

## Health and Student Safety

### Student Insurance

The college does not provide accident or health insurance for students. However, the college strongly recommends that students purchase health and/or accident insurance. The college will, if possible, refer students who wish to acquire such insurance to potential vendors.

Students who participate in **clinical experience** in health facilities off campus are provided liability insurance as a condition for admission to the clinical areas. The college will arrange for liability insurance, and assure that all students have liability insurance before being allowed to enter a clinical area. Contact appropriate health science program director for further information.

### HIV or AIDS Virus

The college recognizes the impact of the Human Immunodeficiency Virus (HIV or AIDS Virus) on students and employees, both in regard to the safety of the work environment and in terms of potential infection. The college has established guidelines based upon prevailing medical and legal information. SouthArk employees and students with HIV infection, AIDS, or a positive HIV antibody test, whether symptomatic or not, will be allowed unrestricted activities as long as they are mentally and physically able to perform their job duties in a manner that does not pose a health or safety risk to themselves or to others.

### Smoking and Tobacco Products

Students will follow the APM policy on the use of tobacco products that can be found here [APM Policy 2.04 Use of Tobacco Products](#)

### Weapons on Campus

Students will follow the APM policy regarding weapons on campus can be found here [APM Policy 2.05 Weapons](#)

## POLICIES AND PROCEDURES FOR CAMPUS SECURITY

### Policy Statement

SouthArk will comply with the Clery Act, Title IX, and the Violence against Women Act by

- maintaining a daily crime log,
- reporting criminal statistics as well as security policies and procedures in an annual campus safety and security report, and
- enforcing the requirements of the Clery Act, Title IX, and the Violence Against Women Act.

When sexual/gender based misconduct occurs, SouthArk will investigate, stop, prevent, and provide remediation as necessary to all parties involved and/or the college community at large

### Rights of Members of the SouthArk Community with Regard to Sexual Misconduct

All employees, administrators, staff, visitors, and students of have a right to be free from sexual harassment, sexual violence, and sexual discrimination. These rights mandate that everyone is held responsible for behaving in a professional and lawful manner on campus. SouthArk has a zero tolerance policy for gender-based misconduct. Once any allegation of misconduct is reported to the appropriate official and probable cause exists, then an investigation of these allegations will take place, and sanctions may result if a violation of the policy is determined. The implementation of the policy against gender-based misconduct is an assurance that each violation will be investigated thoroughly and sanctioned. The following Clery Act policies and procedures are set forth to maintain consistent enforcement of this act and to comply with its reporting requirements. The policies and procedures also serve to guide faculty, staff, administrators, students, and other interested stakeholders in conducting themselves according to the Act while on campus.

**I. General Policies and Procedures Ensuring the Safety and Security of Campus Facilities**

SouthArk is a public institution of higher education, and facilities on both east and west campuses are open to students, faculty, administration, staff, and the general public.

SouthArk is committed to providing a safe and secure learning environment for all patrons, but campus safety and security are dependent on cooperation among students and college employees. Students and staff are encouraged to report criminal conduct, violations of college policy, or suspicious activity to any campus administrator or security personnel and to file a report promptly when violations occur (see procedures under Section II. below).

**Behavioral Review Team**

A Behavioral Review Team (BRT) has been established to assist in dealing with situations that go beyond basic classroom management and present a threat to the general safety and wellbeing of the campus community. The BRT represents a campus wide, collaborative commitment to ensure the safety of all students, staff, and faculty. Committee members serve to assess and investigate any reported concerns from the campuses or larger community and make appropriate determinations and referrals to facilitate student engagement and success. In pursuit of this mission, the BRT has developed a reporting and communications system whereby potentially dangerous situations are more likely to be detected, addressed, and communicated to appropriate parties before they escalate to more serious levels. Concerns should be directed to the office of the Vice President for Student Services.

**Campus Security**

For the safety of employees and students, the college provides uniformed campus security officers during all hours that the college is in operation. Individuals who are concerned about their immediate safety should call 911. Otherwise, they should contact campus security by phone at (870) 864-7125, via a red security phone in select campus buildings, via a “blue-light” emergency phone in campus parking lots (see below), by dialing 999 from a campus phone, or by going to the security office (CB125W) near the atrium of the Whitfield Building. Students are required to report all incidents of campus accidents or crime to Campus Security.

**On-Campus Security Phones**

**Red security phones** have been installed on the West campus in the hallways of the Whitfield classroom building, the Computer Technology Building, the El Dorado Conference and Student Center, the library (one in the gallery and one at the front desk); and on the east campus in the atrium of the Center for Workforce Development and in the student lobby of the McGehee Building. When the receiver is picked up, a call is automatically routed to a cell phone carried by the on-duty security officer, allowing immediate contact with security.

**“Blue-light” emergency phones** have been installed in the following parking lots: West Campus Main (between the Library and Computer Technology building), Health Sciences building, and Conference and Student Center, as well as the East Campus Main parking lot between the McGehee Classroom Building and the Workforce Development Building.

**II. Policies and Procedures for Reporting Crimes, Accidents, and Other Incidents**

Members of the SouthArk community should report criminal activity, accidents, and/or violations of college policies to the Campus Security office in person at CB125W in the Whitfield Building or by calling (870) 864-7125 or (800) 955-2289. Campus security personnel are on duty during the normal hours of operation Monday-Thursday from 8:00 a.m.-9:00 p.m and Friday from 8:00 a.m. to 5 p.m. Additionally, security personnel are on campus during the weekend when classes, scheduled facility openings or events are taking place. SouthArk campus community members may also report crimes to the El Dorado Police Department (EPD) at (870) 881-4141. If individuals on campus

notify EPD, they should notify Campus Security also. EPD works cooperatively with SouthArk's security personnel and the administration to provide prompt assistance in the event that crime should occur on campus. Campus Security or other personnel will make immediate contact with EPD in cases of emergency.

**Filing Internal Reports:** In addition to notifying Campus Security, victims of crime or witnesses to criminal activity, accidents, or violations of college policies also should file a formal report with the office of Campus Security. A victim or witness can also make a confidential report to the office of the Vice President for Student Services (SouthArk Student Center, Room 263, (870) 864-7128 or to a college counselor at (870) 864-7235.

**Crime report forms, accident report forms, and incident report forms** are available in the Campus Security office, the library, and in the office of the Vice President for Student Services on the West Campus and at the Information Desk on the east campus. For any completed report to be official, it must be signed by Campus Security or the El Dorado Police Department. Employees of the college are responsible for calling for outside assistance if deemed necessary.

#### **Protecting “Whistleblowers” from Retaliation**

Students are protected under the Arkansas Whistle-Blower Act as described in the APM policy on whistleblowers (6.12), which can be found here [6.12 Whistleblower Act](#)

#### **External Reporting of Crime Data**

The Office of Student Services receives (either directly or from Campus Security) and records all crime, accident, and incident report forms and works with the Director of Campus Security and other campus personnel to make appropriate reports to state and federal officials. Federal law requires that data must be collected on the following criminal offenses: murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson, hate crimes, sexual assault, domestic violence, dating violence, and stalking. In addition, the college is required to maintain statistics on the number of arrests made for the following crimes occurring on campus: liquor law violations, drug abuse violations, and weapons possessions. Crime statistics are reported in the college catalog (see below), and crime logs are available upon request from the Campus Security office.

<b>Criminal Offenses Reported</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Murder	0	0	0	0	0
Sex Offenses	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	2	0
Burglary	1	0	0	1	0
Motor Vehicle Theft	1	0	0	0	0
Arson	0	0	0	0	0
Manslaughter	0	0	0	0	0
Hate Crimes	0	0	0	0	0
Arrests for Violations	0	0	0	0	0
Referrals	0	0	0	0	0
Liquor Law	0	0	0	1	0
Drug Abuse	0	0	0	0	0
Weapons Possessions	0	0	0	0	0

**Reporting of Registered Sex Offenders**

Registered sex offenders who apply for enrollment in classes at the College are required to notify Campus Security. Anyone interested in a list of registered sex offenders may contact the Detective Division of the El Dorado Police Department or the SouthArk Campus Security office.

**III. Law Enforcement Policies****Working Relationship with Local Police**

SouthArk's administration and security personnel work with the El Dorado Police Department (EPD) to provide reports as well as a prompt and collaborative response in the event that crimes occurring on campus warrant the assistance of local police. When incidents that have occurred on SouthArk's East or West Campus call for an investigation by the EPD, SouthArk may request documentation.

**Authority of Security Personnel**

SouthArk security personnel report to the Vice President of Finance and Administration. Although they have the power of arrest, in crisis situations security personnel are expected to follow established procedures for contacting EPD for assistance.

**IV. Programs to Inform Students and Employees about Crime and Crime Prevention**

The college employs full- and part-time security personnel to monitor activity and provide campus protection. Security personnel are authorized to handle any incidents that threaten the welfare or security of students or staff. Security personnel are informed of procedures to follow in cases of emergency and are instructed to report all incidents to appropriate authorities.

**Awareness and Prevention**

The need for students to be cautious and aware of the potential for crime in general and sexual offenses in particular is discussed at orientation. In addition, the college's counselor conducts seminars and workshops covering topics associated with crime, substance abuse, and sexual assault during the academic year. Examples of such workshops include, but are not limited to, the following:

- First-time College Student Workshop
- Single Parent Workshop
- Adult Survival Workshop
- Date Rape and Crime Prevention Workshop

Posters and announcements placed on bulletin boards and in campus publications are used to alert students and staff about crime prevention and precautions that should be taken.

**Timely Warning Notice**

In case of emergency, the college will use email, the college website, the emergency calling system, and/or the Alertus communications system, as appropriate, to communicate serious crimes, violations, and other situations on campus that have an impact or potential impact on the safety and wellbeing of the campus community.

**Emergency Response, Notification, and Testing Policy**

SouthArk has distributed to every employee and every classroom on campus a copy of the *South Arkansas Community College Quick Guides Emergency Handbook*, which details appropriate responses in the event of campus emergencies. The college will conduct drills once annually to test the plan. In addition, the *South Arkansas Community College Administrative Policy Manual (APM)*

includes an [“Emergency Communications Plan” \(5.21\)](#), which may be accessed on the college website. This plan has been formulated to provide a guideline for internal and external communications during an emergency situation at SouthArk. For the purposes of this plan, an emergency event could result from the following cause(s):

Earthquake	Suicide/Sudden death
Flood	Road crash/plane crash involving staff/students
Fire	Pandemic
Chemical explosion	Other medical crises
Toxic leak	Robbery
Terrorist attack/bomb threat	Occupation of buildings
Extreme weather/tornado	Hostage-taking/kidnapping
Energy blackout	Missing person(s)

Once an emergency situation has been identified, the ranking college administrator, upon consultation with the appropriate personnel and in concert with any applicable city, county, state, or federal entities, select and direct a situation-appropriate response. Depending upon the nature of the emergency, the college may suspend or dismiss classes; evacuate one or more buildings; direct students, faculty, and staff to take shelter; or close one or both of the campuses.

#### A. **Campus-Wide Emergency Communications**

The APM Policy on the Emergency Communications Plan can be found here [APM Policy 5.21 Emergency Communications Plan](#)

#### B. **Fire on Campus**

A fire on campus could destroy property and endanger lives. Students who discover a fire should

- Sound the alarm or call 911 immediately
- Inform others of potential danger
- Leave the building immediately and direct the fire department to the fire
- Never enter a burning building

Evacuation plans are posted in all campus buildings.

#### C. **Missing Persons**

Members of the campus community should report missing persons to Campus Security. When Campus Security becomes aware of a missing person among the campus community, personnel will investigate on campus, then contact the El Dorado Police Department and the Union County Sheriff’s Office with a welfare concern, including a description of the person so they can put out a BOLO (“Be On the Look-Out”) alert for the individual. Personnel will continue to search on campus, investigate known facts, and collaborate with local law enforcement agencies until the case is resolved.

#### V. **How to Deliver Emergency Messages to Students**

The student advising coaches or Enrollment Services should be contacted in case of an external, non-campus emergency involving a member of the student body. Classes may not be disturbed except in cases of extreme emergencies.

## VI. Drug and Alcohol Policy

### Drug-Free Workplace

In an effort to ensure a drug-free working and learning environment at SouthArk, the college has established a drug and alcohol policy for employees and students.

### Policy Statement

SouthArk prohibits the unlawful possession, use, manufacturing, dispensing or distribution of illicit drugs and alcohol by employees and students of the college on college property or as a part of its activities, nor shall employees or students use prescription drugs or alcohol if such use impairs effective performance of their responsibilities. Governor's Policy Directive Number Five notes, "Use of alcoholic beverages or controlled substances is strictly prohibited during working hours and shall be grounds for immediate dismissal."

### Local, State, and Federal Laws

Employees and students are expected to abide by local, state, and federal laws regarding the unlawful possession, use, or distribution of illicit drugs and alcohol. The Administration is authorized to impose disciplinary action up to and including suspension or expulsion upon those who violate this policy. In addition, if circumstances dictate, local law enforcement authorities will be contacted..

## VII. Drug Awareness and Reporting

### Reporting and Follow-up of Drug-Related Crimes and Abuse

Individuals who observe violations of the SouthArk drug policy should report the information immediately to any college official or to Campus Security. All reports eventually should be channeled to the Campus Security staff for investigation and follow-up. If an incident requires immediate attention of campus or local authorities, then the college official should contact local law enforcement authorities immediately.

### Drug and Alcohol Counseling

In an effort to inform employees and students about the effects of drugs and alcohol, the college will provide educational programs, counseling, and activities designed to meet the employees' and students' needs. The college has established a collaborative relationship with South Arkansas Regional Health Center for counseling, testing, and treatment.

### Support and Assistance

In El Dorado, assistance for alcohol and substance abuse problems can be obtained at South Arkansas Substance Abuse at 100 Hargett Drive, or by calling (870) 881-9301 (line available 24 hours a day).

### Enforcement

Disciplinary action will be taken against employees and students found guilty of the unlawful possession, use, manufacturing, dispensing or distribution of illicit drugs and/or alcohol on college property or as a part of any of its activities. Complete information regarding Standards of Student Conduct can be found in the college catalog. Should a student be charged with any violation of the college Drug Policy or other standard of conduct, Campus Security will investigate and report findings to the Vice President for Student Services, who will be responsible for initiating student disciplinary action as necessary after

1. Meeting with the student
2. Determining the nature of the violation, and
3. Allowing the student an opportunity for a hearing

If circumstances dictate, the appropriate local law-enforcement agency will be contacted

The administration may impose disciplinary action, including, but not limited to, the following:

- A. **Dismissal** – Termination of employment with or enrollment in the college.

**B. Probation** – An official warning that the employee’s or student’s conduct is in violation of the college’s policy. Probation may be imposed for varying periods of time with restrictions and behavior guidelines as a condition of continued employment or enrollment. These conditions may include drug and alcohol abuse counseling.

**C. Letter of Reprimand** – A letter, of which a copy will be placed in the employee’s or student’s file, stating that the conduct is not acceptable to the college.

## VIII. Sexual Misconduct

### **Policy Regarding Sexual Assault on Campus**

SouthArk will not tolerate any action involving a student or employee that is intended or assault is a violation of an individual’s human rights and dignity. All reports or complaints concerning crimes of this nature will be vigorously pursued in conjunction with local law enforcement authorities.

### **Procedures to Follow in the Event that a Sexual Offense Occurs on Campus**

Anyone who is subjected to offensive or criminal sexual behavior or assault is encouraged to take action through the established informal or formal channels within the college.

**Informal procedure/channel:** The victim should seek assistance from any campus security person, faculty member, supervisor, or counselor. Appropriate referrals and connections will be made on behalf of the victim.

**Formal procedure/channel:** The victim should report the offense to college security personnel immediately; investigation into the incident will follow. In all cases, efforts should be made to preserve any evidence that might be used to apprehend and convict the accused assailant. In all cases, the rights and privacy of victims and alleged violators will be considered and actions will be taken accordingly.

### **Disciplinary Proceedings/Due Process/Privacy**

Sex crimes are considered major offenses punishable by both the college and the courts. Crimes involving sexual offenses, which are reported through formal or informal procedures, will be investigated by the college security personnel who will ensure that all rights of both the accuser and accused are protected. These rights include, but shall not be limited to, discreet and professional handling of all matters concerning the alleged incident, and the opportunity to have others present during a campus disciplinary hearing.

If charges are filed, it will be the responsibility of the Vice President for Student Services (VPSS) to arrange for due process and documentation of all campus proceedings. In all cases, victims will be informed of their options for reporting crime and for receiving assistance if such is needed or desired. Both the accuser and the accused will be made aware of the outcomes of formal proceedings.

Employees found guilty of such offenses will be subject to a written warning, a suspension without pay, and/or a discharge, depending upon the circumstances of the specific incident. Referral will be made to local law enforcement authorities for further action if this is appropriate.

Students found guilty of sexual offenses will be subject to disciplinary action up to and including suspension or expulsion from the college, depending on the circumstances of the specific incident, and will be referred to law enforcement authorities for further action if appropriate.

### **Victim Assistance**

The VPSS is responsible for referring victims of sexual offenses to appropriate college personnel and/or to agencies in the community that handle such situations. The Victim Assistance Program, established through the local court system, offers assistance and support to victims at no cost. The Victims Assistance contact number is (870) 863-8762. Assistance is also available through the Union County Rape and Family Violence Center at (870) 862-0929.

SouthArk will change a victim's academic situation as necessary after an alleged sexual offense has occurred, or as requested by the victim. Such changes could include, but would not be limited to, a change in the student's class schedule.

### **Sexual Harassment**

SouthArk will not tolerate sexual harassment by any of its students or employees, including its managerial and supervisory employees.

It is a violation of federal law and the rules, regulations, and policies of SouthArk for any employee or student to sexually harass another employee or student by (1) making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, as a condition of any employee's employment or student's enrollment, (2) making submission or rejection of such conduct the basis for employment decisions affecting the employee or decisions concerning a student, or (3) creating an intimidating, hostile, or offensive working environment by such conduct.

Anyone who is subjected to offensive sexual behavior is encouraged to pursue the matter through the established informal or formal grievance procedures of the college. All incidents should be reported to the VPSS immediately, and the college will investigate all complaints. Any person who has been found by SouthArk to have sexually harassed another person shall be subjected to appropriate punishment.

Sexual harassment is a major offense, and employees found guilty will be subject to a written warning, a suspension without pay, or a discharge, depending upon the circumstances of the sexual harassment incident. Students that are found guilty will be subject to disciplinary action up to and including suspension or expulsion from the college.

## **GLOSSARY**

**Definitions** [from the Jeanne Clery Act Training Manual]

**Annual Security Report (ASR):** Annual report with statements of campus security policy and crime statistics provided to current and prospective students and employees under the Clery Act by October 1st of each year.

**Campus Security Authority (CSA):** A campus policy or security official or other official with significant responsibility for campus and student activities. A CSA has responsibilities under Clery to report information for timely warnings and crime statistics.

**Clery Act:** Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it.

**ED:** U.S. Department of Education. ED is responsible for implementing and enforcing the federal Jeanne Clery Act.

**Family Educational Rights and Privacy Act (FERPA):** FERPA, also known as the Buckley Amendment, is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

**Hierarchy Rule:** A principle used by the FBI's Uniform Crime Reporting program and adopted by Clery that specifies that only the most serious crime in a multi-crime situation is reported.

**NIBRS-**National Incident-Based Reporting System. Next generation UCR program (see below).

**OVC:** Created in 1983, the Office of Victims of Crime (OVC) is a federal office within the U.S. Department of Justice (USDOJ) that provides federal funds to support victim assistance and compensation programs around the country and advocates for the fair treatment of crime victims.

**Clery Center:** Clery Center for Security on Campus, Inc. is a non-profit (501)(c)(3)) organization whose mission is to prevent violence, substance abuse and other crimes in college and university campus communities across the United States, and to compassionately assist the victims of these crimes.

**UCR:** The Uniform Crime Reporting (UCR) Program was conceived in 1929 by the International Association of Chiefs of Police to meet a need for reliable, uniform crime statistics for the nation.

**Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. Note: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**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 or violence and /or by putting the victim in fear.

**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.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. 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. (Classified as motor vehicle theft in all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned-including joy riding)

**Arson:** the willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale 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 narcotic (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

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

### **Definitions & Terms** *(from the Violence against Women Act)*

1. **Domestic violence:** includes felony or misdemeanor crimes 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
2. **Dating violence:** violence committed by a person:
  - (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - (i) The length of the relationship.
    - (ii) The type of relationship

(iii) The frequency of interaction between the persons involved in the relationship.

3. **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- (A) Fear for his or her safety or the safety of others; or
  - (B) Suffer substantial emotional distress

**Definitions of Sex Offenses** [*from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program*]

**Sex Offense:** 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.

**Two Categories of Sex Offenses:** forcible and non-forcible

**Four types of Forcible Sex Offenses:**

**Forcible Rape:** Is the carnal knowledge of a 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 because of his/her temporary or permanent mental or physical incapacity (or because of his/youth). This offense includes the forcible rape of both male and females.

**Forcible Sodomy:** Is oral or anal sexual intercourse with 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 because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object:** Is the use of 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 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. An object or instrument is anything used by the offender other than the offender's genitalia.

**Examples are:** a finger, bottle, handgun, stick, etc.

**Forcible Fondling:** Is 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 where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Two types of Non-Forcible Sex Offenses** (unlawful, non-forcible sexual intercourse):

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

**Statutory Rape:** Is non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Definitions** [*from the Association of Title IX Administrators*]

**Sexual Misconduct Offenses Include, but Are not Limited to**

- Sexual Harassment
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Non-Consensual Sexual Contact (or attempts to commit same)
- Sexual Exploitation

**1. Sexual Harassment**

- Unwelcome sexual conduct, whether verbal or physical, that is
- Sufficiently severe, persistent, or pervasive that it
- Has the effect of unreasonably interfering with, denying, or limiting someone's ability to participate in or benefit from SouthArk's educational program and/activities and is

- Based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.
- Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

### **Three Types of Sexual Harassment**

- **Hostile Environment:** Includes any situation in which there is harassing conduct that is sufficiently severe, pervasive /persistent, and patently offensive that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.
- **Quid pro quo sexual harassment** exists when
  - a. There are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
  - b. Submission to or rejection of such conduct results in adverse educational or employment action.
- **Retaliatory harassment** is any adverse employment or educational action taken against a person's participation in a complaint or investigation of discrimination or sexual misconduct.

## **2. Non-Consensual Sexual Contact**

- any intentional sexual touching
- however slight
- with any object
- by a man or woman upon another person
- that is without consent and/or by force
- sexual touching includes any bodily contact with the breast, groin, genitals, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

## **3. Non-Consensual Sexual Intercourse**

- any sexual intercourse (anal, oral or vaginal)
- however slight
- with any object
- by a person upon another person that is without consent and/or by force

## **4. Sexual Exploitation**

Exists when an individual takes abusive or non-consensual control of someone for his/or her control or advantage. Some examples of sexual exploitation include but are not limited to:

- Prostitution
- Having sexual relationships with another knowing you are infected with HIV, Aids, or any sexually transmitted disease without informing your partner.
- Recording sexual activity and posting it on the Internet without consent.