

Annual Security Report
And
Annual Fire Safety Report
2020



Campus Security

Emergency Number Quick Reference

Emergency-Call 911

For Ambulance, Fire, or Crime in Progress

Non-Emergency

Izard County Sheriff's Department - 870-368-4203

Fulton County Sheriff's Department – 870-895-2601

Mammoth Spring Police Department – 870-625-7516

Sharp County Sheriff's Department – 870-994-7329

Ash Flat Police Department – 870-994-3061

Stone County Sheriff's Department – 870-269-3825

Mountain View Police Department – 870-269-4211

To report a crime or other non-emergency communications

National and Statewide Hotlines

Child Abuse Hotline	800-482-5964
National Suicide Prevention Hotline	800-273-TALK (8255)
Suicide Hotline	800-SUICIDE (784-2433)
Poison Control	800-222-1222

Ozarka College does not have a campus police department; however, each campus has a working relationship with local law enforcement for campus security. An agreement has been established with police departments in Melbourne, Ash Flat and Mountain View to provide a security presence on a part-time basis. The Mammoth Spring City Police parole and provide a presence on the Mammoth Spring Campus. The state and local law enforcement personnel have arrest authority and authority to conduct investigations of alleged criminal offenses on Ozarka College campuses.

Criminal incidents are referred to the local police who have jurisdiction on each campus. All crime victims and witnesses are strongly encouraged to immediately report the crime or suspicious activity to the Vice President of Student Services or the appropriate campus director and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Students and Faculty are encouraged to report criminal offenses to one of the following employees:

Vice President of Student Services	Office: (870) 368-2027 Mobile: (870) 368-2358
Ash Flat Campus Director	Office: (870) 994-7273
Mammoth Spring Campus Director	Office: (870) 625-0411

Criminal Activity Off-Campus

Ozarka College does not recognize any off-campus locations of student organizations or off-campus housing facilities. The monitoring and recording of criminal activity at off-campus locations would be provided by local police agencies.

Campus Access

During business hours, Ozarka College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key, if issued, or by admittance via an approved staff member.

The IZARD County Sheriff's Department patrols the Melbourne campus and adjacent student housing on a randomized basis. A resident assistant lives in student housing and is available to provide access after hours. Some facilities may have individual hours, which may vary at different times of the year. An example is the Fitness Center. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Maintenance of Campus Facilities

Ozarka College physical plant maintains the College buildings with a concern for safety and security. To provide a safe environment, broken or flickering lights, dimly lit corridors, doors and windows that are broken or do not close or lock properly should be reported to the maintenance department or a campus director. Inspections of campus facilities are conducted regularly and repairs are made in a timely manner. All members of the campus community are encouraged to report any safety and security hazards to the office of the Vice President of Student Services.

Safety Tips on Campus

Ozarka College makes every effort to provide a safe campus for students, employees, and their property. However, students and employees are responsible for all personal items brought on the campus. The College does not provide insurance coverage.

- Be careful when crossing streets, Use pedestrian crosswalks.
- If driving on campus, yield to pedestrians in the crosswalk.
- Always lock and secure your vehicle when you park.
- Do not leave valuables unattended.
- Lock and secure your desk and office when away, even if it is for a short period of time.
- Keep small valuables (e.g. wallets and purses) out of sight in a closed and locked desk or file cabinet.

- When away from your work area, let a coworker or close neighbor know about your departure and expected time of return.
- Lock your computer when away from your office.
- Pay attention to people who do not belong in the areas where you work.
- Engage such people by saying "Excuse me? You appear to be lost. May I help you?"
 - Pay attention to what they are wearing and other personal characteristics in case a description needs to be relayed to security.
- Report suspicious people or activity to security immediately. Give your name, department, phone extension, the location of the suspicious person and a description.
- Be discreet. Never advertise plans for being away to visitors you don't know or people calling your place of work.
- Report broken or flickering lights, dimly lit corridors, doors and windows that are broken or do not close or lock properly. Do not assume someone else will do it.

Crime Reporting

Every crime should be reported to law enforcement officials as soon as possible. If this is not possible for some reason, the crime should be reported to the Vice President of Student Services who will inform the Ozarka College President.

Confidential Crime Reporting is an essential method of reporting. The preferred and primary points of crime reporting should be the local police department and the office of the Vice President of Student Services. If you are the victim of a crime and do not want to pursue action within the College discipline system or the criminal justice system, you may consider making a confidential report. If you choose to file a confidential report through the office of the Vice President of Student Services, with your permission, the Vice President can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to keep the matter confidential, while taking steps to ensure the future safety of yourself and others.

Pastors and professional counselors are also encouraged to inform the campus community to report crimes on a voluntary, confidential basis. With such information, College personnel can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. It is the policy of the College to encourage reporting of crimes even if the victim does not wish to file a complaint.

The Vice President of Student Services is responsible for collecting, reporting, and disseminating the annual crime statistics for all Ozarka College campuses from the local law enforcement agencies, campus security authorities, and from the campus crime log for inclusion in the Annual Crime Report. The campus daily crime log is open to the public and may be reviewed by contacting the Vice President of Student Services.

Timely Warnings

In the event that a situation arises, either on or off any Ozarka College campus, that, in the judgment of the Ozarka College President, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail system to students, faculty, and staff. The decision to issue a timely warning will occur on a case by case basis after review of all available information including the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. Law enforcement personnel have been asked to keep campus officials informed on an immediate basis of crimes that may require timely warnings.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the President may require a campus notification be sent using the campus alert system, providing the college community with more immediate notification.

These warnings are distributed in various ways depending on the nature of the information. Among the methods used are alert beacons, e-mail, text messages, desktop notification, social media, warning flyers, campus meetings, and announcements.

Anyone with information warranting a timely warning should report the circumstances to the Office of the President, the Vice President of Student Services, or the appropriate campus director as follows:

- Melbourne Campus – President, Administration Building, 870-368-2001
- Melbourne Campus – Vice President of Student Services, Student Services Center, 870-368-2027
- Ash Flat Campus – Campus Director, Main Building, 870-994-7273
- Mountain View Campus – Campus Director, Student Center, 870-269-5600
- Mammoth Spring – Campus Director, Main Building, 870-625-0411

Emergency Preparedness, Response, Notification and Evacuation

During a time of campus emergency, the employee discovering the emergency shall immediately place into effect the appropriate procedures necessary to meet the emergency, safeguard persons and property, and maintain educational facilities. Said employee shall immediately consult with the Ozarka College President, member of Administrative Counsel, or Campus Director to report the emergency.

The Ozarka College Crisis Manual includes information about Incident Teams, College operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements.

General information about the emergency response and evacuation procedures for Ozarka College are publicized each year as part of the institution's Clery Act compliance efforts and that information is available on the Ozarka College web site.

All members of the Ozarka College community are notified on an annual basis that they are required to notify the Ozarka College President of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Ozarka College has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, each campus' respective state and/or local police department has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

Notification to the Ozarka College Community about an Immediate Threat

The coordination of campus emergency resource teams is the responsibility of the Ozarka College President who will coordinate all on-campus emergency functions and issue timely warnings. If the President is unavailable, the Provost and Executive Vice President of Learning will provide the coordination.

The Office of the President will receive information from various offices/departments on campus, such as the Maintenance, Grounds and Student Services, etc. and/or external sources such as local police departments. If the Ozarka College President confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Ozarka College Community, the President will invoke all or part of the Incident Command Team consisting of the Ozarka College President, Vice President of Academic Affairs, President of Student Services, Vice President of Finance, Chief Information Officer, and the Director of Marketing and Public Relations, who will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Ozarka College Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The Incident Command Team will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: State/Local Police Departments, Local Fire Departments, and/or Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

may be activated in the event of an immediate threat to the Ozarka College campus community.

Members of the larger community who are interested in receiving information about emergencies on campus should sign up for the emergency text message system and should use the Ozarka College Website for obtaining updates in the event of an emergency on campus.

Communication is a high priority in an emergency situation and Ozarka College has multiple layers of communications to notify the campus community of emergency situations.

Ozarka College Alert - A text message, alert beacon, and email alert system that allows students, faculty, and staff to register a mobile phone number.

Computer Notification System – A notification message is sent to all Ozarka maintained computers.

Ozarka College Email – Emergency notifications are sent to Ozarka College email addresses. All students, faculty and staff are issued an email address.

Web Site – All emergency notifications are posted to the Ozarka College web site home page.

Buildings on campus have an emergency notification system in place. The fire alarm system serves as the evacuation signal. Whenever the alarm system sounds, everyone must leave the building and move to a safe location.

Testing and Evaluation

Each Ozarka College campus will test the fire alarm systems and campus notification systems at least once per calendar year. The test may be announced or unannounced. Emergency response and evacuation procedures will be publicized in conjunction with each test and the description of the exercise, date, time and whether it was announced or unannounced will be documented.

With each exercise, students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Ozarka College does not tell students and employees in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. Ozarka College staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At Ozarka College, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the College an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by the Maintenance Department and Campus Safety Committee to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation and shelter-in-place procedures during educational sessions that they can participate in throughout the year. The campus staff members are trained in these procedures as well and act as an on-going resource for the campus community.

Ozarka College coordinates announced and unannounced evacuation drills each year, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. Ozarka College will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

Crime Prevention Activities

During orientation sessions, employees and students are informed of campus security efforts, as well as crime prevention strategies for personal safety and theft prevention. These sessions include information about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees.

Periodically during the academic year, Ozarka College presents crime prevention awareness sessions on crime prevention, sexual assault, drug abuse, theft, and vandalism, as well as educational sessions on personal safety.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

When time is of the essence, information is released to the college community through security alerts posted prominently throughout campus or email messages.

Students and employees are encouraged to report all crimes and suspicious activities to the Vice President of Student Services at 870-368-2027.

Criminal Activity Off-Campus

Ozarka College does not officially recognize any off-campus locations of student organizations or off-campus housing facilities. The monitoring and recording of criminal activity at off-campus locations would be provided by local police agencies.

Ozarka College Drug and Alcohol Prevention Program and Policy

Pursuant to Public Law 101-226, entitled Drug Free School and Communities Act Amendment 1989, the College is committed to maintaining a drug and alcohol free workplace for employees and students. This is an essential part of ensuring the safety of employees and students while at work and school, and eliminating poor job performance, inefficient operations, College rule violations, and unethical behavior.

Standards of Conduct for Students

1. Students may not drink, be under the influence of, possess, sell, or distribute intoxicating beverages on College property.
2. The illegal use of drugs is strictly prohibited on College property or at College functions. Students may not use, be under the influence of, in possession of, sell, or distribute illegal drugs on College property or at College functions.

Note: Students found in violation of the illegal drug and alcohol policy at Ozarka College are subject to Campus disciplinary action, including possible expulsion, and may be subject to local, state, or federal laws and may face criminal charges punishable by fines and or imprisonment.

Employee Conduct

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and result in damage to state property. Therefore, it is the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in a state agency's workplace is prohibited. If an employee is suspected of Drug/Alcohol usage, Ozarka may request he/she submit to an immediate Drug/Alcohol test. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. State agencies will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on agency premises will be subject to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for

abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, Methamphetamine and "Crack." They also include "legal drugs" which are not prescribed by a licensed physician.

3. Each employee is required by law to inform the agency in writing within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the agency's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court or other court of competent jurisdiction.
4. Ozarka College must notify the U.S. government agency with which the contract was made within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the agency will require the employee to successfully finish a drug abuse program at St. Bernard's Regional Behavioral Health in Jonesboro (1-800-800-0496), or another approved private or governmental institution.
6. As a condition of further employment on any federal government contract, the law requires all employees to abide by this policy.

Description of Health Risks associated with Drugs and Alcohol

Serious health and personal risks are associated with the use of illegal drugs and abuse of alcohol. They may include temporary or permanent physical or mental impairment, injury, or death. Consequences also include temporary or permanent loss of educational or employment opportunities.

Health Risks Associated with Drugs

Narcotics (Heroin): Initial euphoria followed by drowsiness and nausea; constricted pupils, watery eyes, dazed look; overdose may produce slow, shallow breathing, clammy skin, loss of appetite and weight, and possible death

Depressants (Barbiturates, Tranquilizers): Relaxed muscles, calmness, drowsiness; confusion, disorientation, slurred speech; overdose may produce shallow breathing, clammy skin, weak and rapid pulse, coma, and possible death

Stimulants (Cocaine, Methamphetamine): Increased heart and respiratory rate, elevated blood pressure, decreased appetite; blurred vision, dizziness, insomnia, anxiety; high doses can cause physical collapse, irregular heartbeat, stroke, and possible death

Hallucinogens (LSD, PCP, Mushrooms): Illusions and hallucinations; confusion, panic, anxiety, depression, and poor perception of time and distance; respiratory failure, death due to careless behavior

Cannabis (Marijuana, Hashish): Increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite; interferes with memory, speech, coordination, and perception of time; Increases risk of lung cancer, weakened immune system, and affects reproductive system

Health Risks Associated with Alcohol

- Impairment of brain function, judgment, alertness, coordination, and reflexes
- Attitude and/or behavioral changes, such as uncharacteristic hostility, or increased risk taking, such as driving recklessly
- Alcohol taken with other drugs can intensify the effects of the drug, alter the desired effect of the drug, cause nausea, sweating, severe headaches, and convulsions
- Addiction or chemical dependency
- Memory blackouts
- Uncharacteristic family, school, work, or legal problems
- Health problems such as cirrhosis of the liver
- If used during pregnancy, birth defects and mental retardation in users' unborn children may occur

State and Federal Laws and Sanctions Concerning Drugs and Alcohol

In addition to disciplinary sanctions imposed by the College, those found guilty of illegal drug and alcohol violations face state and federal penalties such as those listed below.

State of Arkansas Sanctions and Penalties

- Underage DUI Law – Penalties for a first offense can result in suspension of driver's license for not less than 90 days; a fine of no less than \$100 or more than \$500; assignment to public service work; and/or completion of an alcohol and driving education program.
- Driving While Intoxicated – Penalties may include suspension of license, imprisonment for no less than 24 hours, fines of no less than \$150, and a requirement to complete an alcohol education program.
- Public Intoxication – Public intoxication is a Class C misdemeanor, and can result in a fine of up to \$100, and/or imprisonment in the county jail (or other authorized institution) for up to 30 days.
- Drinking in Public – Penalties include a fine of up to \$100 and/or imprisonment for up to 30 days. Possession of any alcoholic beverages on any College property is prohibited.

- Possession of Alcohol by a Minor – Penalties include a fine of up to \$500, probation under the direction of the court, and driver’s license suspension for a period of up to one year.
- Knowingly Furnishing to a Minor – Can result in a fine of up to \$1,000 and/or imprisonment in the county jail (or other authorized institution) for up to one full year.
- Manufacture or Delivery of a Controlled Substance – Penalties can range from three (3) years to life in prison and fines up to \$250,000, depending on the quantity and type of drug. 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 – Penalties can range from 1 to 20 years in prison and fines up to \$15,000.
- Possession of a Controlled or Counterfeit Substance – Penalties can range from 1 to 10 years in prison and fines up to \$10,000.

Persons convicted of drug possession under state or federal law are ineligible for federal student grants and loans or for participation in federally sponsored research grants or contracts for up to one year after the first conviction, and up to five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first conviction, 10 years after the second, and permanently after the third.*

Federal Laws and Sanctions

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

- Denial of Federal Benefits (21 U.S.C. 862) - A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.
- Forfeiture of Personal Property and Real Estate (21 U.S.C. 853) - Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.
- Federal Drug Trafficking Penalties (21 U.S.C. 841) - Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury results from the use of a controlled

substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$10 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

- Federal Drug Possession Penalties – Conviction may result in penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.
- After two prior drug convictions additional sanctions may apply. More information may be found at:
<http://www.deadiversion.usdoj.gov/21cfr/21usc/>

Note: Under federal law, distribution of drugs to a person under age 21 is punishable by twice the normal penalty, i.e., a mandatory one-year prison term; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for manufacture and distribution of drugs if death or serious injury results from use of the substance.

*In accordance with the requirements of the Drug-Free Workplace Act of 1988, as a condition of employment, any employee who is engaged in the performance of work under a federal grant or contract must notify the College if he or she is convicted of violating any criminal drug statute for activities done in the workplace not later than 10 days after conviction; students who receive Pell and certain other federal grants are subject to similar conditions and must report any conviction of a drug-related offense to the US Department of Education within 10 days of the conviction if the offense occurred during the period covered by the grant.

Drug and alcohol programming at Ozarka includes but is not limited to:

- Information available at each campus location on drug and alcohol abuse prevention or cessation.
- Students may contact the Vice President of Student Services for information or referral concerning substance abuse.
- Participation in the Arkansas College Drug Education Committee (ACDEC): events, meetings, encouraging student attendance at events, and requesting funds for additional programming when available.
- The incorporation of prevention activities into campus events when appropriate.
- Standards of Conduct for students, which are reviewed annually, may be found in the Catalog at: <https://www.ozarka.edu/catalog.cfm>

- All Ozarka College Employees sign a Drug Free Workplace Policy adherence form upon employment.
 - The Financial Aid Office distributes information to each student regarding their rights and responsibilities to financial aid, including consequences for illegal drug or alcohol convictions while on financial aid.
 - Enforcement of the tobacco-free campus policy.
 - Annual review of Campus Crime/Clery Act reports by Student Services.
 - Contracts with local law enforcement to routinely patrol campus.
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Local Drug and Alcohol Rehabilitation Programs and Mental Health Counseling Resources

John 3:16 Charlotte, AR – Men’s Facility
<http://john316thecure.com/>
Phone Number: 870-799-2525

Butterfly Ranch – Swifton, AR –
Women’s Facility
<https://www.facebook.com/Butterfly-Ranch-Womens-Center-204447896234640/>
Phone Number: 870-485-2000

Baxter Regional Medical Center –
Behavioral
Health Center
<https://www.baxterregional.org/medical-services/behavioral-health-counseling/adult-behavioral-health-center/>

The above information is distributed annually to students and employees of Ozarka College. A hard copy of the Drug and Alcohol Prevention Program and Policy as well as the biennial program review may be obtained by contacting the Vice President of Student Services at 870-368-2027.

Ozarka College Procedure for Discrimination, Harassment, Retaliation and Sexual Misconduct Complaints

Notice of Nondiscrimination

Ozarka College does not discriminate on the basis of sex in the education programs and activities that it operates and is prohibited from doing so by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and the U.S. Department of Education's implementing regulations, 34 CFR Part 106. The College's nondiscrimination policy extends to admission, employment, and other programs and activities. Inquiries regarding the application of Title IX and 34 C.F.R. Part 106 may be sent to the College's Title IX Coordinator, the U.S. Department of Education Assistant Secretary for Civil Rights, or both.

Jurisdiction and Scope

Sexual harassment as defined in this policy (including sexual assault) is a form of sex discrimination and is prohibited. Title IX requires the College to promptly and reasonably respond to sexual harassment in the College's education programs and activities, provided that the harassment was perpetrated against a person in the United States. At the time that a formal complaint is filed, the complainant must be participating in (or attempting to participate in) an education program or activity of the College. An education program or activity includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

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

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

Procedure to follow if a Sex Offense Occurs

In some instances, sexual misconduct may constitute both a violation of Ozarka College policy and criminal activity. The Ozarka College grievance process is not a substitute for instituting legal action. Ozarka College encourages individuals to report alleged sexual misconduct promptly to campus officials who will assist the victim in notifying law enforcement authorities if the victim so chooses. The victim is not required to cooperate or to report. Individuals may file a report directly with local law enforcement agencies by dialing 911.

Any person may report sex discrimination, including sexual harassment (whether or not the person is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

All complaints or any concerns about sex discrimination (including sexual harassment) should be submitted to the Title IX Coordinator:

Vice President of Student Services
Student Services Center, Melbourne Campus
P.O. Box 10, Melbourne, AR 72556
870-368-2027
870-368-2358
titleix@ozarka.edu

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

Izard County Sheriff's Department - 870-368-4203
Fulton County Sheriff's Department – 870-895-2601
Mammoth Spring Police Department – 870-625-7516
Sharp County Sheriff's Department – 870-994-7329
Ash Flat Police Department – 870-994-3061
Stone County Sheriff's Department – 870-269-3825
Mountain View Police Department – 870-269-4211

To report a crime or other non-emergency communications

Students are also encouraged to report crimes or suspicious activity to the Vice President of Student Services or the campus security officer.

Vice President of Student Services –

Office - (870) 368-2027

Mobile – (870) 368-2358

Preserving Evidence

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

Student and Visitor Responsibility to Report

Students and visitors to Ozarka College are strongly encouraged to report allegations of discrimination, harassment, retaliation and sexual misconduct to the Title IX Coordinator and/or deputies. A report should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for Ozarka College to investigate. Reports may be made by the person experiencing the misconduct or by a third party, such as a witness or someone who is told of the misconduct.

Mandatory Employee Reporting

In order to enable Ozarka College to respond effectively and to proactively stop instances of discrimination, harassment, retaliation and sexual misconduct at Ozarka College, all employees must, within 24 hours of receiving information regarding a potential violation of this Policy, report information to the Title IX Coordinator and/or deputy coordinator. Any employee who fails to promptly report a matter to the Title IX Coordinator may be subjected to disciplinary action for failing to do so. Only employees who are statutorily prohibited from reporting such information (e.g., licensed health-care professionals) are exempt from these reporting requirements.

Off-Campus Conduct

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

Confidentiality

Except as compelled by law or as required to conduct a full and fair grievance proceeding in response to a formal complaint, the College will treat the information obtained or produced as part of the Title IX procedures as confidential. The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 CFR Part 99, or as required by law, or to carry out the purposes of 34 CFR Part 106, including the conduct of any investigation, hearing, or judicial proceedings arising thereunder.

Availability of Counseling and Advocacy

Counseling and other mental health services for victims of sexual assault are available in the community. A current list of these services is available on the Ozarka College website. Family Violence Prevention, Inc. may assist with making referrals for individual counseling and support groups and in identifying community resources that may be of additional help and serve as a victim advocate upon request.

Resources

Family Violence Prevention
P.O. Box 2943
Batesville, AR
E-mail: fvp2943@gmail.com
1-800-894-8821

Arkansas Sexual Assault Crisis Response Hotline
1-800-977-5776

Batesville Rape Crisis Center
24 Hour Crisis Hotline

Emergency Shelter Available for Victim Domestic Violence and Sexual Assault
1-800-894-8821 or 1-870-793-8111

Ozarka College will provide a written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Education and Awareness Programs

Ozarka College's Title IX Coordinator, in conjunction with other campus offices, is responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domestic violence, dating violence, stalking, and other sex offenses. Programs are presented regularly throughout the academic year in student orientation, academic classes, employee training and professional development, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Month.

Ozarka College has implemented primary prevention and awareness programs and ongoing prevention and awareness campaigns for students and employees that promote awareness of dating violence, domestic violence, sexual assault, and stalking. The program is conducted primarily through an online coursework and includes the following components:

- A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.
- The definition of “dating violence,” domestic violence,” “sexual assault,” and stalking.
- The definition of “consent.”
- A description of safe and positive options for bystander intervention.
- Information on risk reduction.
- Ozarka College's institutional policies and procedures regarding Discrimination, Harassment, Retaliation and Sexual Misconduct Complaints including information on:
 - A description of educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and staking.
 - Procedures to follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
 - Information about how the institution will protect the confidentiality of victims and necessary parties.
 - A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim

- advocacy, legal assistance, student financial aid, and other services available for victims, both within the institution and in the community.
- A statement that the institution will provide a written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.
 - An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.
 - A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, Ozarka College will provide the student or employee a written explanation of the student's or employee's rights and options.
 - Conduct proceedings, notification, and investigations.

Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of Policy. Ozarka College does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of Ozarka College. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisors. This will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or will shift the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee, up to and including termination.

Grievance Procedure

These procedures apply to all grievances regarding conduct that may constitute sexual harassment as defined in this policy (including sexual assault) and that falls within the College's Title IX jurisdiction. All other grievances by students, employees, or third parties shall be addressed through other procedures. The College's Title IX grievance process includes formal and informal procedures that encourage prompt resolution of complaints. In most cases, the complainant's submission of a formal, written complaint to the Title IX Coordinator will initiate the formal grievance process. However, the Title IX Coordinator may also submit a formal complaint under the circumstances described below. The College will respond promptly to all formal complaints of sexual harassment.

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

- All relevant evidence—including both inculpatory and exculpatory evidence—will be evaluated.
- Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- The Title IX Coordinator, investigator, hearing officers, appeal panelists, persons involved with the informal resolution, and any other persons that play a significant role in the Title IX grievance process shall not have a conflict of interest or bias for (or against) complainants or respondents generally or for (or against) an individual complainant or respondent.
- The respondent is presumed to not be responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.
- The time frames for concluding the grievance process shall be reasonably prompt, as set forth in more detail in the procedures below.
- The grievance process may be temporarily delayed, and limited extensions of time frames may be granted, for good cause. In such instances, written notice to the complainant and the respondent of the delay or extension and the reasons for the action will be provided. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurring law enforcement activity; or the need for language assistance or accommodations of disabilities.
- Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege will not be required, allowed, relied upon, or otherwise used. The College shall not consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist,

psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in the capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that person's voluntary, written consent to do so for a grievance under this section.

- No party shall be restricted from discussing the allegations under investigation or to gather and present relevant evidence.
- A party whose participation in a hearing, investigative interview, or other meeting shall be provided with a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Initial Report/Intake Process

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

- provide a copy of this policy
- explain the process for filing a formal complaint
- explain avenues for resolution, including informal and formal
- explain the steps involved in an investigation and hearing under this policy
- discuss confidentiality standards and concerns
- refer to law enforcement, counseling, medical, academic or other resources, as appropriate
- discuss, as appropriate, possible supportive measures, which are available with or without the filing of a formal complaint
- If the complainant requests that no further action be taken and/or that no formal complaint be pursued, the Title IX Coordinator (or designee) will inform the complainant that retaliation is prohibited and that honoring the complainant's request may limit the College's ability to fully respond to the incident. In the event the complainant stands firm on his or her request that no further action be taken, the Title IX Coordinator will evaluate whether to file a complaint under the criteria set forth below.

Formal Complaint Process

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

Title IX Coordinator (or an investigator designated by the Title IX Coordinator) will investigate the allegations in the formal complaint. Formal complaints can be filed in several ways. The complainant may submit the complainant's own document that contains the complainant's signature (either physical or digital) and is filed with the College's Title IX Office by U.S. mail, in person, through the Title IX portal provided for this purpose, or by email. The formal complaint should set forth the allegations and request that the Title IX Office investigate the matter.

- **Filing by Title IX Coordinator:** The Title IX Coordinator may initiate the grievance process, even where the complainant declines to file a formal complaint, if the Coordinator determines that the particular circumstances require the College to formally respond to and address the allegations. Circumstances to be considered include, among others, a pattern of alleged misconduct by a respondent and whether the complaint has alleged use of violence, weapons, or other similar conduct. The Title IX Coordinator will also consider the complainant's wishes with respect to supportive measures and desired response by the College. Where a report is made anonymously and the Title IX Coordinator files the complaint, both the complainant and respondent will receive notice of the allegations with written details and identities of the parties if known.
- **Consolidation of Formal Complaints:** The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.
- **Dismissal of Complaint Prior to Resolution:** A formal complaint must be dismissed by the Title IX Coordinator if the alleged conduct (1) does not constitute sexual harassment, as defined in this policy, even if proved; (2) did not occur in the College's education program or activity; or (3) did not occur against a person in the United States. In addition, a complaint may be dismissed if, at any time during the investigation or hearing, a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the formal complaint or any allegations therein.

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

parties. The dismissal decision may be appealed pursuant to the procedure for appeals set forth in this policy. Dismissal of a complaint under this Title IX policy does not preclude a complainant from pursuing a grievance through other appropriate campus procedures.

- ***Notice of Formal Complaint:*** Upon receipt of the formal complaint, the Title IX Coordinator will send simultaneous notifications of the filing of the complaint to the complainant and the respondent (if known). If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known. The initial notice will contain the following:
 - The allegations of the complaint that potentially constitute sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview (including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, if known)
 - A copy of the Title IX policy
 - A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
 - A statement informing the parties that they have a right to have one advisor of their choice to assist them throughout the proceedings who may be (but is not required to be) an attorney
 - A statement that the parties have the right to inspect and review all evidence collected during the complaint process
 - A statement that any party who knowingly makes false statements or submits false information during the grievance process will be subject to disciplinary procedures

- ***Initial Meeting with Respondent:*** If a formal complaint is filed, the Title IX Coordinator will promptly schedule an initial meeting with the respondent after the written notice of the formal complaint is sent as described above. Prior to the initial meeting, the Title IX Coordinator shall provide a written notice of the date, time, location, participants, and purpose of the meeting, with sufficient time for the party to prepare to participate. During the initial meeting with the respondent, the Title IX Coordinator (or designee) will, as applicable:

- provide a copy of this policy (if not previously provided)
 - explain avenues for resolution, including informal and formal
 - explain the steps involved in an investigation and hearing under this policy
 - discuss confidentiality standards and concerns
 - discuss non-retaliation requirements
 - inform of any supportive measures already determined and being provided to the complainant that would directly affect the respondent
 - refer to law enforcement, counseling, medical, academic or other resources, as appropriate
 - discuss, as appropriate, possible supportive measures that can be provided to the respondent
- **Right to Advisor:** Both parties will be advised that they may be accompanied by one advisor/support person to assist them throughout the Title IX process, which can be (but is not required to be) an attorney. The advisor is not allowed to speak or otherwise actively participate during the pre-hearing interviews or meetings. It is the party's responsibility to obtain the services of an advisor, except that the College shall make an advisor available to the parties during the determination hearing upon request. A party who wants the College to provide an advisor for the determination hearing should make a request at least 10 days prior to the hearing. The advisor's role at the hearing is further explained below.
 - **Emergency Removal:** If, after a safety and risk analysis, the Title IX Coordinator determines that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, the Title IX Coordinator may recommend the respondent be removed from the College's programs or activities. Such a recommendation is made to the College President. In such instances, the respondent will be provided with a written notice of the reasons for the removal. Within 5 days of receiving the notice, the respondent may seek reconsideration of the decision by requesting a meeting with the President or designee.
 - **Administrative leave:** Nothing in this policy precludes the College from placing a non-student employee respondent on administrative leave during the pendency of the grievance process.
 - **Supportive Measures:** Supportive measures, as defined in this policy, will be based on the facts and circumstances of each situation. The Title IX Coordinator

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

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

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

- ***Informal Resolution:*** At any time after a formal written complaint is filed but prior to reaching a determination regarding responsibility, the College may facilitate a resolution without a full investigation and adjudication. The complainant and respondent must give their voluntary, written consent to the informal resolution process. The informal resolution process will not be utilized to resolve any allegation of sexual assault as defined by the policy or allegations that an employee sexually harassed a student.

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

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

Comprehensive Investigation

If resolution of the allegations does not proceed through the informal process, the matter will proceed with a comprehensive investigation and resolution through the formal complaint processes. The Title IX Coordinator will be responsible for overseeing the prompt, equitable, and impartial investigation during the formal complaint process. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest on the College and not the parties.

- **Assignment of Investigator:** If the Title IX Coordinator's designee is to conduct the investigation, the Title IX Coordinator will forward the complaint to the investigator and share the investigator's name and contact information with the complainant and the respondent.
- **Conflicts of Interest:** Immediately after the identity of the person who will conduct the investigation is determined and communicated to the parties, the investigator, the complainant, or the respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest or bias that the person charged with conducting the investigation (including the Title IX coordinator, where applicable) may have. The Title IX Coordinator will carefully consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest exists.
- **Overview of Investigation:** Upon receipt of the formal complaint, the Title IX Coordinator/Investigator (hereinafter "Investigator") will promptly begin the investigation, which shall include but is not limited to the following:
 - conducting interviews with the complainant, the respondent, and any witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form
 - visiting, inspecting, and taking photographs at relevant sites
 - where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies)
 - obtaining any relevant medical records pertaining to treatment of the complainant, provided that the complainant has voluntarily authorized release of the records in writing to the investigator
- **Inspection and Access to Evidence:** The parties may identify to the Investigator any evidence or witnesses they wish to be included as part of the

investigation. Both parties will also have equal opportunity to inspect and review any evidence obtained during the investigation. The Investigator will complete the gathering of evidence as soon as practicable, which will ordinarily occur within approximately 30 days after the filing of the formal complaint.

After the gathering of evidence has been completed but prior to completion of the investigative report, the Investigator will provide to each party and party's advisor, if any, any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source), so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence will be provided in an electronic format or a hard copy. The parties will have 10 calendar days to submit a written response to the evidence, which will be considered by the Investigator prior to completion of the investigative report. The evidence will be made available for the parties to use at the hearing to determine responsibility.

- ***Investigative Report:*** The investigative report shall fairly summarize the relevant evidence and must include the following items and information that is relevant to the allegations in the formal complaint:
 - the dates of the Title IX Coordinator's initial receipt of a report of alleged sexual harassment against the complainant, intake meeting, and the filing of the formal complaint
 - a statement of the allegation(s), a description of the incident(s), the date(s) and time(s) (if known), and location of the alleged incident(s)
 - the names of all known witnesses to the alleged incident(s)
 - the dates that the complainant, respondent, and other witnesses were interviewed, along with summaries of the interviews
 - descriptions or summaries of any physical or documentary evidence that was obtained (g., text messages, emails, surveillance video footage, photographs)
 - any written statements of the complainant, respondent, or other witnesses
 - the response of College personnel and, if applicable, College-level officials, including any supportive measures taken with respect to the complainant and respondent

The Investigator shall provide a draft of the investigative report to the Title

IX Coordinator for review before the report becomes final. An electronic or hard-copy version of the final investigative report will be provided to each party (and each party's advisor) concurrently. The investigative report shall be provided as soon as practicable after the parties have submitted their written responses to the evidence (if any) and at least 10 calendar days prior to the determination hearing. The parties may provide a written response to the investigative report within 5 calendar days after receiving it.

Determination Hearing

Following the conclusion and distribution of the investigative report, a hearing will be conducted to determine the outcome and resolution of the complaint. The parties and their advisors, if any, will be notified by the Hearing Officer, the Title IX Coordinator, or a designee, of the date, time and location of the hearing, as set forth in the notice provisions below.

- **Hearing Officer:** Within 3 days of the release of the investigative report to the parties, or as soon as practicable thereafter, the President or designee will appoint a Hearing Officer, who may be (but is not required to be) an individual not permanently employed by the College, who will be responsible for conducting the hearing and making findings regarding responsibility and, if applicable, any necessary sanctions. The Title IX Coordinator will provide a copy of the formal complaint and the investigative report, along with the parties' written responses to the investigative report, to the Hearing Officer.

Promptly after the appointment of the Hearing Officer, the Title IX Coordinator will provide concurrent written notice to the complainant and the respondent, setting forth the name of the individual selected to serve as the Hearing Officer. The parties may challenge the participation of the appointed Hearing Officer based on bias or a conflict of interest by submitting a written objection to the President or designee within 3 calendar days of receipt of the notice. Any objection must state the specific reason(s) for the objection. The President or designee will evaluate the objection and determine whether to select a new Hearing Officer. Failure to submit a timely and proper objection will constitute a waiver of the objection. Any changes in the Hearing Officer will be communicated in writing to both parties prior to the date of the hearing.

- **Submission of Witnesses Lists:** Within 5 calendar days of receipt of the notice of the Hearing Officer, both parties may provide to the Hearing Officer a list of witnesses, if any, that they propose be called to testify and a brief description of

each proposed witness's connection to and/or knowledge of the issues in dispute. Absent good cause, a party cannot include a witness on the party's pre-hearing witness list unless the witness was identified during the investigation. The Hearing Officer reserves the right to call relevant witnesses who may not have been included on a party's witness list.

- **Notice of the Hearing:** Not less than 5 days but not more than 10 days after delivery of the notice of the Hearing Officer's identity, the Hearing Officer will provide a separate notice to the complainant, respondent, and any other witnesses whose testimony the Hearing Officer deems relevant, requesting such individuals to appear at the hearing to determine responsibility. The notice should set forth the date, time, and location for the individual's requested presence. The Hearing Officer shall provide, in the notice to the parties, the names of the witnesses that the Hearing Officer plans to call. The hearing shall be conducted promptly but no sooner than 10 calendar days after release of the investigative report.
- **Failure to Appear:** If any party fails to appear at the hearing if requested to do so, and such party was provided notice of the hearing as set forth above, then, absent extenuating circumstances, the Hearing Officer will proceed to determine the resolution of the complaint. As explained below, if a party fails to appear, it is unlikely that the Hearing Officer will consider the non-appearing party's version of events based on another source, such as the formal complaint or a prior statement.
- **Option for Virtual Presence:** Live hearings may be conducted with either all parties present in the same geographic location or, at the College's discretion, any or all parties and witnesses may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Either party may request not to be in the same room as the other party. If any party makes such a request, then both parties will be required to attend the hearing from a location or room different from where the Hearing Officer is sitting. If the hearing is virtual, or there is a request for separate rooms at a physical location, the College will ensure that all participants are able to simultaneously see and hear the party or the witness answering questions. Instructions will be provided for accessibility prior to the hearing date.
- **Recordings:** An audio or audio-visual recording will be created of the live hearing and will be made available for inspection and review at any party's request.

- **Advisors:** Both the complainant and respondent may be accompanied by an advisor during the hearing. The advisor's role at the hearing shall consist of (1) providing private advice to the party he/she is supporting and (2) questioning the opposing party and other witnesses. The advisor can be anyone, including an attorney. A party may arrange for the party's advisor of choice to attend the hearing at the party's own expense. Alternatively, the College will select and provide an advisor to assist a party at the hearing to determine responsibility, without fee or charge, upon request. In either scenario, the advisor may only participate in the hearing to the extent allowed under this policy.
- **Evidentiary Matters and Procedure:** The parties, through their advisors, shall have an equal opportunity to question the opposing party and other witnesses, including fact and expert witnesses, and present other inculpatory or exculpatory evidence. Formal rules of evidence will not be observed during the hearing. The Hearing Officer will conduct the initial questioning of witnesses prior to the questioning by an advisor. The Hearing Officer will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process. The Hearing Officer may, in his or her discretion, choose to call the Investigator for the purpose of providing an overview of the investigation and findings.
- **Witness Examinations:** Each party's advisor is permitted to question the opposing party and the other witnesses, so long as the questions are relevant and not duplicative of the questions posed by the Hearing Officer. The questions may include challenges to credibility. No other questioning or speaking participation by an advisor will be allowed. A party may not examine a party or witness directly; rather, a party must utilize the services of an advisor for the purpose of posing questions to another party or witness. A party not represented by an advisor may, however, submit a list of proposed questions to the Hearing Officer and ask that the questions be posed to the opposing party or witness.

The Hearing Officer will make determinations regarding relevancy of questions before a party or witness answers. If a determination is made to exclude the question based on relevancy, the Hearing Officer will provide an explanation of why the question was deemed irrelevant and excluded.

A party should notify the Hearing Officer at least 5 days in advance of the hearing if the party will be accompanied by an advisor. The Hearing Officer may disallow the attendance of any advisor if, in the discretion of the Hearing Officer, such

person's presence becomes disruptive or obstructive to the hearing or otherwise warrants removal. Advisors will be not be permitted to badger or question the opposing party or any witness in an abusive or threatening manner. Absent accommodation for a disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this policy. College officials may seek advice from the College's Office of General Counsel on questions of law, policy, and procedure at any time during the process.

- **Prior Sexual Conduct:** Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- **Refusal to submit to cross examination:** If a party or witness does not submit to cross-examination at the live hearing, the Hearing Officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing Officer cannot draw an inference about the determination of responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- **Confidentiality and Disclosure.** To comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the grievance process is not open to the general public. Accordingly, documents prepared in anticipation of the hearing (including the formal complaint, investigative report, evidentiary materials, notices, and prehearing submissions), recordings of the hearing, and documents, testimony, or other information used at the hearing may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.
- **Decision of the Hearing Officer and Standard of Evidence:** Following the conclusion of the hearing, the Hearing Officer will determine whether the evidence establishes that it is more likely than not that the respondent committed a violation of this policy. In other words, the standard of proof will be the preponderance of the evidence. This standard applies to complaints against both students and employees. In reaching the determination, the Hearing Officer will

objectively and thoroughly evaluate all relevant evidence, both inculpatory and exculpatory, and reach an independent decision, without deference to the investigative report.

- **Written Determination of Responsibility:** As soon as practicable following the hearing (and ordinarily within 10 days thereafter), the Hearing Officer shall complete a report of his/her findings. The Hearing Officer will send simultaneous notification of the decision to both parties and their advisors, where applicable, with the following information:
 - Identification of the allegations potentially constituting sexual harassment under the policy
 - A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and the hearing held
 - Findings of fact that support the determination
 - Conclusions regarding the application of the College's conduct standards to the facts
 - A statement and rationale for the result as to each allegation, including a determination as to responsibility using the preponderance of the evidence standard
 - Any disciplinary sanctions imposed on respondent
 - Whether any remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant (description of remedies is not included)
 - Procedures and permissible bases for the parties to appeal
- **Sanctions:** If the Hearing Officer determines that more likely than not the respondent committed a violation of this policy, then the Hearing Officer will determine sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both. The range of potential sanctions is set forth in the definitions section of this policy.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this policy. However, if it is deemed necessary to protect the welfare of the

victim or the College community, the Hearing Officer may recommend to the Appeals Panel that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

- **Remedies:** Where a determination is made that the respondent was responsible for sexual harassment, the Hearing Officer will determine any final remedies to be provided to the complainant, if any, and the Title IX Coordinator will communicate such decision to the complainant and the respondent to the extent that it affects him/her. Remedies must be provided in all instances in which a determination of responsibility for sexual harassment has been made against the respondent. Remedies must be designed to restore or preserve equal access to the College's education program or activity. Such remedies may include the same individualized services described above as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- **No Retaliation:** The Title IX Coordinator will take steps to prevent any harassment of or retaliation against the complainant, the respondent, or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, and providing training for the campus community.

Appeals

- **Procedure for Appeals:** Both the complainant and the respondent may appeal from (1) the Title IX Coordinator's dismissal of a formal complaint or any allegations therein or (2) the Hearing Officer's determination. The appeal should be submitted in writing to the Title IX Coordinator within 5 days of receipt of the Hearing Officer's decision. The Title IX Coordinator will forward the appeal to the Appeal Panel. The appeal will be decided based on the written record and without deference to the decision of the Hearing Officer.

If the respondent is a student, the appeal will be decided by an Appeal Panel. If the respondent is an employee, the President or designee will decide the appeal. The Appeal Panel will be comprised of at least two faculty and/or staff members. One of the members of the Appeal Panel can be (but need not be) a person who is not a College employee. The President or designee shall designate one of the panelists as the Chair of the Appeal Panel. The Chair of the Appeal Panel (in cases where the respondent is a student and a panel is utilized) or the President or designee (in other cases) shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal described below.

The party appealing may submit his/her written and signed appeal by way of email, facsimile, hand-delivery, or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

- **Grounds for Appeal:** The appeal from the decision of the Hearing Officer must be for one of the following reasons: (1) a procedural irregularity that affected the outcome of the decision; (2) there is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; (3) the Title IX Coordinator, Investigator(s), or Hearing Officer had a conflict of interest or bias for or against complainants or respondents in general or against an individual complainant or respondent that affected the outcome; or (4) the sanctions imposed are not appropriate to the nature and severity of the conduct for which the respondent was found responsible
- **Responses:** Within 5 days of receipt of the appeal, the other party may submit a written statement in response to the appeal and which supports or challenges the dismissal or determination. The response should be submitted to the Title IX Coordinator, who shall provide a copy to the decision-maker and the appealing party.
- **Decision on Appeal:** As soon as practicable after receiving the parties' written submissions (and ordinarily within approximately 10 days), the President (or designee) or Appeal Panel will issue a written decision describing the result of the appeal and the rationale for the result. The decision on appeal may uphold the decision, modify it, or remand for further factual development. The decision-maker on appeal will concurrently notify the complainant and the respondent of the decision, with a written copy provided to the Title IX Coordinator.
- **Employees:** Nothing in this Policy shall create an expectation of continued employment with the College or be construed to prevent or delay the institution from taking any disciplinary action deemed appropriate and consistent with applicable College policies (including suspension and immediate termination of employment) for any violation of state law, federal law or College policy.

Time Periods

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

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

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

Retaliation Prohibited

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including changes against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination or harassment, for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, constitutes retaliation. However, the exercise of rights protected under the First Amendment does not constitute retaliation.

False Reports

Willfully making a false report of sexual harassment or submitting false information during these proceedings is a violation of College policy and is a serious offense. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Any person who willfully makes or participates in making a false or frivolous report of discrimination, harassment, retaliation or sexual misconduct will be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

External Reporting Agencies

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they may have the right to file a complaint directly with the following agencies. Individuals who wish to file

complaints with these external agencies should make contact as soon as possible and verify any applicable time limits and deadlines.

Office of Civil Rights (OCR)

U.S. Department of Education
1999 Bryan St., Suite 1620
Dallas, TX 75201-6810
Toll Free: 1-800-421-3481
Telephone: 214-661-9600
Fax: 214-661-9587
Email: OCR.Dallas@ed.gov

Effective Date

The College reserves the right to make changes and amendments to this Policy as needed, with appropriate notice to the campus community. However, the Policy in force at the time that a Complaint is filed will be the Policy used throughout the investigation, hearing, and any appeals.

Retention of Records

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

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

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

Reporting Requirement

In all cases when a complaint is made, both formal and informal, the incident must be reported to the President.

Definition of Terms

Complainant: Any individual who is alleged to be the victim of conduct that could constitute sexual harassment. At the time of the filing of a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. Any person may report sex discrimination, including harassment, whether or not the person reporting is the person alleged to be the victim of discrimination or harassment.

Consent: Consent is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, if those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. If coercion, intimidation, threats, or physical force are used, there is no consent.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol or drugs or being asleep or unconscious. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent. This Policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Brundage, etc. is prohibited, and administering one of these drugs to another person is a violation of this Policy. More information on these drugs can be found at <http://www.911rape.org/>

Use of alcohol or other drugs will never function as a defense to a violation of this Policy. An individual violates this policy if the individual initiates and engages in sexual activity with someone who is incapacitated, and (1) the individual knew the other person was incapacitated, or (2) a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated.

There is also no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

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

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

Under Arkansas law, the age of consent varies with the degrees of assault, the age of the actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated § 5-14-125, Sexual Assault in the Second Degree).

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

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such relationship is determined based on consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

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

Domestic Violence: The term includes felony or misdemeanor crimes of violence committed by a current spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Arkansas, or by any other person against an adult or youth victim who is protected from that person's acts under the laws of Arkansas. Under the Arkansas law on domestic abuse, "family or household members" means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, in-laws, any children residing in the household, persons who presently or in the past have resided or cohabitated together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together.

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

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

Party: The complainant or respondent.

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

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

Sanctions: The determination of sanctions to be imposed against a respondent who is found to have been responsible for violating this policy will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions against students may include, without limitation, expulsion or suspension from the College, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions. Sanctions against employees and other non-students may include, without limitation, a written reprimand, disciplinary probation, suspension, termination, demotion, reassignment, revision of job duties, reduction in pay, exclusion from campus or particular activities, and/or educational sanctions deemed appropriate.

Sexual Assault: The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A nonforcible sex offense includes incest (*i.e.*, the nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law) and statutory rape (*i.e.*, nonforcible sexual intercourse with a person who is under the statutory age of consent). A forcible sex offense is any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. A forcible sex offense includes:

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

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

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

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

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without a fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint

has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment or deter sexual harassment.

Sex Offender Registration

Section 12-12-906(e) of the Arkansas Code and the federal Campus Sex Crimes Prevention Act requires sex offenders who plan to enroll in college to register with the law enforcement agency having jurisdiction over the campus. The statute states that "local law enforcement agencies having jurisdiction shall disclose, in accordance with guidelines promulgated by the [Arkansas] Sex Offenders Assessment Committee, relevant and necessary information regarding offenders to the public when the disclosure is relevant and necessary for public protection." The Arkansas Sex Offender Registry is available on-line at <http://www.acic.org/Registration/index.htm>.

Disciplinary Proceeding Disclosure Statement

Ozarka College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Ozarka College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Ozarka College Annual Security Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department of Education's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in 34 C.F.R. § 668.46(b).

The Vice President of Student Services is responsible for collecting, reporting, and disseminating the annual crime statistics for all Ozarka College campuses from the local law enforcement agencies, campus security authorities, and from the campus crime log for inclusion in the Annual Crime Report. Statistics are collected for incidents of crimes reported during the three most recent calendar years and that occurred on any of Ozarka College's Clery geography: on campus, public property and non-campus.

The Vice President of Student Services will also review all law and/or policy that might affect the Annual Security Report and develop College policies to ensure that the ASR meets all Federal regulations.

Ozarka College will publish an annual security report containing safety- and security-related policy statements and crime statistics and distribute the report, using an approved method, to all current students and employees. Ozarka College also will inform prospective students and employees about the availability of the report. The ASR will be published and actively distributed as a single document.

By October 1 of each year, Ozarka College will distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advertisement that a paper copy will be provided upon request from the Office of the Vice President of Student Services. The crime statistics will also be submitted to the U.S. Department of Education every year as prescribed by the U.S. Department of Education.

**Ozarka College
Melbourne Campus
Crime Statistics 2017**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2017.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Melbourne Campus
Crime Statistics 2018**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	1	0	0	1
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2018.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Melbourne Campus
Crime Statistics 2019**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	On-Campus Student Housing	Unfounded Cases**
Aggravated Assault	0	0	0	0	0
Arson	0	0	0	0	0
Burglary (Total)	0	0	0	0	0
Forcible Burglary	0	0	0	0	0
Non-Forcible Burglary	0	0	0	0	0
Attempted Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Sex Offenses (Total)	0	0	0	0	0
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Stalking	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Dating Violence	0	0	0	0	0
Arrests					
Liquor Law Arrests	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0
Weapons Possession Arrests	0	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)					
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	0	0	0	0	0
Weapons Possession Violations	0	0	0	0	0

There were no hate crimes reported in 2019.

** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.

**Ozarka College
Ash Flat Campus
Crime Statistics 2017**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2017.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Ash Flat Campus
Crime Statistics 2018**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2018.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Ash Flat Campus
Crime Statistics 2019**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	1	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2019.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Mountain View Campus
Crime Statistics 2017**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2017.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Mountain View Campus
Crime Statistics 2018**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2018.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Mountain View Campus
Crime Statistics 2019**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2019.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Mammoth Spring Campus
Crime Statistics 2017**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2017.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Mammoth Spring Campus
Crime Statistics 2018**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2018.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

**Ozarka College
Mammoth Spring Campus
Crime Statistics 2019**

Offense (Crimes reported)	On-Campus Property	Non-Campus Property	Public Property	Unfounded Cases**
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary (Total)	0	0	0	0
Forcible Burglary	0	0	0	0
Non-Forcible Burglary	0	0	0	0
Attempted Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Robbery	0	0	0	0
Sex Offenses (Total)	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Sex Offenses, Non-Forcible (Total)	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Stalking	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Arrests				
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Possession Arrests	0	0	0	0
Non-Arrest Campus Referrals (Referred for Disciplinary Action)				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

There were no hate crimes reported in 2019.

*** A crime is "unfounded" if it is investigated by law enforcement authorities and found to be false or baseless. In very limited circumstances the institution may remove reports of crimes that have been found "unfounded" by law enforcement officials.*

Campus Maps

Melbourne Campus

218 College Drive

Public Property – 200-307 College Dr. (From the corner of Haley St. to just past the City Hall (former Kids Academy), Haley St. (From the corner of College Dr. to the private property on the corner of Haley St. and Allen St.)



Melbourne – Airport



Ash Flat Campus

64 College Drive

Public Property – College Drive (from the ballpark parking lot to the edge of college property heading south)



Mountain View Campus

1800 College Drive

Public Property – 215-219 South Riggsville, College Drive



Mammoth Spring Campus

520 Archer

Public Property – 150-250 5th Street, 500-550 Archer Ave.



Map Description

The lightly-shaded areas define the approximate property line for Ozarka College property that is defined as On-Campus property for crime reporting purposes. Public Property on each map includes public streets and sidewalks within the campus or immediately adjacent to and accessible from the campus.

Geography definitions from the Clery Act

On-Campus – Defined as:

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property – Defined as:

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property – *Defined as:* All public property, including thoroughfares, streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus.

The Ozarka College crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

Appendix

Sex Offenses Definitions

Prepared by the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

Sexual Assault (Sex Offenses)

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. Rape – (Definition from the Federal Bureau of Investigation's updated definition in the UCR Summary Reporting System) Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

B. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

D. Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Crimes Against Women – Definitions: On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA). VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking.

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

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence: A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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 or the jurisdiction in which the crime of violence occurred.

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

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Definition of Criminal Offenses

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce

death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joy riding).

Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter: The killing of another person through gross negligence.

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

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

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

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

Unfounded: If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is unfounded.

Crimes reported if classified as a Hate Crime:

Ozarka College is required to report statistics for hate crimes by the type of bias for the prior listed offenses (see definitions above) as well as the crimes of larceny, simple assault, intimidation and vandalism (see definitions below). The below listed crimes are not Clery reportable crimes unless the crime was motivated by hate/bias.

Larceny/Theft (Except Motor Vehicle Theft) – The unlawful taking, carrying, leading, or riding away of property from the possession of constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Bias if reported as a Hate Crime:

Race - A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

Religion - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

Sexual Orientation - A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

Gender - A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Gender Identity - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Disability - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Ethnicity - A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

National Origin - A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and/or traditions.

Definition of Terms

Awareness Programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

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

Ongoing Prevention and Awareness Campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph (j)(1)(i)(A) through (F) of this section.

Primary Prevention Programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

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

Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

Missing Student Notification

In accordance with Section 485(j) of the Higher Education Act, 20 U.S.C. § 1092(j), Ozarka College has developed this investigation and notification procedure regarding students who reside in on-campus housing who have been reported as missing.

Any report to a College official indicating that a student who resides in on-campus housing is missing shall be referred immediately to the Izard County Sheriff's Department, the Office of the President, the Vice President of Student Services and the Vice President of Student Services, and an investigation shall be conducted. If the investigation determines that the student is missing, the following persons shall be notified within twenty-four hours:

1. A confidential contact person designated by the student.
 - a. Students have the option of identifying an emergency contact person of their choice. This emergency contact information can be updated in MyOzarka as well as with the office of the Vice President of Student Services. The information shall be considered confidential and is only to be accessed by College officials for official purposes. This confidential contact person is specific for a case of a missing student and does not have to be the same as an emergency contact.
2. If a student is under 18 and not an emancipated minor, the student's custodial parent(s) or legal guardian(s).
3. Local law enforcement authorities.

College officials will work with other law enforcement agencies, if necessary, once a student is determined to be missing. College officials may elect to notify additional persons determined to be appropriate consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g. The College shall notify the local law enforcement agency within twenty-four hours of a determination that a student is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

Students are encouraged to share pertinent information with family and friends when leaving campus or taking trips. Sharing this information will enable College staff, as well as family and friends, to contact you if the need arises. In addition, students are encouraged to periodically update their emergency contact information in MyOzarka.

Any concerned person should immediately notify a Campus Security Authority (CSA) of a belief that a student is missing. CSAs include, but are not limited to, Student Services staff members such as the Vice President of Student Services, Director of Admissions, and the resident assistant. The phone number for Vice President of Student Services is 870-368-2027. Alternative CSAs include the Vice President of Student Services or other

campus administrators. (A complete list of CSAs is in Appendix A.) The missing student report must be referred immediately to the Vice President of Student Services.

A student enrolled at the College at either a full- or part-time status, who is perceived by the reporting person to be overdue in reaching home, campus, or another specific location, and there is an identifiable concern for the well-being of the student, may be reported as a missing student.

Any College student or employee who receives a report of a missing student must notify the Vice President of Student Services and provide further information related to the reported missing student. Should the Vice President of Student Services be unavailable to receive the report of a missing student, the student or employee who receives the report must notify the IZARD County Sheriff's Department or other local law enforcement agency with jurisdiction.

Investigation

Ozarka College officials will assist the IZARD County Sheriff Department in investigating the report of a missing student utilizing established police investigative procedures and appropriate Ozarka College resources as necessary.

Contacting Family Members / Contact Persons

Individuals identified as optional contact persons by the missing student, and/or the parent(s) if the student is under 18 years of age, will be contacted within two hours of the initial report to the CSA or twenty-four hours of the determination that the student is missing, whichever occurs first. The College must notify a custodial parent or guardian of students under 18 years of age and not emancipated of a determination that such student is missing, in addition to notifying any additional contact person designated by such student.

In situations in which the student has failed to designate a contact for missing student notification, College officials will use College records and resources to continue its investigation. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

Students' contact information will be registered confidentially, will only be accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation or other lawful purpose.

Methods of Contacting a Reported Missing Student

CSAs may work in cooperation and share records and information as appropriate to assess the status of a student reported as missing. Methods of attempting to locate a reported missing student include, but are not limited to, the following:

- Checking phone numbers and email addresses provided as well as social media sites;
- Surveying the student's room or apartment, including contacting those with whom the student may live;
- Contacting friends, family members, known associates, faculty and other campus community members;
- Contacting extra jurisdictional law enforcement for assistance; and
- Assessing student's use of campus resources, such as access to computer network systems.

Resolution of Missing Student Status

Missing student contacts will be advised of the resolution of a student's missing status. These contacts will further be advised of law enforcement options in cases where the student is not contacted through measures in this protocol. Contact notification will be made by a CSA in Student Services or Student Services.

Annual Fire Safety Report

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges and universities. Signed into law on August 14, 2008, this amendment requires post-secondary institutions to publish fire safety information and statistics, much as is already done with other crime statistics, such as campus theft and assault.

Additionally, the National Student Loan Program requires all eligible Title IV institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The statistics include the number, cause, related injuries and deaths, and property damages associated with each fire. In addition, each institution is required to report fire safety information to the U.S. Department of Education.

Collectively, this information provides prospective and current students with information regarding the policies, concerns, and fire safety conditions that are present at Ozarka College.

Fire Safety Procedures

College buildings are equipped with fire alarm systems to provide warning in the event of a fire. The alarm systems provide a means to manually activate the alarm at a pull station in addition to the smoke detectors that are in place. Should a fire alarm be activated, occupants of the building should vacate the building in an orderly manner, even if no fire or smoke is readily apparent.

Fire Safety Systems in Student Housing

Ozarka College Student Housing utilizes smoke detectors in each of its facilities.

Ozarka College regulates portable electric appliances, smoking, and open flames in on-campus housing; and fire safety policies and procedures.

The College further reserves the right to direct residents to remove from their rooms any hazardous materials. The final decision regarding removal of such materials will be made by the Vice President of Student Services after review by the assistant directors. Items may be confiscated and held in the office of the Vice President of Student Services if they violate hall fire safety and/or jeopardize security and community living.

Smoking

Ozarka College is a tobacco-free institution, including buildings, grounds and parking lots. The use of any tobacco products and electronic cigarettes is prohibited on all college property and in any vehicle owned or leased by the college.

Fire Safety Education and Training Programs

Ozarka College promotes campus fire safety on an ongoing basis through various safety education and training programs.

Student housing staff receive orientation to the operations and locations of the fire alarm system, as well as a review of their roles during a fire or fire drill. The resident assistants and other student services staff members receive general fire safety and fire extinguisher training as well. Students receive a general orientation to the fire systems present in the building during the first week of the residents' arrival. Staff also review evacuation and emergency procedures with residents. Students living in on-campus housing participate in one fire drill during both the fall and spring semesters.

Fire Safety and Prevention

- Know every regular and emergency exit from the building you are in. Know how to activate the alarm system and what it sounds like. Know the location of fire extinguishers and how to operate them.
- Arrange room contents with fire safety in mind. Maintain clear and unobstructed access to your room door, from both the outside and the inside, at all times.
- Do not overload electrical outlets.
- Do not use broken, frayed, or cracked electrical cords. Do not suspend lamps or lights by their own cords.
- Do not allow excess clutter or flammable materials to accumulate.

Communicating a False Alarm

It is a violation of state law and College policy to deliberately sound a false alarm and/or to tamper with fire safety equipment. Violators may face prosecution in the local criminal court system and the College's student conduct system. Such behavior will not be taken lightly. In the most severe cases it does endanger lives and at a minimum it disrupts the educational process.

Flammable Materials, Explosives, Fireworks, Smoking, and Open Flames

Dangerous items such as flammable materials, explosives and fireworks are not permitted on the College campus or in College buildings except in approved and supervised programs and certain academic programs. Substances which have the potential to cause fires or explosions are not permitted inside campus housing. No open

flames are allowed. Smoking is not allowed in any housing unit. Halogen lamps are not allowed. Electrical appliances that have an exposed heating element are not allowed in housing units. Fires in housing units are known to result from burning candles and/or incense. These items are not allowed in student rooms and/or public areas.

Fire Drills

The purpose of a fire drill is to acquaint residents with a rapid and orderly means of exit during an emergency. Each housing facility conducts no fewer than two fire drills annually. These drills are conducted between the first and tenth day of class for each primary semester, once in the fall semester and again in the spring semester. All persons in the building are required to participate in the fire drills and evacuate the building through the exit routes. Fire safety programming is conducted by residence hall staff each semester. Printed information is provided in each residence hall room warning of over-use of electrical outlets and other basic fire hazard information. Bulletin boards in residence halls are used to provide additional information.

Fire Alarms and Evacuation Procedures

Evacuation procedures are posted on the door of each housing unit. These plans and procedures include identification of evacuation routes and the location of severe weather shelter areas.

If you are in a room and the fire alarm has sounded, do not open the door until you check for smoke around the door cracks and feel the surface of the door. If it is hot, do not open it. If the door seems cool, open it cautiously with your body braced firmly against it. While one hand is on the knob, hold one hand over the door opening to detect any blast of in-rushing heated air. If there is none, and the passageway is safe, proceed quickly to a clear exit, closing all doors behind you.

If the door is hot, do not open it. Seal up the cracks around the door with sheets, pieces of cloth, or whatever is handy. The door can hold back the dangerous heat and smoke. Hang a sheet out of the window to signal rescuers. Open the window slightly, as this will let the fresh air in and allow smoke to dissipate.

Students in On-Campus Housing

In the event of a continuous sounding of the fire alarm in the unit, students should proceed as follows:

1. All persons inside a residential or dining facility are required to leave the building immediately.
2. College staff may assist with the evacuation of the building as availability and safety permit.
3. It is the responsibility of all students to familiarize themselves with proper fire and emergency evacuation procedures.

4. Failure to respond to a fire alarm or to staff requests during an evacuation may result in College disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.
5. When an alarm sounds, follow these guidelines:
 - a. Close room doors and windows.
 - b. Wear shoes and carry or wear a coat.
 - c. Leave via the nearest, safest exit, path, or route.
 - d. Do not panic - move quickly outside the building to at least 50 feet away from the structure and to the designated assembly point, and check in with College staff.
6. Do not use elevators as exit routes. Use the closest stairwells.
7. Do not re-enter the building until the alarm is silenced and the “all clear” announcement is given by emergency personnel.
8. If you are on an upper floor, are hearing impaired, have mobility issues, or are unable to escape from your room:
 - a. Close your door and seal it off with a towel or blanket. Duct tape often works well to seal cracks.
 - b. Dial 9-1-1 and relay all information pertaining to the fire (i.e., location, floor, room, building, etc.) to the dispatcher. Don’t hang up until directed to do so.
 - c. Hang a bright colored sheet or towel from your window to alert emergency crews to your location.
 - d. Open your upper window for fresh air if necessary. If smoke enters the room from the outside, CLOSE your window immediately.
 - e. Wait for rescue. Do not panic, open the door, or prematurely jump from your window.

If you are trying to escape through a smoke-filled room or corridor, proceed as follows:

- Heat and smoke rise, so move quickly in a crouching position to the nearest exit.
- Place a towel or other cloth over your head and face. Breathing through the towel will help cool the air and filter the air of debris.
- Take short breaths, breathing through your nose.
- Cover your body with something that can easily be discarded if it catches fire. An example would be a wool blanket.
- Try to remain calm.
- Never reenter a burning building for any reason.

Campus Employees

It is important for employees to familiarize themselves with the procedures of fire reporting.

1. **Safety of the People.** Evacuate people as readily as possible. Close doors to isolate the fire. A person with an ambulatory disability should move to the opposite end of the building near a stairway and away from the fire, and wait for firefighters to arrive. Exit strategies should be discussed with supervisors.

2. Send the Alarm. Call the Fire Department, 9-1-1, and relay all information pertaining to the fire (i.e., location, floor, room, building, etc.). If the building is equipped with the fire pull boxes, break the glass, and pull the bar.
3. Notify Others in the Area. Use any alarm provided for this purpose. Move out to a safe area to give firefighters a clear field.
4. Assist Police or Firefighters. Relate to them what is burning (i.e., special chemicals, radiation hazards) or any other pertinent information.

Reporting Fires on Campus

Every incident of fire should be reported immediately. If a fire is discovered after it has been extinguished, it still needs to be reported. The fire department will inspect the area to prevent later flare-ups and to determine the cause of the fire. Upon discovery, immediately call 911 to get Melbourne Fire Department personnel and emergency responders to the scene. College officials should also be notified. The notification should be directed to Vice President of Student Services and/or the Vice President of Student Services. Notification can also be made to the Resident assistant.

Fire Safety Log

The Ozarka College Fire Safety Log is stored in the office of the Vice President of Student Services where it may be viewed upon request.

Future Improvements to Campus Fire Safety

Ozarka College continually evaluates the need for improvements in all aspects of the campus fire safety program. It is the intent of the College to provide an environment that addresses the issues of fire and life safety for students, faculty, and staff. Changes in student or personnel numbers, occupancy changes of campus buildings, the design and use of new buildings, renovations of existing structures, and the need to retrofit existing buildings with new fire/life safety equipment is continually under review. Improvements or potential changes in fire safety at the College are reviewed and any required changes are implemented on a timely basis.

Fire Safety Definitions

On-campus student housing facility is any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Cause of fire is the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire drill is a supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury is any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

Fire-related death is any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.

Fire safety system is any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Value of property damage is the estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Fire Safety Statistics

Ozarka College began operating a student housing complex in August 2018. The current Fire Safety Log is stored in the office of the Vice President of Student Services where it may be viewed upon request.

2019 Statistics

Number of Fires – 0

Cause of Fire – N/A

Number of persons with fire-related injuries – 0

Number of fire-related deaths – 0

Value of property damage - \$0

**Ozarka College
Campus Fire Log**

The Campus Fire Log lists all fire-related incidents in College residential facilities the past three years. The log is updated within twenty-four hours of a report of each fire event. The log is available for review in the Office of the Vice President of Student Services.

2019

No Occurrences

Date of Report:

Nature of the Fire:

Date/Time of Fire:

General location of Fire:

2018

No Occurrences

Date of Report:

Nature of the Fire:

Date/Time of Fire:

General location of Fire:

University Housing Fire Safety Systems in Place and Drills Conducted in the 2019 Calendar Year

Facility	Address	Fire Safety Systems	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number and Date of Evacuations (Drills)
Student Housing Building #1	174 Haley St.	Smoke Alarms	No	Yes	Yes	Yes	Drill – 1/25/2019 Drill – 8/23/2019
Student Housing Building #2	174 Haley St.	Smoke Alarms	No	Yes	Yes	Yes	Drill – 1/25/2019 Drill – 8/23/2019
Student Housing Building #3	174 Haley St.	Smoke Alarms	No	Yes	Yes	Yes	Drill – 1/25/2019 Drill – 8/23/2019
Student Housing Building #4	174 Haley St.	Smoke Alarms	No	Yes	Yes	Yes	Drill – 1/25/2019 Drill – 8/23/2019
Student Housing Building #5	174 Haley St.	Smoke Alarms	No	Yes	Yes	Yes	Drill – 1/25/2019 Drill – 8/23/2019

Appendix A

Campus Security Authorities:

President	President's Office
Vice President	Academics
Vice President	Student Services
Vice President	Finance
Vice President	Advancement
Chief Information Officer	Information Systems
Division Chair	Math and Science
Division Chair	Arts, Humanities, and Education
Division Chair	Allied Health
Division Chair	Applied Science and Technology
Director	Physical Plant
Director	Ash Flat Campus
Director	Mammoth Spring Campus
Director	Mountain View Campus
Director	Financial Aid
Director	Admissions
Registrar	Student Services
Business Manager	Finance
Assistant Director	Financial Aid
Resident Assistant	Student Services
Librarian	Library

Training is required in the Safe Colleges software for all CSA's.

List updated: September 2020