program participation rates and financial support data (the Equity in Athletics Disclosure Act) can be found at <http://www.astate.edu/a/consumer-information/index.dot>

### **Additional Information and Requests**

If you need this document outside of its normal distribution, please contact:

#### **The Office of Student Conduct**

870-972-2034 (phone) / 970-972-3898 (fax) / <http://www.astate.edu/a/student-conduct/index.dot>  
[studentconduct@astate.edu](mailto:studentconduct@astate.edu)

P.O. Box 2762

State University, AR 72467

Additionally, please contact the above office if you have any questions regarding this document, the information it holds, or its compilation. Information included in this report is collected from the Office of Environmental Safety, The Counseling Center, The Department of Residence Life, the Office of Title IX & Institutional Equity, the Department of Human Resources, Office of Student Conduct, and the University Police Department.