

Hendrix College
2014 Annual Security & Fire Safety Report

October 1, 2015

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I. Procedures for reporting crimes and other emergencies:

The College encourages anyone who is the victim or witness to any crime, or who witnesses suspicious behavior, to promptly report the incident to Hendrix Public Safety by calling 501-450-7711, using one of the Blue Emergency phones, or visiting the Public Safety office.

Crimes can also be reported to the Conway Police Department by calling 911 or 501-450-6120 for non-emergencies. Tips can be called in anonymously at 501-450-4135, or tips can be texted anonymously by sending a text to CRIMES (274637) using Keyword "CONWAY" at beginning of the message.

Reporting Crimes on a Voluntary, Confidential basis: Students who are victims of a crime and do not want to pursue action within the College Conduct system or the Criminal Justice system, are encouraged to make a confidential report to the Dean of Students Office (SLTC 209, 501-450-1222) or to a counselor in Hendrix College Counseling Services (501-450-1448). Students who choose this confidential option maintain the right to report the incident to Hendrix Public Safety or Conway Police in the future.

Timely Warning Notice: In the event that a situation arises, either on or off campus, that, in the judgment of the Office of Public Safety and/or Dean of Students Office, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through the college email system to students, faculty, and staff, and if circumstances warrant, through the H-Alert system. Victims of crimes- including sexual misconduct- should be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Preparing of the Annual Security Report: Each year the College will publish an annual security report in accordance to guidelines of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1998). The Dean of Students Office and the Office of Public Safety prepare this report.

Report Crimes To:

Hendrix College Office of Public Safety, 1600 Washington Ave, (501) 450-1222
Dean of Students Office, 1600 Washington Ave, (501-450-1222)

II. Policies concerning the security of campus facilities:

Hendrix College is private property and use of the campus facilities is designated for Hendrix College students, faculty, administration and staff. The campus is open for guests and persons conducting business with the College as long as those guests comply with college policies and expectations. Residence Hall facilities are open only to members of the college community and their guests (in accordance with policies outlined in the student handbook). The residential facilities are locked and accessible only by campus ID cards or issued keys.

III. Law Enforcement Policies

Enforcement authority of security personnel: Campus Public Safety officers are non-sworn security officers. All Hendrix College employees have the authority to ask persons for identification and to determine whether individuals have business at the College.

Working Relationship with Local Police: Hendrix College shares information about crimes with the Conway City Police Department. Hendrix College also requests information about crimes that are reported directly to the Police department for the campus and adjoining properties.

Arrest Authority of security personnel: Hendrix College Public Safety officers do not have arrest authority.

Policies and Procedures Encouraging Accurate and Prompt Reporting of all Crimes The College encourages all community members to report crimes promptly to either the Public Safety Office or the Conway Police Department in a timely manner.

IV. Emergency Response and Evacuation Procedures

1. Notification-

In the event of the confirmation of a significant emergency or dangerous threat to the health or safety of our campus community, Hendrix College will contact the campus community through our H-Alert text message system. All students, faculty and staff members are automatically enrolled in H-Alert as long as they have provided the institution with a cell phone number. Campus members can contact IT Help if they have any questions about their enrollment in the system. Community members are able to “opt out” of the program but are discouraged from doing this because of the emergency notification system. Because the H-alert has limited character capability, an email may follow the initial text message with additional details as necessary. Community members who encounter an emergency or dangerous situation are encouraged to contact Public Safety (450-7711) immediately.

2. The Institutional Emergency Process-

- a. The College will work swiftly to confirm that there is a significant emergency. Public Safety office will investigate the report to confirm the situation and activate the notification system and the crisis communications team. In the event of a weather emergency, the Public Safety office will be notified by state weather officials that an emergency exists and will send the alert to the campus. All campus members should contact Public Safety if they encounter a dangerous situation.
 - b. Once confirmed, the crisis communication team will determine which portion of the campus community is affected by the emergency and alert that segment of the population. In most cases, the alert will be sent to the entire community.
 - c. The crisis communication team will work with the public safety office to determine what information will be contained in the text message. The alert may just provide information but may also provide specific directions to shelter or to stay away from a particular space on campus.
3. After confirmation of a significant emergency or dangerous situation, Hendrix College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate

the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

4. Campus Emergency Response Team

The Office of Public Safety (Rick Sublett, Chief)

The Dean of Students Office (Jim Wiltgen, Dean of Students)

The Crisis Communications Team (Frank Cox, Helen Plotkin, Rob O'Connor)

Facilities Management (Skip Hartsell, Director)

In the event of a specific emergency related to the following areas:

Medical Officer- Necie Reed

Technology Officer- Sam Nichols

Food Services- Mike Flory

Shelter and Evacuation- Jim Wiltgen

Hazardous Materials- Shelly Bradley

Trauma Support- Mary Anne Seibert

Legal Officer- W. Ellis Arnold III

Engineering Officer- JD Thompson

5. Providing Emergency Information to the Larger Community

Parents and guardians are welcome to sign up for H-Alert information through the campus web portal. The Hendrix Public Safety office will work with other law enforcement agencies in the City and State as appropriate. The Crisis Communications Team will work with local information agencies to disseminate information that is appropriate for the larger community.

6. Testing the Emergency Response and Evacuation Procedures

- a. Hendrix College conducts tests of the H-Alert system on an annual basis during the first month of classes. At the discretion of the College, we may select to conduct subsequent tests as needed. Evacuation drills of the residence halls are scheduled and conducted each semester by the Office of Public Safety in cooperation with the Residence Life Staff. Evacuation routes are posted in each facility. The emergency response team will also conduct exercises each year and participate in community emergency response exercises. The emergency response team will meet on a regular basis to review testing, materials and drills.
- b. Hendrix College will publicize our procedures and testing processes to the campus community each year through the email system and in Hendrix Today.
- c. Hendrix College will track each of our emergency tests which will include a description of the exercise, date of test, timing of test (start to finish), category of test (announced or unannounced) and will keep this information on file for seven years. H-Alert testing will be tracked by the Communications office and other evacuation drills will be tracked by Public Safety.

V. Policies Concerning Pastoral and Professional Counselors

If a student elects to report a crime to a College chaplain or counselor, those persons will act in accordance to their obligations set forth by their professional confidentiality agreements. Counselors and Chaplains will be asked to report any confidential crime information to the Dean of Students or the Office of Public Safety for inclusion in annual crime statistics however they are not obligated to provide such information.

VI: Campus Safety Programs and Procedures

Types of Programs: Floor meetings to review safety expectations, emergency weather drills, Emergency Response Team table top exercises, Fire Evacuation Drills, and Safe Spring break programs, and safe ride programs. Each year members of the campus community are invited to participate in a lighting/safety review of campus. This program is held in November. However, community members are encouraged to notify public safety, facilities, or the Dean's Office if they encounter a public safety concern with our campus grounds.

Frequency of Programs: Floor meetings are held at the beginning of each semester and periodically through the year as needed. Weather and Fire drills are completed each semester in each residential building. Break Safety programs are held during the days prior to a specific break.

VII: Programs to Inform Students and Employees about Crime Prevention

Residence Life staff and Public Safety staff work together on campus safety programs. Students are informed about basic safety information during their orientation process. General information about safety is included in the student and employee handbooks.

The office of Public Safety will send out periodic reminders to the community about basic safety procedures, especially reminding students to lock doors and to use the buddy system when walking on campus. The office of Public Safety also provides a free program to help students with basic car safety prior to major college breaks.

When time is of the essence, information is released to the College community through text alerts (H-Alert System at Hendrix) and followed with additional information via the campus email system. All students are automatically enrolled in the text alert system and faculty/staff are able to opt into the program as well.

VIII: Policy Concerning Monitoring and recording off-campus criminal activity through Local Police:

The Chief of Campus Public Safety has regular meetings with the local Chief of Police to share information and to gather additional information about relevant crimes. Hendrix will work with the local police when concerns are brought to our attention that affects the campus or our community.

IX: College Alcohol Policies:

Note: The information presented in this section of the Handbook is intended to meet the provisions of the Student Right to Know and Campus Security Act (1990), the Drug-Free Schools and Communities Act (1989), and the Higher Education Amendments (1992). Through its programs and procedures, the Hendrix Alcohol and Other Drug Policy seeks to accomplish the following objectives:

- To promote a campus climate that encourages individuals to cultivate and exhibit mature, responsible, and lawful conduct relative to the possession and use of alcohol;
- To encourage compliance with the laws of Faulkner County and the State of Arkansas regarding the possession, use, and sale of alcohol and other drugs;
- To influence the social climate and expectations of the campus in ways that promote a positive, safe, and balanced social environment;

- To provide educational programming that informs students of the potential dangers of alcohol and other drug abuse and promotes responsibility and moderation relative to alcohol use; and
- To implement appropriate conduct mechanisms and sanctions for individuals who violate the standards set forth by the Policy.

The educational mission and the high standards of Hendrix require that the campus be free of all illegal drugs. Further, the College prohibits unlawful possession, use of, or distribution of drugs, including alcohol, by students and employees on Hendrix property or at any College-sponsored activity. See further information in the College Policies section of this handbook.

Where it may be effective, the College prefers a policy of developmental discipline and rehabilitative education, as opposed to mandatory punishment. The developmental nature of the College community raises the expectation that assistance will be offered to any member who is suffering from the abuse of any substance. This help may be in the form of educational programs, on-campus counseling, or off-campus counseling referrals. The College will terminate its relationship with students or employees who persist in their use of illegal drugs or in their unlawful possession of any substance, including alcohol. Violators of federal, state, and local laws related to illegal alcohol and drug use will be referred to the proper authorities for prosecution.

Hendrix College does not encourage the use of alcoholic beverages. The display or consumption of alcohol is prohibited in all areas except student rooms, apartments in Hendrix College-contracted housing, and in other campus locations where events are approved, on a case-by-case basis, by the Department of Student Affairs. Student events are alcohol free unless otherwise designated. (Guidelines for such events are available at www.hendrix.edu/studentlife)

Students of the College and their on-and off-campus guests who choose to possess and/or consume alcoholic beverages are expected to abide by the laws regarding alcohol in Faulkner County and the State of Arkansas. In matters relating to alcohol, Hendrix students will be held accountable for their own actions and for those of their guests. Irresponsible behavior resulting from the consumption of alcohol is not tolerated. Being under the influence of alcohol may affect sanctions for violating any College policy. Students not in compliance with the Hendrix College alcohol policy will be required to dispose of all alcoholic beverages in their possession or the alcohol will be confiscated and disposed of by a professional staff member or a Public Safety officer.

Amnesty Policy. The Hendrix College community discourages abuse or overconsumption of alcohol and the use of other illegal drugs. Abuse of these substances can create health emergencies for consumers. Sometimes, friends or bystanders are hesitant to report the health concern to college officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that health emergencies always be reported promptly to college officials. To encourage reporting, Hendrix College pursues a policy of offering those who report health emergencies immunity from minor policy violations related to the incident.

ALCOHOL POLICY VIOLATIONS

Alcohol violations are designated as either minor or major based on the criteria stated in the Handbook. Though the designation assigned to each complaint involving a Policy violation is based on the particulars of the complaint, some general categories of major and minor alcohol violations may be identified. These categories would include, but not be limited to, the following:

Minor Violations:

- public consumption
- public intoxication
- possession by a minor

Major Violations:

- serving to minors
- over possession as defined by Hendrix College. Per person, this includes but is not limited to: quantities over one case (30 – 12 oz. containers) of beer/malted beverage OR two (1 L) bottles of wine OR one (1L) bottle of spirits/hard liquor, OR a reasonable combination of these types, kegs (whether full or empty,) and other common serving containers, etc.
- serving to individuals already intoxicated
- driving under the influence and driving while intoxicated either on or off campus
- intoxication leading to harm to self or others
- intoxication leading to property damage, disruption to the community, or other violations of Hendrix College Policy
- manufacturing alcohol (without prior written permission for academic purposes)

In the absence of clear mitigating circumstances (resident away for the evening, etc.), all residents of the Hendrix room or apartment in which a major Alcohol Policy violation occurs will be charged with the violation.

Sanctions for Alcohol Policy Violations

Students in violation of the Hendrix College Alcohol Policy will be subject to a number of possible conduct sanctions listed below. Additional conduct measures not appearing in the listings below may be imposed as warranted at the discretion of the conduct hearing body through which the violation is processed. Details of the conduct disposition of complaints are found in the conduct process section of the handbook. Note that the offense count (First Offense, Minor Violation; Second Offense, Minor Violation) applies to the student's entire Hendrix career – the count does not begin anew each fall semester. In all cases involving fines, the entry will read as an "Alcohol Policy Violation" on the individual's bill from the College. In all cases involving Parent/Guardian Notification, the College will follow the same privacy policy used for releasing grades and other academic information. In all complaints involving Suspension, readmission will be contingent upon successful completion of treatment.

First Offense, Minor Violation

Possible Sanctions:

- 8-16 hours of work for the College
- Fine of up to \$100
- Parent/Guardian notification upon completion of the conduct process
- Conduct Warning

Second Offense, Minor Violation

Possible Sanctions:

- Participation in the Substance Abuse Subtle Screening Inventory
- Fine of up to \$200
- Required Parent/Guardian notification upon the completion of the Conduct process
- Removal from Hendrix housing or change in housing assignment
- Conduct warning

Note: The next Alcohol Policy violation *of any kind* will be classified as the First Offense, Major Violation, and so will be referred automatically to the College Conduct Council.

First Offense, Major Violation

Possible Sanctions:

- Personal counseling (off-campus referrals to be undertaken at the student's expense)
- 16-24 hours of work for the College
- Fine of up to \$300
- Required Parent/Guardian notification upon completion of the Conduct process
- Removal from Hendrix housing or change in housing assignment
- Repayment of any costs to repair/replace property
- Conduct Warning

- Conduct Probation
- Suspension
- Expulsion

Second Offense, Major Violation

Possible Sanctions:

- Participation in a Substance Abuse Subtle Screening Inventory
- Participation in a personal responsibility/alcohol awareness class
- Personal counseling (off-campus referrals to be undertaken at the student's expense)
- 24-48 hours of work for the College
- Fine of up to \$500
- Required Parent/Guardian notification upon completion of the Conduct process
- Removal from Hendrix housing or change in housing assignment
- Repayment of any costs to repair/replace property
- Conduct Warning
- Conduct Probation
- Suspension
- Expulsion

Third Offense, Major Violation

Possible Sanctions:

- Personal counseling (off-campus referrals to be undertaken at the student's expense)
- 24-48 hours of work for the College
- Fine of up to \$500
- Required Parent /Guardian notification upon completion of the Conduct process
- Removal from Hendrix housing or change in housing assignment
- Repayment of any costs to repair/replace property
- Conduct Probation
- Suspension or Expulsion strongly recommended

Alcohol Policy Review

An Alcohol Policy Review Committee will meet at least once a year to assess the effectiveness of the Policy, enforcement, and educational programs associated with alcohol use at Hendrix. The Student Senate, Student Life Committee, and the Vice President for Student Affairs will determine the composition of this committee.

Alcohol and the Law

The information that follows is provided to promote an increased awareness among Hendrix students of state and county laws governing alcohol use. It is intended to be neither a restatement of law nor a summary of all the laws relating to alcoholic beverages. For a full listing of Arkansas laws and penalties, please see: www.arkansas.gov.

In Conway and in Arkansas, it is illegal:

- to knowingly or unknowingly sell, give, procure, or otherwise furnish alcoholic beverages to any person under 21 years of age;

Penalties for unknowingly providing:

1st offense: Fine - \$200 to \$500

2nd or subsequent offense: Jail Time - No less than 1 year; Fine - \$500 to \$1000

Penalties for knowingly providing:

1st offense: Misdemeanor; Jail Time - No more than 10 days; Fine - No more than \$500

2nd or subsequent offense: Felony; Jail Time - 1 to 5 years; Fine - No more than \$500

- for a person under the age of 21 years of age to purchase or have in his or her possession any intoxicating liquor, wine, or beer (alcohol inside the body is deemed possession);

Penalties

1st offense: Misdemeanor; Fine - \$100 to \$500; Theme or essay on liquors, wine, or beer; Probation

2nd or subsequent offense: Same as 1st offense

- to be publicly intoxicated by either appearing in a public place under the influence of alcohol or a controlled substance to the degree that the person annoys others in the vicinity or is likely to cause injury to self, others, or property, or by consuming an alcoholic beverage in a public place;

- to sell, give away, or dispose of intoxicating liquor to an intoxicated person.

For those arrested for possessing or purchasing alcohol as a minor the following applies:

In addition to the fine, at the time of arrest of a person eighteen (18) years of age or older for violation of the provisions of subsection of this section, the arrested person shall immediately surrender his or her license, permit, or other evidence of driving privilege to the arresting law enforcement officer as provided in § 5-65-402. The Office of Driver Services or its designated official shall suspend or revoke the driving privilege of the arrested person or shall suspend any nonresident driving privilege of the arrested person, as provided in § 5-65-402. The period of suspension or revocation shall be based on the offense that caused the surrender of the arrested person's license, permit, or other evidence of driving privilege as described in subdivision (e)(1) of this section and the number of any previous offenses as follows:

- (i) Suspension for sixty (60) days for a first offense under subsection (a) of this section;
- (ii) Suspension for one hundred twenty (120) days for a second offense under subsection (a) of this section; and
- (iii) Suspension for one (1) year for a third or subsequent offense under subsection (a) of this section.

Health Risks Related to Alcohol

Short-term effects of alcohol use include:

- distorted vision, hearing, and coordination

- altered perceptions and emotions
- impaired judgment
- bad breath
- hangovers

Long-term effects of heavy alcohol use include:

- loss of appetite
- skin problems
- sexual impotence
- malnutrition (food substitution; digestion interference)
- delirium tremors: disorientation, hallucinations, memory loss
- brain damage and possible permanent psychosis
- cancer of the mouth, esophagus, or stomach due to alcohol irritation
- heart disease, enlarged heart, or congestive heart failure
- liver damage, including cirrhosis, liver cancer, and alcohol hepatitis
- irritation of the stomach lining causing ulcers and/or gastritis
- damage to the adrenal/pituitary glands
- fatal bleeding from esophagus
- birth defects or injury to the fetus during pregnancy
- respiratory depression
- increased aggressiveness, possible abuse of others
- impairment of coordination and judgment

Alcohol Education Programs

Residence Hall Council programming As part of their application process, students applying for candidacy in Residence Hall Council elections are required to attend an informational meeting dealing with the alcohol and other drug education programming requirements for which they will be responsible as members of their Residence Hall Council. Student Affairs staff and current Residence Hall Council members from each hall will conduct this meeting. Within two weeks of their election in the spring, the President and one other selected member from each newly elected Residence Hall Council will meet as a group with the Dean of Students or his or her designee(s) to plan the Hall Council alcohol education and other drug programs to be presented to hall residents in the upcoming fall semester. During the spring semester, these Hall Council members will complete an alcohol and other drug education-training program provided by Student Affairs staff members.

In the fall semester, within two weeks of their arrival on campus, members of each Hall Council will be responsible for conducting alcohol and other drug education and awareness programs for new students in their residence hall. The first program is to be completed prior to the first weekend after the first day of classes; the second program is to be presented within the following week. A third session will be conducted for new students near the end of the fall semester. Hall Councils will be encouraged to work in collaboration with each other and the residence hall staff in planning these three programs for new students. The programs will focus on issues

pertaining to alcohol and other drug use and its consequences, specifically addressing negative effects on grades, health risks, the law, and personal liability issues. It is expected that upper-class students, as peers having faced similar challenges as new students, will be effective in communicating information about alcohol use to new students.

Upper-class students will be educated about the Alcohol and Other Drugs Policy, laws regarding alcohol and other drug policy enforcement, and resources for assistance at the first residence hall meeting to be scheduled within the first three weeks of the fall semester. Hall Councils will inform upper-class students about the purpose of the educational programs for new students. Upper-class students will be encouraged to cooperate in this program by supporting these efforts.

Other Education and Awareness Programs Other alcohol and drug education and awareness programs sponsored by residence halls, student organizations, and Student Affairs offices will be conducted during New Student Orientation and during each semester for students living in residence halls. Specific training programs regarding alcohol and other drug and substance abuse will be incorporated into workshops for Orientation Leaders and Resident Assistants. Substance-free programs and activities developed by students and staff will be implemented throughout the academic year.

Assistance for Students Hendrix College is committed to providing students with factual information about alcohol and other drugs, as well as confidential referrals to qualified counseling and treatment professionals in Central Arkansas. Students who have a history of alcohol or other drug abuse or problems with drinking or who are concerned about their consumption of alcohol and/or other drugs, should contact a professional staff member in the Office of Student Affairs for further information and assistance.

X. College Drug Policies:

Controlled Substances

The use, possession, or distribution of narcotics or of illegal non-prescribed drugs such as marijuana, LSD, cocaine, etc., and of related drug paraphernalia is strictly prohibited on the campus and in College residences. The unauthorized use, possession, or sale of drugs sometimes prescribed for medicinal purposes (i.e., amphetamines, barbiturates, and tranquilizers) will not be tolerated at any time. In matters relating to the Controlled Substances Policy, students of the College will be responsible for their own actions and for the actions of their on-campus and off-campus guests.

Sanctions for Controlled Substances Policy Violations

All violations of the Controlled Substances Policy are designated as major violations. At the discretion of the College Conduct Council, a student may accept responsibility on a Controlled Substance policy violation and be heard by an Administrative Hearing Officer. Students found to be in violation of the Hendrix Controlled Substances Policy are subject to the possible sanctions listed below. Selling, distributing, and or possession will be considered weightier offenses with more severe consequences. Additional conduct measures not appearing in

the listings below may be imposed, as warranted, at the discretion of the hearing body. Possible sanctions are as follows:

First offense

- Personal counseling (off-campus referrals to be undertaken at the student's expense)
- 16-24 hours of work for the College
- Fine of up to \$300
- Parent/Guardian notification upon completion of the conduct process
- Removal from Hendrix housing or change in housing assignment
- Conduct Warning
- Conduct Probation
- Suspension/Expulsion

Second offense

- Participation in the Substance Abuse Subtle Screening Inventory
- Personal counseling (off-campus referrals to be undertaken at the student's expense)
- 24-48 hours' work for the College
- Fine of up to \$500
- Parent/Guardian notification upon completion of the conduct process
- Removal from Hendrix housing or change in housing assignment
- Conduct Probation
- Suspension/Expulsion

Third offense

- Personal counseling (off-campus referrals to be undertaken at the student's expense)
- 24-48 hours of work for the College
- Fine of up to \$1000
- Parent/Guardian notification upon completion of the conduct process
- Removal from Hendrix housing or change in housing assignment
- Conduct Probation
- Suspension/Expulsion

Controlled Substances and the Law

It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture and deliver a controlled substance. For a full listing of Arkansas laws and penalties, please see the following:
www.arkansas.gov

Substance Use Health Risks

The general health risks associated with the use of illegal drugs can be divided into two categories: drug use that can destroy a healthy mind and body by outright organic damage, mental illness, malnutrition, and failure to get treatment of injuries or diseases; and drug use that generally reduces the body's natural immune system and

increases the chances for infectious diseases such as hepatitis and AIDS. Drug overdose may cause psychosis, convulsions, coma, or death.

Specific health problems associated with the following drugs:

- Amphetamines: heart problems, malnutrition, possible death, psychological and physical dependence, hallucinations;
- Cocaine: convulsions, coma, death, destruction of nasal membranes, physical dependence, depression, hallucinations, confusion, lesions on the lungs;
- Depressants (Barbiturates, Tranquilizers, Methaqualone): confusion and loss of coordination, physical and psychological intolerance, coma or death, problems when taken with alcohol;
- Marijuana and Hashish: confusion and loss of coordination, psychological dependence, lung damage;
- Hallucinogens (LSD, PCP DMT STP, MDA, Designer Drugs): hallucinations and panic, birth defects, convulsions, coma, death; and
- Narcotics (Heroin, Morphine, Codeine, Opium): lethargy and loss of judgment, physical and psychological dependence, convulsions, coma, death, malnutrition, infection, hepatitis.

XI: Description of Drug or Alcohol Abuse Education Programs

Assistance for Students: Hendrix College is committed to providing students with factual information about alcohol and other drugs, as well as confidential referrals to qualified counseling and treatment professionals in Central Arkansas. Students who have a history of alcohol or other drug abuse or problems with drinking or who are concerned about their consumption of alcohol and/or other drugs, should contact a professional staff member in the Office of Student Affairs for further information and assistance.

Other Education and Awareness Programs: Other alcohol and drug education and awareness programs sponsored by residence halls, student organizations, and Student Affairs offices will be conducted during New Student Orientation and during each semester for students living in residence halls. Specific training programs regarding alcohol and other drug and substance abuse will be incorporated into workshops for Orientation Leaders and Resident Assistants. Substance-free programs and activities developed by students and staff will be implemented throughout the academic year. Each Residence Hall government is responsible for presenting one alcohol education program.

Alcohol and Drug Education Programs: As part of their application process, students applying for candidacy in Residence Hall Council elections are required to attend an informational meeting dealing with the alcohol and other drug education programming requirements for which they will be responsible as members of their

Residence Hall Council. Student Affairs staff and current Residence Hall Council members from each hall will conduct this meeting. Within two weeks of their election in the spring, the President and one other selected member from each newly elected Residence Hall Council will meet as a group with the Dean of Students or his or her designee(s) to plan the Hall Council alcohol education and other drug programs to be presented to hall residents in the upcoming fall semester. During the spring semester, these Hall Council members will complete an alcohol and other drug education-training program provided by Student Affairs staff members.

XII: Victim Notification

The complainant has the right to be informed of the conduct outcome immediately following the decision of the hearing board if the complainant is the victim of a violent crime or non-forcible sex offense. In all other cases, only the accused student will be notified within two working days of the decision of the hearing board. If the victim is deceased as a result of the violation, the Dean of Students Office will provide the results of the conduct hearing to the victim's next of kin, if so requested in writing.

XIII: Missing Student Policy

If you are concerned about a potential missing student, please contact the Hendrix Public Safety Office immediately at 501-450-7711. If a student is reported potentially missing to you, then you must report this information to Hendrix Public Safety immediately. The Public Safety Office will work with Student Affairs to make contact with the missing student and to identify his/her most recent contact points on campus (card access, meals, class attendance, etc.).

If we are unable to make contact with the missing student within a reasonable timeframe (up to 24 hours from notification), the College will notify the designated emergency contact and Conway Police Department within 24 hours of the determination that the student is missing.

All students may designate an emergency contact person. On-campus students complete an emergency contact form when they check into their housing assignment. Off-campus students are encouraged to contact the Residence Life Office to complete an emergency contact form. Students residing on-campus have the option to designate a confidential emergency contact person for missing person investigations only. A student's confidential contact information will be accessible only to authorized campus officials and law enforcement in the course of the missing person investigation. If the student did not designate a confidential emergency contact for missing person cases, then the general emergency contact persons will be contacted. If the student is under 18 and not emancipated, then the custodial parent or guardian will be contacted in addition to any other emergency contacts listed.

XIV: Sexual Assault Programs to Prevent Sexual Offenses and Programs on Sexual Assault Reporting Procedures

Sexual Assault Education Programs:

New Employee Orientation – All new employees receive online training on Sexual Harassment and Title IX through the Office of Human Resources.

New Student Orientation- New students are provided information about gender-based misconduct and bystander intervention during Choices 101, Choices 102, and the Sex Signals Awareness Program

Campus discussions related to gender-based misconduct and relationship violence

Self-Defense physical activity course offered

Residence Hall programs

Bulletin boards about relationship violence and sexual misconduct

“Speak out: Take back our campus,” a rally to stand against violence in our community.

Creation of brochures to educate students and staff about their rights if victimized by gender-based misconduct or relationship violence

Campus organizations that provide programming for Gender-Based Misconduct and Relationship Violence:

Student Advocates of Gender Equality (SAGE)

Coalition Against Sexual Exploitation (CASE) - Working to engage men in the elimination/reduction of sexual assault on campus

Coalition on Gender and Sexuality (COGS) - This student group was elevated to a standing committee and will provide weekly reports to students through the Student Government.

XV: Policies and Procedures for Gender-Based Misconduct Violations

This policy is adapted from the model policies and code authored by the National Center for Higher Education Risk Management (www.ncherm.org). Use of this model policy has been licensed to Hendrix College for its Code of Conduct. All other use is strictly reserved to NCHERM under its copyright. Adaptation, use or copying of this code by any institution other than Hendrix College is not permitted without express written authorization by the copyright holder.

Hendrix College believes in a zero tolerance policy for gender-based misconduct. When an allegation of gender-based misconduct is brought to the administration, and a respondent is found to have violated this policy, sanctions will be used to address the misconduct. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The Hendrix College Gender-Based Misconduct Policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

RELATIONSHIP VIOLENCE OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. Dating Violence
2. Domestic Violence
3. Stalking

Relationship Violence Charges

1. Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim. Dating violence includes sexual or physical abuse or the threat of such abuse.

- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Dating violence does not include acts covered under the definition of domestic violence.

2. Domestic Violence

- Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child, or a person cohabitating with the victim OR
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

3. Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to either fear for his or her safety or the safety of others or suffer substantial emotional distress.
 - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Sexual Assault

- An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. Sexual Harassment
2. Non-Consensual Sexual Intercourse (or attempts to commit same)
3. Non-Consensual Sexual Contact (or attempts to commit same)
4. Sexual Exploitation
5. Statutory Rape
6. Incest

Sexual Misconduct Charges

1. SEXUAL HARASSMENT

- Gender-based verbal or physical conduct
- that has the purpose or effect of
- unreasonably interfering
- with an individual's work or academic performance
- or creates an intimidating, hostile, or offensive working or educational environment

Three Types of Sexual Harassment

A. **Hostile Environment** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances.

B. **Quid pro quo** sexual harassment exists when there are:

- 1) unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- 2) submission to or rejection of such conduct results in adverse educational or employment action.

C. **Retaliation** The College will sanction a faculty, student or staff member who harasses, intimidates or otherwise retaliates against a person because of the person's participation in an investigation of discrimination or gender-based misconduct. Retaliation includes but is not limited to threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, taunting, bullying or ostracism.

The foregoing sexual harassment policy incorporates language suggested by Tom Trager, Associate Counsel to the University of Colorado, Boulder, and Brett Sokolow, from NCHERM. The Consensual Relationships policy is adapted from Duke University.

2. NON-CONSENSUAL SEXUAL INTERCOURSE:

Non-Consensual Sexual Intercourse is

- any sexual intercourse (anal, oral, or vaginal),
 - however slight,
 - with any object,
 - by a man or woman upon a man or a woman,
 - without effective consent.
- In the National Incident-Based Reporting System User Manual from the FBI UCR Program, non-consensual sexual intercourse is referred to as **Rape** and is defined as the penetration, no matter how

slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

3. NON-CONSENSUAL SEXUAL CONTACT:

Non-Consensual Sexual Contact is

- any intentional sexual touching,
 - however slight,
 - with any object,
 - by a man or a woman upon a man or a woman,
 - without effective consent.
- In the National Incident-Based Reporting System User Manual from the FBI UCR Program, non-consensual sexual contact is referred to as **Fondling** and is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

4. SEXUAL EXPLOITATION:

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in Peeping Tommmery;
- knowingly transmitting a sexually transmitted infection or HIV to another student.

5. STATUTORY RAPE:

Sexual intercourse with a person who is under the statutory age of consent. In Arkansas the age of consent is 16 years of age.

6. INCEST:

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- A person commits incest if the person, being sixteen (16) years of age or older, purports to marry, has sexual intercourse with, or engages in deviate sexual activity with another person sixteen (16) years of age or older whom the actor knows to be an ancestor or a descendant; a stepchild or adopted child; a brother or sister of the whole or half blood; an uncle, aunt, nephew, or niece; or a step grandchild or adopted grandchild.

Definitions:

Effective consent

Effective consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Effective consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity—who, what, when, where, why and how sexual activity will take place. In order to be effective, consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. 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. In Arkansas, the age of consent is 16 years of age.

Incapacitation

If you have sexual activity with someone you know to be—or should know to be—mentally or physically incapacitated (alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.

- Any time sexual activity takes place between individuals, those individuals must be capable of controlling their physical actions and be capable of making rational, reasonable decisions about their sexual behavior.
- This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity 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 to excuse behavior that violates this policy.

Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want”).

- NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but nonconsensual sexual activity is not by definition forced.

Sexual Orientation

The requirements of this policy are blind to the sexual orientation or preference of individuals engaging in sexual activity or relationships.

Sexual Activity

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; an intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- Intercourse however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

Sanctions for Violations of Gender-Based Misconduct Policies

Sanction Statement

- Any student found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred), sexual exploitation, sexual harassment, dating violence, domestic violence, or stalking will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*
- Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*

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

Arkansas state laws pertaining to sexual assault, domestic violence, dating violence, and stalking:

Sexual Assault - is a generic term that is defined as any involuntary sexual act in which a person is threatened, coerced, or forced to engage against his/her will to include (but not limited to rape, acquaintance rape, date rape, and gang rape).

Arkansas legal definition of rape - A person commits rape if he/she engages in sexual intercourse or deviant sexual activity with another person: (a) by forcible compulsion; (b) who is incapable of consent because he/she is physically helpless; or, (c) who is less than fourteen (14) years old (the assailant must be two years older than the

victim for this to apply); or (d) where the victim is less than sixteen (16) years old and is incapable of consent because of being mentally defective or mentally incapacitated. Rape is a Class Y 114 felony.

Arkansas legal definition of sexual misconduct – A person commits sexual misconduct if he/she engages in sexual intercourse or deviate sexual activity with another person not his/her spouse who is less than sixteen (16) years old. Sexual misconduct is a Class B misdemeanor.

Acquaintance rape refers to a rape committed by a non-stranger who is known to the victim, and can include a friend, acquaintance, family member, neighbor, classmate, or co-worker.

Date rape refers to a type of acquaintance rape where the victim has consented to accompany or go on a date with the perpetrator.

Gang rape is a rape that involves more than one perpetrator.

The Arkansas statute on rape is genderless, which means that both men and women can be rape victims and perpetrators. Sexual assault can occur whenever consent is not freely given by the victim; whenever the victim fears that he/she will be injured if he/she does not submit; whenever the victim is incapable of giving consent or resisting due to alcohol or drugs; and whenever the perpetrator uses physical force, threat, coercion, or intimidation to overpower the victim.

Incest occurs when a person, being sixteen (16) years of age or older, purports to marry, has sexual intercourse with, or engages in deviate sexual activity with another person sixteen (16) years of age or older whom the actor knows to be: **(1)** An ancestor or a descendant;

(2) A stepchild or adopted child; **(3)** A brother or sister of the whole or half blood; **(4)** An uncle, aunt, nephew, or niece; or **(5)** A step grandchild or adopted grandchild. Incest is a Class C felony.

SEXUAL ASSAULT

Sexual assault in the first degree occurs when the person engages in sexual intercourse or deviate sexual activity with a minor who is not the actor's spouse and the actor is **(A)** Employed with the Department of Correction, the Department of Community Correction, the Department of Human Services, or any city or county jail or a juvenile detention facility, and the victim is in the custody of the Department of Correction, the Department of Community Correction, the Department of Human Services, any city or county jail or juvenile detention facility, or their contractors or agents; **(B)** A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or **(C)** An employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the and uses his or her position of trust or authority over the victim to engage in sexual intercourse or deviate sexual activity.

Sexual assault in the first degree is a Class A felony.

Sexual assault in the second degree occurs when (a) A person **(1)** Engages in sexual contact with another person by forcible compulsion; **(2)** Engages in sexual contact with another person who is incapable of consent because he or she is: Physically helpless; Mentally defective; or Mentally incapacitated; **(3)** Being eighteen (18) years of age or older, engages in sexual contact with another person who is: Less than fourteen (14) years of age; and **not** the person's spouse.

Sexual assault in the second degree is a Class B felony.

Sexual assault in the second degree is a Class D felony if committed by a minor with another person who is: Less than fourteen (14) years of age; and not the person's spouse.

Sexual assault in the third degree occurs when a person engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is: (A) Employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail; (B) Employed or contracted with or otherwise providing services, supplies, or supervision to an agency maintaining custody of inmates, detainees, or juveniles, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail; or (C) A mandated reporter under § 12-18-402(b) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or being a minor, engages in sexual intercourse or deviate sexual activity with another person who is: less than fourteen (14) years of age; and not the person's spouse. Sexual assault in the third degree is a Class C felony.

Sexual assault in the fourth degree occurs when a person being twenty (20) years of age or older: (A) Engages in sexual intercourse, deviate sexual activity, or sexual contact with another person who is: less than sixteen (16) years of age; and not the person's spouse; or Sexual assault in the fourth degree under subdivisions (a)(1)(A) and (a)(2) is a Class D felony. Sexual assault in the fourth degree under subdivision (a)(1)(B) is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(1)(B).

DOMESTIC VIOLENCE

Domestic battering in the first degree.

(a) A person commits domestic battering in the first degree if: (1) With the purpose of causing serious physical injury to a family or household member, the person causes serious physical injury to a family or household member by means of a deadly weapon; (2) With the purpose of seriously and permanently disfiguring a family or household member or of destroying, amputating, or permanently disabling a member or organ of a family or household member's body, the person causes such an injury to a family or household member; (3) The person causes serious physical injury to a family or household member under circumstances manifesting extreme indifference to the value of human life; (4) The person knowingly causes serious physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger; or (5) The person: (A) Commits any act of domestic battering as defined in § 5-26-304 or § 5-26-305; and (B) For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction.

Domestic battering in the first degree is a Class B felony.

However, domestic battering in the first degree is a Class A felony upon a conviction under subsection (a) of this section if: **(A) Committed against a woman the person knew or should have known was pregnant; or (B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the first degree: Domestic battering in the first, second, or third degree or a violation of an equivalent penal law of this state or of another state or foreign jurisdiction.**

Domestic battering in the second degree.

(a) A person commits domestic battering in the second degree if: (1) With the purpose of causing physical injury to a family or household member, the person causes serious physical injury to a family or household member; (2) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a deadly weapon; (3) The person recklessly causes serious physical injury to a family or household member by means of a deadly weapon; or (4) The person knowingly causes physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger.

Domestic battering in the second degree is a Class C felony.

However, domestic battering in the second degree is a Class B felony if: (A) Committed against a woman the person knew or should have known was pregnant; (B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the second degree: Domestic battering in the first, second, or third degree or a violation of an equivalent penal law of this state or of another state or foreign jurisdiction or (C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.

Domestic battering in the third degree.

(a) A person commits domestic battering in the third degree if: (1) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member; (2) The person recklessly causes physical injury to a family or household member; (3) The person negligently causes physical injury to a family or household member by means of a deadly weapon; or (4) The person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to a family or household member by administering to the family or household member, without the family or household member's consent, any drug or other substance.

Domestic battering in the third degree is a Class A misdemeanor.

However, domestic battering in the third degree is a Class D felony if: (A) Committed against a woman the person knew or should have known was pregnant; (B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the third degree: Domestic battering in the first, second, or third degree or a violation of an equivalent penal law of this state or of another state or foreign jurisdiction, aggravated assault on a family or household member, § 5-26-306; or (C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.

DATING VIOLENCE

Dating violence: Arkansas state statutes do not address dating violence separately from domestic violence and assault and battery.

STALKING

Stalking.

(a) (1) A person commits stalking in the first degree if he or she knowingly engages in a course of conduct that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety, and the actor: **(A)** Does so in contravention of an order of protection consistent with the Domestic Abuse Act of 1991, § 9-15-101 et seq., or a no contact order as set out in subdivision (a)(2)(A) of this section, protecting the same victim, or any other order issued by any court protecting the same victim; **(B)** Has been convicted within the previous ten (10) years of: **(i)** Stalking in the second degree; **(ii)** Terroristic threatening, § 5-13-301 or terroristic act, § 5-13-310; or **(iii)** Stalking or threats against another person's safety under the statutory provisions of any other state jurisdiction; or **(C)** Is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon.

Stalking in the first degree is a Class C felony.

(b) (1) A person commits stalking in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family.

Stalking in the second degree is a Class D felony.

(c) (1) A person commits stalking in the third degree if he or she knowingly commits an act that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety.

Stalking in the third degree is a Class A misdemeanor.

Examples of Sexual Misconduct

1. Lin and Sam meet at a party. They spend the evening dancing and getting to know each other. Since Lin's roommate is out of town, Lin and Sam decide to go to Lin's room for more privacy. From 11:00pm until 3:00am, Lin uses every line in the book to convince Sam to have sex, but Sam adamantly refuses. Lin keeps at it, and begins to question Sam's religious convictions, and accuses Sam of being "a prude." Finally, it seems to Lin that Sam's resolve is weakening, and Lin convinces Sam to engage in manual genital stimulation (hand to genital contact). Sam would never have done it but for Lin's incessant advances. Lin feels Sam was successfully seduced, and that Sam wanted to do it all along, but was playing shy and hard to get. Why else would Sam have agreed to be alone with Lin after the party? If Sam really didn't want it, then there was always the option to leave.

Lin is responsible for violating the Non-Consensual Sexual Contact policy. It is likely that a gender-based hearing panel would find that the degree and duration of the pressure Lin applied to Sam are unreasonable. Lin coerced Sam into performing unwanted sexual touching. Where sexual activity is coerced, it is forced. Consent is not effective when forced. Sex without effective consent is sexual misconduct.

2. Kevin is a junior at the college. Beth is a sophomore. Kevin comes to Beth's dorm room with some mutual friends to watch a movie. Kevin and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Kevin and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Beth verbally expresses her desire to have sex with Kevin. Kevin, who was abused by a neighbor when he was five, and has not had any sexual relations since, is shocked at how quickly things are

progressing. As Beth takes him by the wrist over to the bed, lays him down, undresses him, and begins to perform oral sex on him, Kevin has a severe flashback to his childhood trauma. He wants to tell Beth to stop, but cannot. Kevin is stiff and unresponsive during the intercourse. Is this a policy violation?

Beth would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Beth, to make sure that she has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Beth had no verbal or non-verbal mutually understandable indication from Kevin that he consented to sexual intercourse. Of course, wherever possible, students should attempt to be as clear as possible as to whether or not sexual contact is desired, but students must be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.

3. Kevin and Amy are at a party. Kevin is not sure how much Amy has been drinking, but he is pretty sure it's a lot. After the party, he walks Amy to her room, and Amy comes on to Kevin, initiating sexual activity. Kevin asks her if she is really up to this, and Amy says yes. Clothes go flying, and they end up in Amy's bed. Suddenly, Amy runs for the bathroom. When she returns, her face is pale, and Kevin thinks she may have thrown up. Amy gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that Amy seems pretty groggy and passive, and he thinks Amy may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into Amy the next day, he thanks her for the wild night. Amy remembers nothing, and decides to make a complaint to the Dean.

This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that Amy was incapable of making a rational, reasonable decision about sex. Even if Amy seemed to consent, Kevin was well aware that Amy had consumed a large amount of alcohol, and Kevin thought Amy was physically ill, and that she passed out during sex. Kevin should be held accountable for taking advantage of Amy in her condition. This is not the level of respectful conduct expected of students.

CONFIDENTIALITY AND REPORTING POLICY

Whether the accused is a student, faculty, staff, or campus visitor, you can choose to report the incident to Conway Police Department (911 or 501-450-6120), Hendrix Public Safety (450-7711), the Hendrix Dean of Students Office (450-1222), the Hendrix College Title IX Coordinator, Shawn Goicoechea (501-450-1494), and/or to a Hendrix counselor (450-1448) or chaplain (450-1263). The decision whether to report, and to whom to report, is always left to the accusing student.

The Dean of Students Office will assist you in reporting the incident to local police if you would like to do so. Reporting to the Conway Police Department does not interfere in your right to pursue conduct charges at Hendrix.

Confidential Reporting Options

You can also choose to not report the incident to the local police, but to report it to Hendrix Public Safety or confidentially to the Dean of Students Office. Reporting the incident does not mean you have to pursue conduct charges. That will be your choice. Any Public Safety reports available to the public will not include identifying information about the victim.

Anonymous Reporting Options

If you want to talk about the incident, but do not want to report it to the Dean of Students Office, then you can speak with a Hendrix counselor or chaplain.

In processing gender-based misconduct cases, the college is committed to the preservation of the rights of both the accuser and the student in question, including the right to confidentiality insofar as legal requirements and issues of individual and community safety allow, the right to the presumption of innocence, and the right to a fair and timely conduct process. When disclosing gender-based misconduct crime statistics required for the Clery Act, no names or personally identifiable information about the victim will be disclosed. College officials will maintain confidential any remedies or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the remedies or protective measures.

Orders of Protection

Hendrix No-Contact Order: Students are entitled to seek a no-contact order that imposes reasonable restrictions on student contact. The Dean of Students office will issue the no-contact order. Students should contact the Dean of Students office at 501-450-1222, visit the office, or email Dean Baoua at Baoua@hendrix.edu or Dean Wiltgen at Wiltgen@hendrix.edu for this request.

Legal Order of Protection: Students may also pursue an Order of Protection from the Faulkner County Prosecuting Attorney's Office. The Victim Service Center of the Prosecuting Attorney's Office should be contacted to pursue this option. The phone number is 501-450-3051. The Dean of Students Office will assist you in pursuing an Order of Protection if you would like to do so. Students should contact the Dean of Students office at 501-450-1222, visit the office, or email Dean Baoua at Baoua@hendrix.edu or Dean Wiltgen at Wiltgen@hendrix.edu for this request.

Remedies Available for Victims of Gender-Based Misconduct

If you have been the victim of gender-based misconduct, the Dean of Students office will provide assistance to you to change academic, living, transportation, and/or working situations if you request those changes and they are reasonably available. This assistance is available whether or not you report the crime to Public Safety or local police. Students should contact the Dean of Students office at 501-450-1222, visit the office, or email Dean Baoua at Baoua@hendrix.edu or Dean Wiltgen at Wiltgen@hendrix.edu for these requests.

College officials will maintain confidential any remedies or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the remedies or protective measures.

If a student or employee reports being a victim of gender-based misconduct, whether the offense occurred on or off campus, to the Title IX Coordinator, Human Resources, or the Dean of Students Office, then those offices will provide 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 Hendrix community and the Conway community. If a student or employee reports being a victim of gender-based misconduct to another individual or department, then that victim has a right to receive

the same information listed above in writing. In these cases, the individual taking the report or the victim can request the written information from the Title IX Coordinator, Human Resources, or the Dean of Students Office.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Gender-Based Victim Support Services

Students who are victims of offenses are encouraged to seek support through on-campus and off-campus services. Students may contact the campus Counseling Center on-campus at 501-450-1448 to schedule an appointment with a campus counselor. There is no charge for this service. Students may also choose to contact support agencies off campus which include the following:

24-hour Conway Women's Shelter Crisis Hotline (866-358-2265)
Rape Crisis Hotline (501-801-2700) or (877-432-5368)
Hope Reinn National Sexual Assault Hotline (800-656-4673)
Hendrix Counseling Services (450-1448)
Hendrix Health Services (450-1448)
Residential Life Office professional staff (450-1416)
Chaplain's Office (501-450-1263)
Dean of Students Office (450-1222)
Hendrix Public Safety Department (450-7711)
Conway Police Department (911)
Faulkner County Prosecuting Attorney's Victim Services Center (501-450-3051)
National Center for Victims of Crime www.victimsofcrime.org
Hendrix Office of International Student Services (501-450-1265) for visa and immigration assistance
Hendrix Office of Financial Aid (501-450-1368) for student financial aid assistance
Arkansas Legal Services Partnership at (1-800-952-9243) or <http://www.arlegalservices.org/> or for legal assistance

PROCEDURAL PROVISIONS FOR GENDER-BASED MISCONDUCT AND OTHER SENSITIVE ISSUES

Although in campus hearings legal ideas like guilt and innocence are not applicable, Hendrix College will never assume a student is in violation of college policy. In fact, campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

Gender-based misconduct hearings and procedures include a prompt, fair, and impartial process from the initial investigation to the final result. The proceedings must be conducted in a manner consistent with Hendrix College policies and transparent to the accuser and accused.

Gender-based misconduct proceedings must be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused. College officials conducting gender-based misconduct hearings and procedures will receive annual training related to dating violence, domestic violence, sexual assault, and stalking. They will also receive yearly training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The Department of Education's Office of Civil Rights has interpreted Title IX to require schools to evaluate evidence of alleged Gender-Based Misconduct under a "preponderance of the evidence" standard and that is the standard adopted by this policy. A preponderance of the evidence means that the conduct in question "more likely than not" occurred. In the context of a hearing hereunder, the accused student will be found to be responsible for the alleged gender-based misconduct if the Panel, by majority vote, concludes that such Gender-Based Misconduct more likely than not occurred based upon careful review of all evidence presented.

The student(s) in question shall be notified, in writing, of the alleged charge(s) and of the date, time, and place of the hearing. Every effort will be made to set up a hearing within ten (10) working days after an **investigation of an incident is completed**; however, factors – such as holiday breaks, end of academic term, on-going investigation, etc. may prevent the College from meeting this guideline. In the event an extension of this timeframe is required for good cause, both the complainant and the respondent will be notified in writing of the delay and the reason for the delay. To ensure a prompt process and hearing, gender-based misconduct complaints are given priority. **The College will seek to resolve all issues of sexual misconduct within 60 days of the reporting of the incident to the College.**

The college reserves the right to take whatever measures it deems necessary in response to an allegation of gender-based misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting to the local police.

Not all forms of gender-based misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose differing sanctions, ranging from oral warning to expulsion, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of gender-based misconduct. Under this policy, any complainant has standing, whether the misconduct occurred in a male-on-female context, or the context is female-on-male, male-on-male, female-on-female or involved multiple students of any gender.

Procedural Rule for Addressing Information about Past Sexual History The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Chair. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by Dean of Students, Associate Dean of Students, or Chair of the hearing board. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Dean of Students or Associate Dean of Students may supply previous complaint information to the board, or may consider it if he/she is hearing the complaint, only if:

- 1) The accused was previously found to be responsible;
- 2) The previous incident was substantially similar to the present allegation; or
- 3) Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

RISK REDUCTION TIPS FOR SEXUAL MISCONDUCT

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- If you have limits, make them known before things go too far.
- **Tell a sexual aggressor “NO”** clearly and loudly, like you mean it.
- Try to extricate yourself from the physical presence of a sexual aggressor.
- Grab someone nearby and ask for help.
- Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- **Be aware of incapacitating drugs** like Rohypnol and GHB. See the detailed information below or go to www.911rape.org.
- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something

suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Risk Reduction Tips:

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

1. **DON'T MAKE ASSUMPTIONS** About consent; About someone's sexual availability; About whether they are attracted to you; About how far you can go; About whether they are physically and mentally able to consent to you;
2. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
3. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them. Perhaps they haven't figured out how far they want to go with you yet. You need to respect the timeline with which they are comfortable.

4. Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
5. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
6. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
7. On this campus, silence and passivity cannot be interpreted by you as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

ROHYPNOL AND GHB

Rohypnol is the brand name for a drug in the same family of medications as Valium and Xanax. It is illegal to manufacture, distribute, or possess Rohypnol (unless prescribed by a medical doctor). It is most commonly found in tablet form. Rohypnol is a fast-acting sedative. One of the most disturbing effects of Rohypnol is that it can produce a loss of memory while under the influence of the drug, which may be a significant period of time. Simple possession of Rohypnol is punishable by up to three years in prison and a fine. Distribution or administration of Rohypnol to another person without that person's knowledge, and with the intent to commit a crime of violence, is punishable by up to 20 years in prison and a fine. GHB is gamma-hydroxybutyrate. GHB also can cause loss of memory while under the influence of the drug. GHB is most commonly made in clear liquid form that is colorless and odorless. It has also been produced as a white crystalline powder. Most GHB today is

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

² Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

“homegrown” produced in “street labs” and thus, the potency of batches made varies significantly. Both Rohypnol and GHB dissolve easily, so a potential victim may be unknowingly drugged and worse, not be able to recall what happened while under the influence of the drug.

What to do if you are the victim of gender-based violence

Get to a Safe Place Quickly - If the perpetrator is still in the area, or his or her presence on campus is threatening, call the Hendrix Public Safety Department (501-450-7711) or use a blue light emergency phone, or call the Conway Police Department (911).

2. Contact Someone to Help - Contacting a supportive friend or family member, or a professional resource can be helpful when recovering from gender-based misconduct.

3. Preserve Physical Evidence – If you have been assaulted, you may have evidence of the assault and the perpetrator’s identity left on your body. It is important not to bathe or shower to preserve evidence. If you have been sexually assaulted, it is important to not douche or even use the bathroom if possible. If you are being stalked, preserve any information that provides proof of the behavior. Preserving evidence may help prove an offense occurred and aid in obtaining a protection order.

4. Seek Timely Medical Attention – If you have been injured, you are encouraged to go for a medical exam as soon as possible because injuries should be treated promptly and evidence deteriorates quickly.

5. Develop a safety plan- If you are experiencing relationship violence, then developing a safety plan is important. This includes things like changing your routine, arranging a place to stay, and having a friend or relative go places with you. Also, decide in advance what to do if the stalker or abuser shows up at your home, work, school, or somewhere else. Memorize important phone numbers, such as the people to contact or places to go in an emergency. Keep spare change, calling cards, or a cell phone handy for immediate access to communication. Have money available for transportation if you need to take a taxi to escape.

Programs to prevent sexual misconduct and relationship violence

Hendrix College provides programming to students and employees to prevent sex offenses, dating violence, domestic violence, and stalking. These programs include primary prevention awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. We are committed to providing such programs that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. In planning and implementing these programs we consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

These programs are sponsored by diverse departments and organizations on campus. For example, the Human Resources department provides programming for incoming employees. The Office of Student Activities and the Dean of Students Office provides programming for incoming students. Ongoing programming is provided by

these departments and other departments and organizations throughout campus, including Residence Life, the Coalition on Gender and Sexuality, and Counseling Services. Examples of programming include freshmen orientation events Choices 101 and 102, sexual harassment training provided to employees, including student employees, the Take Back the Night event, and the posting and distribution of informational posters and brochures.

XVI: Contact Person for Title IX Inquiries

If you have questions about your rights under Title IX, or if you feel your rights have been violated under Title IX, you may contact the Hendrix College Title IX Coordinator, Shawn Goicoechea at 501-450-1494.

XVII: Information on a Student's Option to Notify Law Enforcement Authorities

Community members are always encouraged to notify Law Enforcement authorities when a crime has been alleged.

XVIII: Notification to students of on-and-off campus gender offense victim services

Students who are victims of offenses are encouraged to seek support through on-campus and off-campus services. Students may contact the campus Counseling Center at 501-450-1448 to schedule an appointment with a campus counselor. There is no charge for this service. Students may also choose to contact support agencies off campus which include the following:

Rape Crisis Hotline 501-801-2700 or 877-432-5368

Conway Women's Shelter Crisis Hotline 866-358-2265

Hope Reinn National Sexual Assault Hotline 800-656-4673

XIX: Notification that institution will assist victim with changes in academic and living arrangements:

The college reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. The College will assist the reporting student with changes in academic and living arrangements if desired by the student. The College also reserves the right to take measures with the accused student which include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting to the local police.

Remedies Available for Victims of Gender-Based Misconduct

If you have been the victim of gender-based misconduct, the Dean of Students office will provide assistance to you to change academic, living, transportation, and/or working situations if you request those changes and they are reasonably available. This assistance is available whether or not you report the crime to Public Safety or local

police. Students should contact the Dean of Students office at 501-450-1222, visit the office, or email Dean Baoua at Baoua@hendrix.edu or Dean Wiltgen at Wiltgen@hendrix.edu for these requests.

College officials will maintain confidential any remedies or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the remedies or protective measures.

If a student or employee reports being a victim of gender-based misconduct, whether the offense occurred on or off campus, to the Title IX Coordinator, Human Resources, or the Dean of Students Office, then those offices will provide 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 Hendrix community and the Conway community. If a student or employee reports being a victim of gender-based misconduct to another individual or department, then that victim has a right to receive the same information listed above in writing. In these cases, the individual taking the report or the victim can request the written information from the Title IX Coordinator, Human Resources, or the Dean of Students Office.

XX: Procedures for Disciplinary Action for Alleged Sex Offenses

PROCEDURAL PROVISIONS FOR GENDER-BASED MISCONDUCT AND OTHER SENSITIVE ISSUES

Although in campus hearings legal ideas like guilt and innocence are not applicable, Hendrix College will never assume a student is in violation of college policy. In fact, campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

The Department of Education's Office of Civil Rights has interpreted Title IX to require schools to evaluate evidence of alleged Gender-Based Misconduct under a "preponderance of the evidence" standard and that is the standard adopted by this policy. A preponderance of the evidence means that the conduct in question "more likely than not" occurred. In the context of a hearing hereunder, the accused student will be found to be responsible for the alleged gender-based misconduct if the Panel, by majority vote, concludes that such Gender-Based Misconduct more likely than not occurred based upon careful review of all evidence presented.

The student(s) in question shall be notified, in writing, of the alleged charge(s) and of the date, time, and place of the hearing. Every effort will be made to set up a hearing within ten (10) working days after an **investigation of an incident is completed**; however, factors – such as holiday breaks, end of academic term, on-going investigation, etc. may prevent the College from meeting this guideline. To ensure a prompt process and hearing, gender-based misconduct complaints are given priority. **The College will seek to resolve all issues of sexual misconduct within 60 days of the reporting of the incident to the College.**

The college reserves the right to take whatever measures it deems necessary in response to an allegation of gender-based misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting to the local police.

Not all forms of gender-based misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose differing sanctions, ranging from oral warning to expulsion, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of gender-based misconduct. Under this policy, any complainant has standing, whether the misconduct occurred in a male-on-female context, or the context is female-on-male, male-on-male, female-on-female or involved multiple students of any gender.

Procedural Rule for Addressing Information about Past Sexual History The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Chair. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by Dean of Students, Associate Dean of Students, or Chair of the hearing board. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Dean of Students or Associate Dean of Students may supply previous complaint information to the board, or may consider it if he/she is hearing the complaint, only if:

- 1) The accused was previously found to be responsible;
- 2) The previous incident was substantially similar to the present allegation; or
- 3) Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

XXI: Sanctions for Gender Misconduct Offenses:

These are the sanctions that may be imposed if a student is found responsible for violation of the Hendrix Gender-based Misconduct Policies:

- Any student found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*
- Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*
- Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

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

XXII: Where to Obtain Information about Registered Sex Offenders

The campus community should contact the Conway Police Department (501-450-6120) for listings and information regarding registered sex offenders, or visit the Arkansas Crime Information Center at: <http://acic.org/offender-search/index.php>

XXIII: Fire Safety Policies

The policies in this section of the student handbook are specifically designed to increase safety and outline safe procedures for our students. Safety is always our first priority. Students who ignore safety guidelines or place other students in harm's way with their actions will be subject to strong disciplinary action.

Students who have concerns about their safety should contact our Public Safety office immediately. It is important that students understand that some individual actions have an impact on safety for the entire community. We need students to work with each other and with the extended Hendrix community to create a safe home for all. All crimes should be reported to Hendrix Public Safety at 501-450-7711.

Building Security

Security is primarily the responsibility of the student. Hendrix Public Safety Officers make regular rounds checking residential facilities' exterior doors. Tampering or disabling exterior door security/access systems will result in conduct action. For your safety and the safety of others, please follow these guidelines:

- Do not prop or block exit doors or doors leading to fire exits and/or fire escapes.
- Close any door that you find propped open. (After doors have been propped a certain amount of time, a loud alarm will sound.)
- Do not allow strangers to enter the residential facilities.
- Escort guests at all times while in the residential facilities.
- Report any unescorted nonresidents to Public Safety.
- Report any security issues to the Residence Life staff and Public Safety.
- Close and lock all doors when leaving your room/apartment and residential facility.

Fire Equipment Tampering Policy

Any misuse or tampering with fire extinguishers, alarms, or equipment jeopardizes residents' safety and should be reported immediately to Public Safety or a Residence Life staff member if event occurred in Hendrix College owned housing. Fire equipment includes, but is not limited to, room and hallway smoke detectors, exit signs, fire

alarms, breaker panels, fire extinguishers, etc. Students are reminded that removing batteries from smoke detectors is a violation. Report any problems with fire equipment to Public Safety or a Residence Life staff member if in Hendrix College owned housing.

Fire Safety Equipment, Procedures, Prevention

Equipment It is a serious offense to tamper with fire safety equipment. Individuals who are found tampering with the fire alarms, extinguishers, smoke detectors or other fire prevention equipment or pulling the fire alarm under false pretenses will be subject to swift and decisive disciplinary action with eviction from College-owned housing being the most viable sanction. Do not tamper with the fire/life safety equipment.

Fire extinguishers are located throughout the residence halls and apartment buildings. They are to be used only in the event of a fire. They are considered fire equipment and are not to be disturbed. Do not tamper with the fire extinguishers or use them for anything other than to extinguish a fire.

Exit signs are located strategically throughout the buildings. Their purpose is to indicate exit routes, particularly in emergency situations. Do not remove or tamper with any of these signs.

Evacuation Specific evacuation procedures for each building will be explained by the Residence Life Staff at the first floor meeting and are posted in the building. When the fire alarm sounds, the building must be thoroughly and immediately evacuated with no exceptions. Failure to do so may result in Conduct Action.

After the fire alarm sounds, Public Safety is automatically notified. Do not panic. Please familiarize yourself with the emergency procedures for your building as soon as you move in. Follow these simple instructions:

1. Turn off room lights except for ceiling light. Leave blinds (and curtains) open.
2. Close windows and lock door.
3. Grab a coat, shoes and a towel to cover your face and head and leave in an orderly fashion as instructed in the evacuation procedures.
4. Walk quickly and quietly and use the closest exits.
5. Stand away from the building at the designated area. The Residence Life Staff will inform students when they may return to the building. Deliberately remaining in a building during an evacuation is a danger to yourself and to others who will enter the building to find you. This policy also applies to fire drills. Students found in buildings when a fire alarm is active may be subject to Conduct Action.
6. The Residence Life Staff will check each room to make certain that everyone has evacuated (as the nature of the emergency permits).

If a fire is outside your room/apartment and it is unsafe to exit:

1. Crack a window and remain near the opened window.
2. Hang a bed sheet or any large light-colored cloth out the window. This will signal your location to emergency personnel.
3. Keep close to the floor and near the outside wall. Remember, smoke rises.
4. Do not panic. Remain calm and cooperate with the staff and emergency personnel during emergencies

Prevention The best fire safety starts with prevention. To prevent fires and accidents residents must use common sense and follow these simple guidelines:

1. Smoking is prohibited in College-owned buildings and on campus. (See Hendrix Smoking Policy)
2. Completely extinguish matches before discarding them.
3. Use only UL-approved electrical appliances. Use caution when using these appliances. Do not leave electrical appliances unattended.
4. Halogen lamps are not permitted in College-owned housing facilities.
5. Make certain that materials used for decorating purposes are fireproof or fire retardant.

Open flames of any type, including candles, the burning of incense, coals, possession of combustible chemicals including propane and other fuels and the use of multiple (“octopus”) electrical adapters, appliances with frayed wires and ungrounded electrical appliances are not permitted inside residential facilities. For a complete list of items and practices prohibited in residential facilities under the fire code, please refer back to the Electrical Appliances section.

Prohibited practices involving fire safety include: any modification of existing electrical equipment such as outlets, light fixtures, wiring, etc.; running electrical cords under carpeting; running electrical cords through a doorway or window; connecting high wattage appliances or other electronic equipment to outlets by extension cords that do not contain breaker switches; decorating a student room by hanging or placing items such as tapestries, flags, or posters on the ceiling or in a way which covers vents on appliances or electronic equipment; overloading an electrical outlet; any practice which constitutes a fire hazard (i.e., careless use of smoking materials, etc.).

Residents are not permitted to leave belongings in the hallways, stairwells and/or common areas as this creates an obstacle to safe access to and from the building.

A fire drill is conducted at least once each semester for each residence hall and house. All persons in the building must participate in the drill and evacuate the building. The purpose of the fire drill is to acquaint residents with a rapid and orderly means of exit during an emergency. Participation in fire drills is mandatory. Residents who do not comply with this procedure are subject to conduct action. Residents are to follow evacuation procedures as listed above.

Fire Safety policies will be enforced through casual observation and announced periodic fire safety inspections of residential facilities by Residence Life staff. Materials and items prohibited from campus that are found in residence hall rooms will be confiscated, receipted, and held in a secure place until the owner safely removes them from campus at the time of check-out. Violations of this policy will be addressed through the College conduct process.

XXIV. Hendrix College Fire Safety Report

The Campus Fire Safety Right-to-Know Act (S. 354) was passed in the United States Senate (July 2007). This act requires all college/university campuses nationwide to make public their fire safety information, statistics and all fire-related events to students and their families. This public disclosure is intended to inform current and prospective students of the fire safety programs and policies in place at Hendrix College, and the institution's state of readiness to detect and respond appropriately to fire related emergencies.

FIRE PROTECTIVE FEATURES IN CAMPUS RESIDENCE FACILITIES

Hendrix College Residential Facilities	Fire Detection System (Smoke, Heat, Ion)	Fire Suppression System	Fire Extinguishers present	Redundant Monitoring System	Fire Drills Each Year
Brown House	Yes	Yes	Yes	Yes	2
Browne House	Yes	Yes	Yes	Yes	2
Clifton Street Apartments	Yes	No	Yes	No	0
Cooke House	Yes	Yes	Yes	Yes	2
Couch Hall	Yes	No	Yes	Yes	2
Dickinson House	Yes	Yes	Yes	Yes	2
Eco House	Yes	No	Yes	No	0
Front Street Apartments	Yes	No	Yes	No	0
Galloway Hall	Yes	No	Yes	Yes	2
Hardin Hall	Yes	No	Yes	Yes	2
Hendrix Corner Apartments	Yes	No	Yes	No	0
Huntington Apartments	Yes	No	Yes	No	0

Language House	Yes	No	Yes	Yes	0
Martin Hall	Yes	No	Yes	Yes	2
Market Square South	Yes	Yes	Yes	Yes	2
McCreight House	Yes	Yes	Yes	Yes	2
Raney Hall	Yes	No	Yes	Yes	2
Smith House	Yes	Yes	Yes	Yes	2
Veasey Hall	Yes	No	Yes	Yes	2
Village C Apartments	Yes	Yes	Yes	Yes	2
Village D Apartments	Yes	Yes	Yes	Yes	2

Traditional residence halls that do not have fire suppression system will be upgraded with those systems when the buildings are remodeled.

Prohibited Items and Practices

In compliance with fire and safety codes, the following appliances are not approved for use in any residential facility:

- Halogen lamps
- Cooking appliances with an exposed heating surface
College-provided stoves in apartments are the only exceptions.
- Space heaters
- Refrigerators larger than 4.6 cubic feet
*A fridge with a very low electrical draw and a high energy star rating is recommended.
College-provided refrigerators in apartments are the only exception.*
- Microwave ovens larger than 1.5 cubic feet
- Other materials that are prohibited from use in residential facilities include:
 - Flammable liquids and chemicals
 - Cut Christmas trees or boughs
 - Candles or other items with a wick, lit and unlit
 - Incense, lit or unlit
 - Halogen or quartz light bulbs and lamps
 - Extension cords without circuit breakers
 - Firearms and fireworks

Prohibited practices involving fire safety include: any modification of existing electrical equipment such as outlets, light fixtures, wiring, etc.; running electrical cords under carpeting; running electrical cords through a doorway or window; connecting high wattage appliances or other electronic equipment to outlets by extension cords that do not contain breaker switches; decorating a student room by hanging or placing items such as tapestries, flags, or posters on the ceiling or in a way which covers vents on appliances or electronic equipment; overloading an electrical outlet; any practice which constitutes a fire hazard (i.e., careless use of smoking materials, etc.).

Evacuation

Specific evacuation procedures for each building will be explained by the Residence Life Staff at the first floor meeting and are posted in the building. When the fire alarm sounds, the building must be thoroughly and immediately evacuated with no exceptions. Failure to do so may result in Conduct Action.

After the fire alarm sounds, Public Safety is automatically notified. Do not panic. Please familiarize yourself with the emergency procedures for your building as soon as you move in. Follow these simple instructions:

1. Turn off room lights except for ceiling light. Leave blinds (and curtains) open.
2. Close windows and lock door.
3. Grab a coat, shoes and a towel to cover your face and head and leave in an orderly fashion as instructed in the evacuation procedures.
4. Walk quickly and quietly and use the closest exits.
5. Stand away from the building at the designated area. The Residence Life Staff will inform students when they may return to the building. Deliberately remaining in a building during an evacuation is a danger to yourself and to others who will enter the building to find you. This policy also applies to fire drills. Students found in buildings when a fire alarm is active may be subject to Conduct Action.
6. The Residence Life Staff will check each room to make certain that everyone has evacuated (as the nature of the emergency permits).

If a fire is outside your room/apartment and it is unsafe to exit:

1. Crack a window and remain near the opened window.
2. Hang a bed sheet or any large light-colored cloth out the window. This will signal your location to emergency personnel.
3. Keep close to the floor and near the outside wall. Remember, smoke rises.
4. Do not panic. Remain calm and cooperate with the staff and emergency personnel during emergencies

2014 FIRE STATISTICS

BUILDING	NUMBER OF FIRES	CAUSE OF FIRE	INJURIES REPORTED	DEATHS REPORTED	VALUE OF PROPERTY DAMAGED
Brown House 1600 Washington Ave.	0	N/A	0	0	\$ -
Browne House 1600 Washington Ave.	0	N/A	0	0	\$ -
Clifton Street Apartments 1619 Clifton Street	0	N/A	0	0	\$ -
Cooke House 1600 Washington Ave.	0	N/A	0	0	\$ -
Couch Hall 1600 Washington Ave.	0	N/A.	0	0	\$
Dickinson House 1600 Washington Ave.	0	N/A	0	0	\$ -
Eco House 1625 Clifton Street	0	N/A	0	0	\$ -
Front Street Apartments 1302 Front Street	0	N/A	0	0	\$ -
Galloway Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hardin Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hendrix Corner Apartments 1210 Front Street	0	N/A	0	0	\$ -
Huntington Apartments 1605 Clifton Street	0	N/A	0	0	\$ -
Language House 1600 Washington Ave.	0	N/A	0	0	\$ -
Martin Hall 1600 Washington Ave.	0	NA	0	0	\$ -
McCreight House 1600 Washington Ave.	0	N/A	0	0	\$ -
Raney Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Smith House 1600 Washington Ave.	0	N/A	0	0	\$ -
Veasey Hall 1600 Washington Ave.	0	N/A	0	0	\$
Village C Apartments 1050 Ellis Ave.	0	N/A	0	0	\$ -
Village D Apartments 1700 Altus Street	0	N/A	0	0	\$ -

2011 CAMPUS FIRE STATISTICS

BUILDING	NUMBER OF FIRES	CAUSE OF FIRE	INJURIES REPORTED	DEATHS REPORTED	VALUE OF PROPERTY DAMAGED
Brown House 1600 Washington Ave.	0	N/A	0	0	\$ -
Browne House 1600 Washington Ave.	0	N/A	0	0	\$ -
Clifton Street Apartments 1619 Clifton Street	0	N/A	0	0	\$ -
Cooke House 1600 Washington Ave.	0	N/A	0	0	\$ -
Couch Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Dickinson House 1600 Washington Ave.	0	N/A	0	0	\$ -
Eco House 1625 Clifton Street	0	N/A	0	0	\$ -
Front Street Apartments 1302 Front Street	0	N/A	0	0	\$ -
Galloway Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hardin Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hendrix Corner Apartments 1210 Front Street	0	N/A	0	0	\$ -
Huntington Apartments 1605 Clifton Street	0	N/A	0	0	\$ -
Language House 1600 Washington Ave.	0	N/A	0	0	\$ -
Martin Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
McCreight House 1600 Washington Ave.	0	N/A	0	0	\$ -
Raney Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Smith House 1600 Washington Ave.	0	N/A	0	0	\$ -
Veasey Hall 1600 Washington Ave.	1	Cardboard placed in microwave.	0	0	\$175.00
Village C Apartments 1050 Ellis Ave.	0	0	0	0	\$ -
Village D Apartments 1700 Altus Street	0	N/A	0	0	\$ -

2012 CAMPUS FIRE STATISTICS

2012 FIRE STATISTICS

BUILDING	NUMBER OF FIRES	CAUSE OF FIRE	INJURIES REPORTED	DEATHS REPORTED	VALUE OF PROPERTY DAMAGED
Brown House 1600 Washington Ave.	0	N/A	0	0	\$ -
Browne House 1600 Washington Ave.	0	N/A	0	0	\$ -
Clifton Street Apartments 1619 Clifton Street	0	N/A	0	0	\$ -
Cooke House 1600 Washington Ave.	0	N/A	0	0	\$ -
Couch Hall 1600 Washington Ave.	1	Pillow fell onto lamp bulb.	0	0	\$ 10.00
Dickinson House 1600 Washington Ave.	0	N/A	0	0	\$ -
Eco House 1625 Clifton Street	0	N/A	0	0	\$ -
Front Street Apartments 1302 Front Street	0	N/A	0	0	\$ -
Galloway Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hardin Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hendrix Corner Apartments 1210 Front Street	0	N/A	0	0	\$ -
Huntington Apartments 1605 Clifton Street	0	N/A	0	0	\$ -
Language House 1600 Washington Ave.	0	N/A	0	0	\$ -
Martin Hall 1600 Washington Ave.	1	Ramen noodles caught fire while cooking	0	0	\$ -
McCreight House 1600 Washington Ave.	0	N/A	0	0	\$ -
Raney Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Smith House 1600 Washington Ave.	0	N/A	0	0	\$ -
Veasey Hall 1600 Washington Ave.	0	N/A	0	0	\$
Village C Apartments 1050 Ellis Ave.	0	N/A	0	0	\$ -
Village D Apartments 1700 Altus Street	0	N/A	0	0	\$ -

Training

Resident Assistants and other college staff receive fire extinguisher and safety training annually by the Conway Fire Marshal's office. Campus housing residents are informed of fire safety rules and practices by Residence Life staff at the beginning of each academic year.

Definitions

The following definitions are applicable to this section:

- **Cause of fire:** 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:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.
- **Fire-related injury:** 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 a fire. The term "person" may include students, faculty, staff, visitors, firefighters, or any other individuals.
- **Fire-related death:** Any instance in which a person (1) 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 (2) dies within one year of injuries sustained as a result of a fire.
- **Fire-safety system:** 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:** 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.