



**Lyon**  
COLLEGE

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2023 ANNUAL SAFETY REPORT  
Lyon College Batesville, AR  
Released Oct. 2023

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## **Lyon College Annual Safety Report**

**10/2/2023**

### **Introduction**

This report is intended to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crim Statistics Act as amended by the Higher Education Opportunity Act. While we have sought to make this report a valuable resource of safety information, we invite you to contact any of the apartments or programs listed in this report for more information about our policies or resources.

Your safety is our concern. It also must be your concern. As a college, we work diligently to prevent crime, fire, accidents and illness, but nothing we do is as important as what you do—and, in some cases, don't do. To this end we strongly recommend that your first step be to subscribe to the Lyon College emergency messaging system, Blackboard Connect, which will provide you with critical information in the event of an emergency or severe weather.

This publication, the *Lyon College Student Handbook*, and our website, <https://www.lyon.edu/campus-safety>, contain valuable information about how you can help us keep you safe, on and off campus. Please pay special attention to the safety tips. Following them will help reduce the chances that you will be the victim of crime, become injured or lose valuable property.

Danell Hetrick, Vice President for Student Life and Dean of Students

Cory Godbolt, Associate Dean of Students

Matthew Sherman, Campus Safety Director

### **Emergency Response and Evacuation Procedures**

The Lyon College Emergency Crisis Plan and Procedures includes information about evacuation guidelines, sheltering guidelines, and lockdown guidelines. College Departments are responsible for developing any appropriate contingency plans and continuity of operations plans for their staff and areas of responsibility. Lyon College conducts emergency response exercises such as fire drills each year. These tests and drills are designed to assess and evaluate the emergency plans and capabilities of the institution.

Lyon College Campus Safety Officers have received training in responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Batesville Police Department. These units typically respond and work together to manage the incident. Depending on the nature of the incident, other Lyon College departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures for Lyon College will be publicized each year as part of the institution's *Clerly Act* compliance efforts and that information is available on the Lyon College website. Detailed information about, and updates to, the Emergency Crisis Plan and Procedures, Earthquake Procedures, Fire Prevention Measures, and our Missing Student Policy can be found on our website at <https://www.lyon.edu/campus-safety>. All members of the Lyon Community are notified on an annual basis that they are required to notify members of the Student Life staff, Campus Safety personnel, or the Batesville Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. The Batesville Police Department, supported by Lyon College Safety Office, has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Police Department, supported by Lyon College Campus Safety, have the responsibility to respond to such incidents to determine if the situation does, in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

### **Notification to the Lyon College Community about an Immediate Threat**

Emergency Notifications will be made by Lyon College and Batesville Police Department, utilizing independent systems. In any event, if Lyon College first becomes aware of an emergency situation on campus, the information as it is known at the time will be immediately reported to the Independence County Sheriff's Office. The Batesville Police Department will then determine the appropriate emergency services response and is responsible for making the appropriate agency notifications.

The responsibility for administering the Lyon College Emergency Messaging System falls to the Vice President for Student Life and Dean of Students, assisted by Information Technology (IT).

The Independence County Sheriff's Office 911 Center and the Lyon College Campus Safety department receive information from various offices/departments on campus as well as students, faculty and staff. If the Batesville Police Department or Lyon College Campus Safety department confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Lyon community, the Batesville Policy Department or Lyon College Campus Safety department will collaborate with the Vice President for Student Life and Dean of Students to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Lyon College community (or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population).

The Vice President for Student Life and Dean of Students will, without delay and considering the safety of the community, determine the content of the notification and direct IT to initiate the notification system unless issuing a notification will, in the judgment of the parties involved, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the Lyon College community, the College has various systems in place for communication information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the Lyon College campus community. These methods of communication include network emails, texts, and emergency messages that can be sent to e-mail addresses or a phone. Students, faculty and staff are strongly encouraged to sign up for this service. The College will post updates during a critical incident on the Lon College Blackboard Connect System as well as the College email system.

Members of the larger community who are interested in receiving information about emergencies on campus should sign up for the emergency text/email message system.

### **Procedures for Testing Emergency Response and Evacuation**

Fire evacuation drills are coordinated by Lyon College Campus Safety office and the Office of Student Life each semester for all residential housing, and one a year by Campus Safety for academic facilities. Thus, the emergency response and evacuation procedures are tested at least two times each year, for each student residence. Students, faculty and staff learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Campus Safety Officers and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

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

Evacuation drills are monitored by the Lyon College Campus Safety Office and the Residence Life Department to evaluate egress and behavioral patterns. Reports or work requests are prepared by participating departments which identify deficient equipment so that repairs can be made immediately.

Students receive information about evacuation and shelter-in-place procedures through the Student Handbook and Emergency Crisis Plan, as well as during their initial residence hall meetings and other educational sessions in which they participate throughout the year. The Residence Life staff members are trained in these procedures and act as an on-going resource for the students living in residential facilities.

Lyon College may conduct announced or unannounced drills and exercises each year and conduct follow-through activities designed for assessment and evaluation of emergency plans and capabilities. Lyon College coordinates announced or unannounced evacuation drills each semester, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. Lyon College will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

#### *Shelter-in-Place Procedures: What it Means to "Shelter-in-Place"*

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

#### *Basic "Shelter-in-Place" Guidance*

If an incident occurs and the building you are in is not damaged, stay inside seeking an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, Lyon I.D. card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, quickly seek shelter at the nearest College building. If law enforcement or fire department personnel are on the scene, follow their directions.

#### *How You Will Know to "Shelter-in-Place"*

A shelter-in-place notification may come from several sources, including the Lyon College Campus Safety Office, Residence Life Staff, other College employees, the federal or county government, or other authorities utilizing the College's emergency communications tools.

#### *How to "Shelter-in-Place"*

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

2. Locate a room in which to shelter inside. It should be an interior room; above ground level; and without windows (or with the least number of windows). If there is a large group of people inside a particular building, several rooms maybe necessary
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (College staff will turn off ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (Residence Life Staff, faculty, or other staff) to submit the list to Lyon College Campus Safety Office or Residence Life Staff so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

### **Lockdown**

A "Lockdown" is the temporary sheltering technique, e.g. 30 minutes to several hours, utilized to limit civilian exposure to an "Active Shooter" or similar incident.

When alerted, occupants of any building within the subject area will lock all doors and windows, not allowing entry or exit to anyone until the "All Clear" has been sounded.

This procedure converts any building into a large "Safe Room".

If the risk assessment determines the need to secure a building or buildings in order to protect the campus community, or to prevent an escalation of the emergency, the Dean of Students, or their designee, in consultation with the VP for Student Life / Dean of Students, will make the decision to do so.

The order will be given to "Lockdown" either specific areas on campus, or the entire campus. Official notice that a "Lockdown" has been issued will be broadcast over the Blackboard Connect system, as well as any other appropriate, supplementary means of communication.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Campus Safety in consultation with the Dean of Students or Associate Dean of Students, the event constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through the college e-mail system to students, faculty, staff, as well as the campus emergency notification system Blackboard Connect. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the

community and individuals, the College may use the emergency notification system (Blackboard Connect) and regular email service.

Anyone with information warranting a timely warning should report the circumstances to the Lyon College Campus Safety Office by phone at (870) 262-9869 or (870) 307- SAFE (this is the 24/7 Campus Safety duty phone), or in-person at the Lyon College Campus Safety Office, located in the basement of the Mabee-Simpson Library.

### **Preparation of Disclosure of Crime Statistics**

The Lyon College Campus Safety Office prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at <http://www.lyon.edu/student-life/campus-safety>. This report is prepared in cooperation with the local law enforcement agencies, Housing and Residence Life, and the Office of Business & Finance. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Lyon College Campus Safety Office, designated campus officials (including but not limited to directors, deans, department heads, Residence Life staff, the Title IX office, faculty, advisors to students/student organizations, athletic coaches), plus local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses. The Director of Counseling informs her clients of the procedures to report crime to the Campus Safety Office, on a voluntary or confidential basis, should they feel it is in the best interest of the client.

Each year an e-mail notification is made to all enrolled students, faculty and staff that provide the web site to access this report. Copies of the report may also be obtained at the Campus Safety Office located in the Mabee-Simpson Library Building or by calling (870) 307-7205. All prospective employees may obtain a copy from Human Resources in the Nichols Building or by calling (870) 307-7278 and the web site address will be provided to Lyon College employment applicants.

The statistics are reported by calendar year, not academic session, and definitions of named offenses are provided. Historical data are also included for comparison purposes. In some cases, you may see a significant increase or decrease from year to year, which may be unsettling. In some instances, however, an increase in reported violations may merely signal an improved reporting process (including on-going education of the college community on the importance of reporting crimes) rather than an actual increase of crimes. The crime statistics are attached herein and may be viewed on-line at: <http://ope.ed.gov/security/search.asp> (Enter: Lyon College).

## **Request of Crime Statistics**

The Lyon College Campus Safety Office will provide, upon request, all campus crime statistics as reported to the United States Department of Education. Individuals making requests may refer to the United States Department of Education website for campus crime statistics (<http://ope.ed.gov/security>). Copies of this report are also available at the Campus Safety Office and on the College website at <http://www.lyon.edu/student-life/campus-safety>. In addition, if an individual requests, campus crime statistics will be mailed in hard copy to the requestor within ten days. The information provided will include all of the statistics that the campus is required to ascertain under Title 20 of the U.S. code section 1092 (f)

## **To Report a Crime**

Contact the Lyon College Campus Safety at (870) 307-7233. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the Residential Halls should be reported to the Campus Safety Office at (870) 307-7233 or the Batesville Police Department at (870) 569-8111. **Call 9-1-1 for emergency situations.**

In addition, you may report a crime to the following individuals:

- Danell Hetrick, Vice President for Student Life & Dean of Students | 870-307-7021
- Cory Godbolt, Associate Dean of Students | 870-307-7183
- Sandy Beeser, Spragins House Resident Faculty Mentor | 870-307-
- Sarah Williams, Young House Resident Mentor | 870-307-

*Campus Safety encourages anyone who is the victim or witness to any crime to promptly report the incident to the Campus Safety Office or to the Batesville Police Department.*

To contact the Campus Safety office and/or report a crime, medical emergency, or fire:

- Visit the Campus Safety office located in the basement of the Mabee-Simpson Library
- Have the on-duty Resident Director or Resident Assistant contact the on-duty Campus Safety Security Professional
- Call extension 7233 or 9-9-1-1 from a campus phone or 870-307-7233 9-1-1 from an off-campus phone such as a cell phone

## **Voluntary Confidential Reporting**

If you are the victim of a crime, you are not required to pursue action within the College judicial system or the criminal justice system. You may, however, still want to consider making a confidential report. With your permission, the Dean of Students and the Director of Campus Safety can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving

students, determine where there might be a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

### **Security and Access**

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key or access card (if issued) or through admittance by a Campus Safety Security Professional or a member of the Student Life staff. In the case of periods of extended closing, admittance will be on an as-needed basis.

Emergencies may necessitate changes or alterations to any typical locking schedules. Campus Safety and the Facilities Department routinely patrol the campus to identify safety hazards and maintenance-related issues. Additionally, during the academic year, the Directors of Facilities Management, Housing & Residence Life, and Campus Safety will meet on a regular basis to discuss issues of pressing concern.

### **Campus Law Enforcement Authority**

Lyon College Campus Safety Security Professionals are state-certified, non-sworn, security personnel. They have the authority to ask persons for identification and to determine whether individuals have lawful business at Lyon College. Officers also have the authority to issue parking tickets, take note of College policy violations, and in some cases enforce College policy, but they do not possess arrest power. Campus Safety Security Professionals are expected to render all possible assistance provided such assistance can be given without significantly endangering the Security Professional or others not involved in the crime.

Criminal incidents may (depending on the nature of the crime and the wishes of the victim) be referred to the Independence County Sheriff's Office, which has jurisdiction on the campus. The Lyon College Campus Safety office maintains a highly professional working relationship with the Independence County Sheriff's Department. All crime victims and witnesses are strongly encouraged to immediately report any crime to Campus Safety and/or the appropriate law enforcement agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Campus Safety maintains a close working relationship with the Batesville Police Department. The Batesville Police Department has primary jurisdiction at Lyon College for criminal misconduct. The Lyon College staff may occasionally work with other law enforcement agencies within the Lyon College "geography." Campus Safety Security Professionals communicate regularly on the scene of incidents that occur in and around the campus area. Campus Safety Security Professionals work closely with the investigative staff of these

agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There is no written memorandum of understanding between Lyon College and the Batesville Police Department.

### **Encouragement of Accurate and Prompt Crime Reporting**

Lyon College community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Batesville Police Department and/or Campus Safety in a timely manner. This publication focuses on Lyon College Campus Safety because it patrols the majority of the Lyon College campus.

To report a crime, contact Lyon College Campus Safety at 870-307-7233. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the residential halls should be reported to Campus Safety Office at 870-307-7233 or the Batesville Police Department at 870-569-8111. Call 9-1-1 for emergency situations.

Batesville Police Department dispatchers and Campus Safety Security Professionals are available at these respective telephone numbers 24 hours a day to answer your call. In response to a call, the Sheriff's Office or Lyon College Campus Safety Office will take the required action, dispatching an officer or asking the victim to report to the Batesville Police Department or to Lyon College Campus Safety Office to file an incident report.

All Lyon College Campus Safety incident reports are forwarded to the Dean of Students for review and potential action by said offices. Batesville Police Department investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will be requested and forwarded to the Office of the Vice President for Student Life and Dean of Students.

If a sexual assault or rape should occur, staff on the scene will refer the victim to either, the Campus Clinic, the Mental and Behavioral Health Office, or a local hospital or medical center.

This publication contains information about on-campus and off-campus resources. This information is made available to provide Lyon College community members with specific information about the resources that are available in the event that they become the victim of a crime. The information about "resources" is not provided to imply that those resources are "reporting entities" for Lyon College.

Crimes should be reported to Lyon College Campus Safety or the Batesville Police Department to respond appropriately to the incident. Prompt reporting will also ensure the incident's inclusion in the College's annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Information on these and other Lyon College policies can be found in the *Student Handbook* located at: <http://www.lyon.edu/student-life/student-handbook>.

### **Counselors and Confidential Crime Reporting**

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors,” Campus “Professional Counselors” and “Medical Personnel” (College Nurse), when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

#### *Pastoral Counselor*

An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

#### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Lyon College, in cooperation with local community resources, provides professional counseling services to students.

- Lyon College Office of Mental and Behavioral Health (Edwards Commons): 870-307-7284
  - 8 a.m. - 5 p.m. weekdays
  - After hours, notify a Student Life member or Campus Safety.
- Batesville Rape Crisis Center: 870-613-0021
- Rape, Abuse, Incest National Network (RAINN): 800-656-HOPE (4673)
- White River Medical Center: 870-262-1200

### **Security Awareness Programs for Students and Employees**

At school opening, and as part of the residence halls first floor meeting of the year, and throughout the academic year as needed, students, are informed of the importance of and need for security of one self and personal property. Students are told about the possibility for crime on campus and in surrounding neighborhoods. Similar information is presented to

new employees/applicants. Sexual assault awareness and prevention programs are communicated to incoming freshman during orientation, often in conjunction with outside professionals versed on the subject matter. Other methods of awareness and outreach are available throughout the academic year via email, workshops, newsletters, and other regular programming.

The offices of Residential Life and Campus Safety provide ways for persons to maintain personal safety, enhance residence hall security and prevent residence hall fires. This education is accomplished through hall meetings and open discussions with members of these offices. The College's crime statistics are also posted in the Campus Safety office and on the College website. Additional safety and sexual assault prevention programs are offered by the Office of Student Life and the Office of Health and Wellness. The Campus Safety Office encourages students and employees to be aware of their responsibility for their own security and the security of others. Crime prevention, wellness programs, and personal safety information is presented throughout the year. Campus Safety can facilitate safety awareness programs for faculty and staff upon request.

When time is of the essence, information is released to the College community through security alerts posted throughout campus, through computer memos sent over the College's electronic mail system, and by Blackboard Connect, an email and text broadcasting system.

### **Crime Prevention Programs for Students and Employees**

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Campus Safety Security Professionals can assist in facilitating programs for student, parent, faculty, and new employee orientations, student organizations, and community organizations. In addition to regular programs for Residence Life Assistants and residents, Lyon College can provide a variety of educational strategies and tips on how students, faculty and staff can protect themselves from sexual assault, theft and other crimes.

### **Alcoholic Beverages**

Lyon College strives to achieve its mission, in part, by designing and nurturing a campus community that requires responsible behavior based on trust and respect for self and others.

Accordingly, the alcohol policy of the College aims help students develop by respecting their rights and expecting them to assume the concomitant responsibilities associated with self-governance. Concurrently, the policy respects the alcoholic beverage laws of the State of Arkansas and Independence County and grants students of legal age the privileges of possessing and drinking alcohol on campus. In exchange for these privileges, the policy charges students with two tasks:

1. Students are to engage themselves and new members of the student body in a serious discussion of alcohol that promotes abstinence from alcohol or responsible use and that disseminates and explains to the student body the state, local, and campus regulations governing the consumption of alcohol
2. Students are to administer and enforce the alcohol policy, including oversight and design of guidelines and procedures to deal with infractions

### Alcohol Education Program

Lyon College's alcohol education program is designed to assist students in making well-informed decisions in developing healthy lifestyles and responsible community membership. Abstinence from alcohol use and, for students of legal drinking age who choose to drink, moderate and responsible use will be promoted through alcohol education.

The alcohol education program session is presented for freshmen and transfer students during new student orientation and again immediately after the beginning of classes. All students must complete training once per semester. Successful completion of the alcohol education program is necessary before a student of legal drinking age may possess alcohol on campus. The alcohol education program is successfully completed by taking the following steps:

1. Attending the substance use session during SCOT Week (applies to freshmen and transfer students)
2. Demonstrating completion of ongoing training

Students who misrepresent their age or their completion of the alcohol education program are in violation of the Honor Code. Students who do not complete the alcohol education program when prompted to do so are in violation of the Honor Code and will face appropriate disciplinary action.

### General Guidelines

The Dean of Students will refer any allegation of a violation of the alcohol policy to the Social Council except in cases where there may be a concern for students' health and wellbeing or in cases that time constraints prevent the Social Council from conducting a speedy hearing (i.e. violations that occur at the end of the school year).

Lyon College student-athletes are subject to the *Lyon College Student-Athlete Handbook* in addition to the *Lyon College Student Handbook*. The Social Council will not consider potential violations of the *Lyon College Student-Athlete Handbook*, but the Dean of Students may investigate such allegations and take appropriate disciplinary action.

#### *a. Permitted Consumption*

Only students who are of legal drinking age and who have completed the alcohol education program and their non-student guests of legal drinking age may possess and

consume alcoholic beverages in approved campus locations and/or at off-campus events sponsored by the college or recognized student organizations.

*b. Permitted Possession*

Possession of alcohol on campus is limited by state statutes (one case of beer and one gallon of wine or distilled beverages per person). Containers exceeding one gallon, such as kegs and punch bowls, are prohibited. Alcohol may be stored only in student rooms where at least one resident is of legal drinking age.

*c. Permitted Provisioning*

A student may provide alcohol only if they meet the requirements of being of legal drinking age and completing the alcohol education program. Student organizations and members who provide alcohol to individuals who meet the requirements shall be responsible for taking reasonable steps to ensure that they and their guests follow the alcohol policy and the law in the campus space assigned to that organization (i.e. assigned living areas, spaces reserved for social functions, etc.). Sponsorship need not involve formal publication of an event. Any event in which members of an organization have been involved in making arrangements, inviting others to attend, and/or supplying food and drink shall be considered an event sponsored by that organization.

*d. Forms of Consumption*

Consumption of alcoholic beverages should be done in a responsible and thoughtful manner. Drinking to excess or encouraging excessive consumption is prohibited.

Drinking games encourage binge excessive use of alcohol. These and the possession of drinking game paraphernalia that are designed to promote and encourage excessive use of alcohol are prohibited.

*e. Excessive Use*

Excessive use of alcohol in any form is prohibited. These forms include but are not limited to:

Binge Drinking: A form of excessive drinking that features four or more drinks on an occasion for a woman and 5 or more drinks on an occasion for a man<sup>1</sup>

Drunkenness: A result of excess drinking that is manifested in such signs as loss of physical self-control or threatening, disruptive, or violent behavior<sup>2</sup>

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<sup>1</sup><https://www.cdc.gov/chronicdisease/resources/publications/factsheets/alcohol.htm#:~:text=Excessive%20alcohol%20use%20includes%3A,per%20week%20for%20a%20man>.

<sup>2</sup><https://www.cdc.gov/chronicdisease/resources/publications/factsheets/alcohol.htm#:~:text=Excessive%20alcohol%20use%20includes%3A,per%20week%20for%20a%20man>.

Heavy Drinking: Eight or more drinks per week for a woman or 15 or more drinks per week for a man<sup>3</sup>

*f. Permitted Locations*

Residents and sponsors of events at campus locations where alcohol is permitted shall take reasonable steps to assure that the locations remain private and accessible only to members of the Lyon College community and their guests. Residents have the option of excluding alcohol from their common area by majority vote. Student Life staff, including but not limited to residential staff and Campus Safety, may ask residents to leave the area if these areas are over allowable capacity, residents are drinking to excess, the group is being unreasonably noisy. Student Life staff, including but limited to residential staff and Campus Safety, may also ask residents to present their state-issued IDs to determine that they are at least 21 years of age. Drinking is allowed in the following locations for residents ages 21 and over:

The Row

- A. Inside apartments
- B. On patios in groups of no more than four people per patio

Student rooms wherein all assigned residents are of legal drinking age

- A. Faculty and/or Staff Residences<sup>4</sup>
- B. Sanctioned events that have been 21-Approved<sup>5</sup>.

*g. Prohibited Locations<sup>6</sup>*

The Terrace

Flanders Reading Room

Balconies or other high-rise structures

Campus trails

### Alcohol Policy Enforcement

The enforcement of this policy is the responsibility of the entire Lyon community. Allegations of violations of this policy will be referred to the Social Council or the Dean of Students (whichever is appropriate).

*a. Individual Violators*

Penalties for individual violations will depend upon the nature of the violation, any previous violations in which the student has been involved, and the student's attitude

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<sup>3</sup><https://www.cdc.gov/chronicdisease/resources/publications/factsheets/alcohol.htm#:~:text=Excessive%20alcohol%20use%20includes%3A,per%20week%20for%20a%20man.>

<sup>4</sup> The hosting faculty and/or staff assumes full responsibility for the event. Hosting faculty/staff are responsible for ensuring guests who consume alcohol are of legal drinking age and that student consumption does not violate any college policies, state, or federal laws.

<sup>5</sup> Parties are not considered sanctioned college events unless approval is obtained and unless college faculty/staff are present for supervision.

<sup>6</sup> This list of prohibited locations is subject to change based on identification of locations and need.

during and after the incident. Any violation of the alcohol policy can result in suspension from the college and/or campus residence for the current and/or following semesters, and/or expulsion from the College.

The Social Council will first consider a penalty of suspension or expulsion for any case in which a student is found in violation of the alcohol policy. If neither of these penalties is warranted, the Social Council will impose a less severe penalty. The Social Council may impose a less severe penalty when it is convinced that the student can live under the alcohol policy in the future. Less severe penalties may include but are not limited to:

- Probation for a stated period of time
- Suspension of any alcohol privileges
- Examination by a recognized alcohol therapist
- Community service work assignment
- Participation in an alcohol awareness/education seminar
- Social restrictions

The penalty may be a combination of any of the above-listed sanctions or other suggestions brought before the Social Council. Each sanction will include an educational experience for the individual. The student will work with a faculty or staff member to fulfill the requirements of the sanctions. The Social Council will appoint one of its members to serve as a liaison to solicit the faculty or staff member to work with the student, monitor progress, report the outcome to the council, and provide recommendations to the Council if it appears that it needs to review the matter.

*b. Organization and Team Violations*

Penalties for organization and team violations will depend upon the nature of the violation, any previous violations in which the organization or team has been involved, and the attitudes of the members of the organization or team during and after the incident. If the organization or team has a national affiliation, the governing body may be contacted in the event of any violation and will be contacted if more than one violation occurs.

Any violation of the alcohol policy can result in the suspension of the recognition of the organization or team. The Council may impose a less severe penalty when it is convinced that the organization or team will abide by the alcohol policy in the future. The Council will first consider a penalty of suspension of recognition if the organization or team is found in violation of the alcohol policy. The Social Council may impose a less severe penalty when it is convinced that the organization or team can live under the alcohol policy in the future. Less severe penalties may include but are not limited to

- Probation for a stated period of time
- Suspension of any alcohol privileges for a stated period of time
- Suspension of housing privileges for current and/or following semesters
- Community service work assignment
- Participation in an alcohol awareness/education seminar
- Social restrictions
- Stricter guidelines for future social events

The penalty may be a combination of any of the above-listed sanctions or other suggestions brought before the Social Council. If community service work is assigned, the organization or team cannot receive any recognition or use the assignment for applying for any recognition. The organization or team will work with a faculty or staff member not associated with the organization or team to fulfill the requirements of the sanctions. The Council will appoint one of its members to solicit the faculty or staff member to work with the organization or team, monitor progress, report the outcome to the Council, and provide recommendations to the Council if it appears that it needs to review the matter.

### 21-Approved Events

21-Approved status applies to sanctioned events and promotes awareness of responsible decision-making related to alcohol use. Such an event allows those of legal drinking age who choose to drink the opportunity to model responsible drinking behavior. Choosing to not drink alcoholic beverages is equally acceptable as choosing to drink. This right is to be respected.

Alcohol shall not be the focus of any 21-Approved event. The event sponsor(s) and the individuals who attend the event share mutual responsibility for ensuring all standards and guidelines governing 21-Approved events are followed and enforced. Ultimate responsibility falls to the sponsoring entity. Sponsoring students and organizations who violate this event policy or allow it to be violated will forfeit the possibility of holding any other 21-Approved events for the rest of the academic year.

No sponsor or student organization may host an event where alcohol is present without official 21-Approved status. Sponsoring parties or student organizations who violate this event policy or allow it to be violated will forfeit the possibility of holding any other 21-Approved events for the rest of the academic year.

#### *a. Approval Guidelines*

Each academic year, individual students and presidents of organizations that may want to sponsor a 21-Approved Event shall attend a session, conducted by Student Life Staff members, that outlines the host's responsibilities at such events. Event sponsors must demonstrate completion of this session before an application for 21-Approved Events will be considered.

Additionally, potential event sponsors must complete the following steps:

1. Submit a 21-Approved Event application at least two weeks prior to the event. Final approval will come from the Dean of Students or their designee.
2. Provide a clear system to avoid alcohol consumption by minors and excessive consumption by guests who are of legal drinking age. Members of the Student Life Department are available to assist event sponsors in event planning.
3. Include a 21-Approved Event logo (provided by the Student Life Department) on all posted event promotional materials
4. Submit all promotional materials for approval. Publicity shall not be posted without the written approval of the event and its promotional materials.

*b. Designated Drinking Areas*

Students and organizations sponsoring 21-Approved events are responsible for creating a designated area for the purposes of consuming alcoholic beverages by guests who are of legal drinking age. This area shall be by the entrance of the event venue. There shall only be one entrance to the event venue. Multiple exits must be available.

*c. Supervising Members*

The sponsoring organization is responsible for designating two members to do the following:

1. Check for valid identification (21 or older) at the designated drinking area
2. Provide a wristband to each guest who is of legal drinking age and wishes to enter the designated drinking area
3. Ensure that no guest is bringing more alcoholic beverages into the designated drinking area than approved party hours (i.e. one drink per hour; not to exceed four drinks). One drink is defined as 12 ounces of beer, 5 ounces of wine, or 1 ounce of liquor.
4. Deny entry into the drinking area to those who appear to be intoxicated
5. Deny alcoholic beverages to those who appear to be intoxicated regardless of the fact that the guest brought his or her own drinks
6. Ensure that each guest consumes only the drinks they brought into the designated drinking area
7. Ensure that guests within the designated drinking area do not leave their drinks unattended after they are opened
8. Ensuring that no open container leaves the designated drinking area

Another two members of the sponsoring organization shall be designated to monitor outside the designated drinking area to ensure no guest of any age is consuming alcohol in the general event area.

*d. Additional Event Guidelines*

Students and organizations sponsoring 21-Approved events are responsible for the following:

1. The individual host or the president of the hosting organization or their designee shall be responsible for oversight of the event and shall be available for contact during the event to resolve any problems that may arise
2. Persons misusing alcohol will be asked by the individual host or sponsoring organization to leave and will be escorted to their lodging by a host representative. It is the responsibility of the individual host or sponsoring organization to notify campus safety of this misuse immediately and refer any persons alleged to have violated the alcohol policy to the Social Council.
3. Hosting individuals or organizations must provide shuttles to and from off-campus events and ensure all guests who have consumed alcohol are limited to shuttle transportation. They cannot use their own vehicles.
4. The individual host or sponsoring organization must clean the event area at the conclusion of the event. All clean-up efforts must be completed within two hours of the event's end and includes debris removal, proper disposal of vomit or other human waste, and submission of any required maintenance orders.
5. The individual host or sponsoring organization will pay for damages to campus property that may occur during the event.

### **Illegal Drugs and Other Substances**

As mandated by the Drug-Free Workplace Act of 1988, this is Lyon College's policy regarding the effects of drug use and the unlawful possession of controlled substances on campus. It is the College's intent and obligation to provide a drug-free, healthful, safe, and secure environment.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on College premises or while conducting College business off-campus is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including expulsion, and may have legal consequences.

The College recognizes drug and alcohol dependency as an illness and a major health problem. The College also recognizes drug and alcohol abuse as potential health, safety, and security problem. Drug abuse or use on campus can result in injuries to the students and others and property damage. Students needing help in dealing with such problems are to seek help and counseling from external agencies, the College Campus Clinic Director, or the Director of Mental and Behavioral Health. Conscientious voluntary efforts to seek such help will not jeopardize a student's enrollment.

Students must, as a condition of enrollment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off campus. Lyon College shall routinely inform students of the dangers of drug abuse, its drug-free workplace policy,

including penalties for violations, and any available counseling and rehabilitation through, but not limited to, the following means:

- Inclusion of this policy in this and future editions of the student handbook
- Dissemination of information concerning the dangers of drug abuse, concerning this policy and any available counseling or rehabilitation services
- Dissemination of information concerning the danger of drug abuse

### Drug Awareness Program

In response to the Drug-Free Workplace Act of 1988, this document will serve as Lyon College's attempt to keep students informed about the dangers of drug abuse and any available counseling and rehabilitation services. In addition, this document will outline the penalties that may be imposed on students for drug abuse violations. (See also Lyon College's Drug-Free Workplace Policy Statement). In response to the Drug-Free Schools and Communities Act of 1989, this program has been amended to include alcohol as a controlled substance. In addition, the legal sanctions under state and federal law for the unlawful possession or distribution of illicit drugs and alcohol are included in Substance Policy Appendix C.

### Tobacco Use

This policy includes all electronic cigarettes, filtered and unfiltered cigarettes, cigars, cigarillos, pipes, etc., and applies equally to all students, employees, and visitors. In order to provide a safe and healthful environment for Lyon College students and visitors, the following areas have been designated as non-smoking zones:

- The interior space of all buildings and athletic facilities
- The exterior space within 20 feet of entrances, gates, fresh air intakes, any areas where tobacco smoke could be drawn into buildings and athletic facilities, except for those areas officially designated as smoking areas
- Within College vehicles
- Within the Quad
- Within the common area of Young, Wilson, Whiteside, Wilson Rogers, and McRae

In order to provide a safe and healthful environment for Lyon College students and visitors, smokeless tobacco such as snuff, chewing tobacco, and similar products have been prohibited in the following areas:

- The interior space of all academic buildings and athletic facilities
- Within College vehicles

### Medical Marijuana Use

The Arkansas Medical Marijuana Amendment of 2016 legalized medical use of marijuana under state law for individuals who have a written certification of a qualifying medical condition from a physician and have registered with the Arkansas Department of Health. Marijuana is still illegal

under federal law. In addition, there are limits on the use and possession of medical marijuana by qualifying patients under state law.

Lyon College is subject to and will continue to follow the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The College will also follow applicable state laws and regulations.

Medical marijuana in any form shall not be had or used on any Lyon campus or owned or leased space, including campus housing, or at any College-sponsored events or activities.

### Counseling and Rehabilitation Services

The Campus Clinic Director and the Director of Mental and Behavioral Health are available for confidential consultation and referral. The College cannot provide rehabilitative services. Thus, assistance from outside agencies will be the focus of this service.

### Drug Use/Abuse Health Risks

The following list of drugs and their associated health risks are provided in compliance with federal government regulations mandating their inclusion in this handbook.

#### *Stimulants*

##### Amphetamines

- Users can go beyond physical limits and suffer exhaustion
- Tolerance and physical and psychological dependence can develop withdrawal from the drug can result in suicidal depression
- Continued high doses can cause heart problems, infection, malnutrition, and death

##### Cocaine

- Chronic use can destroy nasal tissues
- Smoking can cause lesions in the lungs
- Tolerance and physical and psychological dependence can develop
- Effects are unpredictable
- Convulsions
- Respiratory paralysis
- Death

#### *Depressants*

Hazards of abuse include:

- Tolerance and physical and psychological dependence can develop with long term use
- Slowed reaction, confusion
- Overdoses can cause coma, respiratory arrest, convulsions, even death. Accidental overdoses are common because the abuser becomes unaware of how much of the drug has been taken.

- Withdrawal can be dangerous and may require medical attention
- Depressants taken in combination can cause coma and death

#### Barbiturates

- Slowed heart rate and breathing
- Lowered blood pressure
- Slowed reactions
- Confusion
- Weakened emotional control
- Distortion of reality
- Reduced awareness
- Intoxication

#### Tranquilizers

- Slowed heart rate and breathing
- Lowered blood pressure
- Relaxation
- Drowsiness
- Confusion
- Loss of coordination
- Intoxication
- Changes in personality

#### Methaqualone

- Slowed heart rate and breathing
- Lowered blood pressure
- Sleepiness
- Feeling of well-being
- Loss of coordination
- Dizziness
- Impaired perception
- Confusion
- Hangover

#### Alcohol

- Tolerance and physical and psychological dependence can develop
- Long-term heavy drinking is a factor in liver and heart damage, malnutrition, cancer, and other illness
- Slowed reactions
- Disorientation

#### *Hallucinogens*

Hazards of abuse include:

- Tolerance develops quickly
- Increased risk of birth defects in user's children

- Effects may recur days or weeks later without further use of the drug (“flashbacks”)
- Overdose causes psychosis, convulsions, coma, even death
- Abuse has resulted in murder, suicide, accidents

### *Narcotics*

Hazards of abuse include:

- Tolerance and physical and psychological dependence can develop
- Withdrawal is very painful
- Overdose can cause coma, convulsions, respiratory arrest, even death
- Risks from long-term use include malnutrition, infection, hepatitis

### *Cannabis (Marijuana)*

Hazards of abuse include:

- Long-term use may cause moderate tolerance, psychological dependence
- Overdose may cause paranoia and psychosis-like states
- Effects of long-term use are still being studied. Long-term use is associated with chronic lung disease and possibly lung cancer.

## Possession and Distribution of Illicit Substances

Applicable legal sanctions under local, state, and federal laws, for the unlawful possession or distribution of illicit drugs and alcohol are as follows.

### *Federal Legal Sanctions*

Federal legal sanctions based on the Controlled Substance Act of 1971 are:

#### Unlawful Possession

1. First Offense: Up to one year of imprisonment and/or fines up to \$5,000. Persons under 21 on first offense record of arrest, trial, and conviction erased after satisfactory completion of probation
2. Second Offense: Twice the imprisonment and fines of first offense

#### Unlawful Distribution and/or Possession with Intent to Distribute

1. First Offense: Up to 15 years imprisonment and/or fines up to \$25,000 plus three years of required special parole
2. Second Offense: Up to twice of that of the first offense. For a person over 18 unlawfully distributing to a person under 21 up to twice the fine and imprisonment otherwise authorized.

## State Laws

A copy of the state statutes concerning the drug laws in Arkansas may be obtained by contacting the Lyon College Human Resources Office.

## Penalties

Students are provided a copy of this policy and must, as a condition of enrollment, abide by its terms, remain free of illegal drugs, and report any knowledge of acts of substance abuse or its sale

under the criminal statute (see Substance Policy Appendix C) occurring on or off campus while conducting College business. Failing to report will result in disciplinary action up to and including expulsion, and it may also have legal implications. Such acts are to be reported to the immediate supervisor, component head, or directly to the Dean of Students.

Any user caught or reported will be counseled in the strictest of confidence and every effort will be made by the College to encourage that person to seek professional help and/or rehabilitation as stated above. Any such person refusing help will be disciplined up to and including expulsion.

Any student found illegally manufacturing, distributing, dispensing, or selling a controlled substance on College premises or while conducting College business off campus will be disciplined up to and including expulsion.

In all cases where substance abuse is reported and verified and immediate rehabilitation or counseling is not properly sought can and will have legal consequences. In all cases where substance abuse is reported, drugs are dispensed, sold, or used and the College takes disciplinary action, the student involved or implicated will have a route of appeal.

### **Sexual Misconduct Policy**

The US Department of Education and Office of Civil Rights recently released the 2022 Title IX NPRM. However, these regulations are not yet in effect, and institutions should follow the current regulations until further notice.

#### Policy Statement

Lyon College seeks to provide all members of the community with a safe and secure learning and work environment that is free of crime and/or policy violations motivated by discrimination, sexual and bias-related harassment, and other violations of rights. The College has a zero-tolerance policy against gender-based misconduct, sexual assault, and interpersonal violence toward any member or guest of the Lyon College community. Any individual who has been the victim of an act of violence or intimidation is urged to make an official report. A report of an act of violence or intimidation will be dealt with promptly. Confidentiality will be maintained to the greatest extent possible within the constraints of the law.

#### Title IX of the Education Act

Lyon College has procedures in place regarding the receipt, investigation, and resolution of complaints of sex or gender-based discrimination. The College will initiate a prompt, thorough, and impartial investigation into allegations of sex or gender-based discrimination. This investigation is designed to provide a fair and reliable determination about whether the College's nondiscrimination, sexual and unlawful harassment, and/or gender-based misconduct, sexual assault, and intimate partner violence policies have been violated. If so, the College will implement

a prompt and effective remedy designed to end the discrimination, prevent its recurrence, and address its effects.

### Jeanne Clery Act

#### *Institutional Reporting under the Jeanne Clery Act*

Originally known as the Campus Security Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Clery Act is enforced by the United States Department of Education. In accordance with the Jeanne Clery Act, the College will publish an annual data report every October regarding campus crime statistics and including policy and procedures, a summary of victims' rights, and an overview of educational training conducted on campus. Lyon College's Clery report can be found on the Campus Safety website.

#### *Scope Expanded under the Jeanne Clery Act*

Clery was amended by the Campus Sexual Violence Elimination (SaVE) Act in 2013.

SaVE was signed into law as part of the Violence Against Women Act (VAWA)

Reauthorization and in part, broadens Clery requirements to mandate fuller reporting of sexual violence or sexual assault to include incidents of domestic violence, dating violence, and stalking.

### Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Sexual assault, domestic violence, dating violence, and stalking (previously referred to as Intimate Partner Violence or IPV) (collectively herein, "acts of violence or intimidation") are unacceptable and will not be tolerated. Any individual who has been the victim of an act of violence or intimidation is urged to make an official report. A report of an act of violence or intimidation will be dealt with promptly. Confidentiality will be maintained to the greatest extent reasonably possible and in accordance with state and federal laws.

### Jurisdiction and Applicability

This policy applies to any allegations of discrimination on the basis of sex or gender (including perceived sex or gender), including all forms of sexual harassment, sexual violence, and acts of violence or intimidation committed by students, College employees, or third parties. Students are those registered or enrolled for credit- or non-credit bearing coursework ("students"); College employees are those employees who are full-time and part-time faculty and staff, including temps ("employees"); and third parties are those who are contractors,

vendors, visitors, guests or others (“third parties”). This policy applies to acts of sex or gender-based discrimination and violence committed by or against students, employees, and third parties whenever the misconduct occurs:

1. On Lyon College-owned or controlled property; or
2. Off Lyon College-owned or controlled property, when
  - a. the conduct occurred in connection with an education program or activity of Lyon College, including College-sponsored study abroad, research, online, or internship programs; or
  - b. the conduct occurred outside of the context of an education program or activity of Lyon College, but may have the effect of interfering with, denying, or limiting an individual’s ability to participate in or benefit from the College’s education or work programs or activities.

Individuals who violate this policy may be accountable to both civil and/or criminal authorities, in addition to the College, for acts that constitute violations of law and College policies and procedures.

Disciplinary action at the College will normally proceed concurrently with these civil and/or criminal proceedings and will not be subject to challenge on the grounds that civil or criminal charges involving the same incident have been dismissed or reduced. In addition, the College is not required to postpone its process in order for a criminal or civil matter to be resolved but will continue proceedings in accordance with campus policies.

**\*Jurisdictional Note:** While the US Department of Education rule issued in May 2020 stated that incidents occurring in College programs outside the United States are not considered to fall under Title IX of the Education Act, the College considers any incident that would be addressed with this policy if the parties were in the United States, to be subject to the specifics of this policy and the College response will follow the policy and procedures delineated here.

**\*\*Note:** When the complainant or the respondent are minors (under the age of 18) the College will follow the reporting guidelines established by the State of Arkansas. When the complainant and/or respondent are minors and enrolled students, the College may also report the incident to the parents of those minor students.

**\*\*\*Note:** When the complainant or the respondent is the Title IX Coordinator, the report should be made to the Director of Human Resources who will fulfill the duties of the Title IX Coordinator for that case.

#### Applicability

This policy applies to students and employees as follows.

### *Students*

Where the respondent is a student at Lyon College at the time of the alleged conduct, the alleged conduct includes sexual harassment under this policy, the alleged conduct occurs in an education program or activity of Lyon College and the alleged conduct occurs against a person in the United States. A complainant may only file a formal complaint if the complainant is participating in or attempting to participate in an education program or activity of Lyon College.

### *Employees*

Where the respondent is an employee at Lyon College at the time of the alleged conduct, the alleged conduct includes sexual harassment under this policy, the alleged conduct occurs in an education program or activity of Lyon College and the alleged conduct occurs against a person in the United States. A complainant may only file a formal complaint if the complainant is participating in or attempting to participate in an education program or activity of Lyon College.

### Definitions

#### *Acts of Violence or Intimidation*

Sexual assault, sexual violence, domestic and dating violence, sexual exploitation, and stalking

#### *Actual Knowledge*

Includes notice of sexual harassment or allegations of sexual harassment given to the Title IX Coordinator or Lyon employee with the authority to institute corrective measures.

#### *Advisor*

A person of the complainant or respondent's choosing who may accompany the complainant or respondent during meetings with College personnel. This person does not represent either party, may not speak on the party's behalf, and may not participate in any other role in the process, except during the formal hearing process where the advisor is responsible for conducting the cross examination of parties and witnesses.

#### *Appeals Officer*

A staff and/or faculty member within Lyon College who acts as the school official designated to make the final decision in regard to an appeal.

#### *Complainant (formerly Reporting Party)*

The person or party who is the recipient of unwanted behavior that may violate College policy, alleged to be the victim of conduct that could constitute sexual misconduct.

### *Consent*

Clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Silence, in and of itself, cannot be interpreted as consent. Consent is not the lack of resistance: there is no duty to fight off a sexual aggressor or a requirement of resistance, but resistance is a clear demonstration of non-consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity. Previous relationship or prior consent cannot imply consent to future sexual acts. Consent cannot be given by a person who is incapacitated. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated, and once consent is withdrawn, sexual activity must stop.

The respondent's belief that the complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision maker will consider all of the facts and circumstances the respondent knew, or reasonably should have known, at the time. In particular, the respondent's belief is not a valid defense where:

- The respondent's belief arose from the respondent's own intoxication or recklessness
- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant affirmatively consented; or
- The respondent knew or a reasonable person should have known that the complainant was unable to consent because the complainant was incapacitated, in that the complainant was asleep or unconscious, unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication, unable to communicate due to a mental or physical condition.

### *Domestic and Dating Violence (formerly Intimate Partner Violence)*

Violence or abuse between those in an intimate interaction and/or relationship to each other. This can be between married individuals or non-married individuals who have a dating relationship or other intimate relationship. This includes physical assault, psychological abuse, and manipulation, forcing a partner to use one type of birth control over another or none at all despite the stated desire of one partner.

See Ark. Code Ann. § 5-26-303 for definitions of domestic battery and assault in Arkansas. See Ark. Code Ann. § 5-13-201 for definitions of battery and assault toward any person in Arkansas.

### *Educational Program or Activity*

Locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. This includes

conduct that occurs on College activity, or in any building owned or controlled by a student organization that is officially recognized by the College.

### *Fondling<sup>7</sup>*

The touching of the private body parts of another person for the purpose 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 or physical incapacity.

### *Force and Coercion*

Physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, use of weapons or threat of use of weapons, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that they do not want to have sexual interaction, continued pressure or sexual contact beyond that point can be coercive.

### *Forcible Sodomy*

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### *Formal Complaint*

A document signed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a Respondent and requesting the College investigate the allegation of sexual misconduct defined by the gender-based misconduct policy.

### *Hearing Officer*

A staff and/or faculty member within Lyon College who acts as the school official designated to manage the hearing process, determines the relevance of questions, and makes the final decision on responsibility. In some cases, the College may hire a professional outside the institution to serve as a hearing officer.

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<sup>7</sup> Fondling is referred to as Forcible Fondling in the UCR.

### *Incest<sup>8</sup>*

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. See Ark. Code Ann. § 5-26-202 for the definition of incest in Arkansas.

### *Incapacitation*

A state in which someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation can occur mentally, physically, from a developmental disability, by alcohol or other drug use, and/or blackout. The question of what the respondent should have known is objectively based on what a reasonable person in the place of the respondent should have known about the condition of the complainant and the complainant’s capacity to give knowing consent. Incapacitation covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of drugs unbeknownst to the complainant (e.g., rape drugs).

### *Investigator*

A staff and/or faculty member within Lyon College who acts as a neutral factfinder, who, during the course of the investigation, typically conducts interviews with the complainant, the respondent, and each third-party witness, and collects evidence.

### *Mandatory Reporter*

An individual employee of the College who is required to report a suspected incident of sexual misconduct.

### *Rape<sup>9</sup>*

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, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. See Ark. Code Ann § 5-14-103 for the definition of rape in Arkansas.

### *Retaliation*

Any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging

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<sup>8</sup> Incest is a Nonforcible Offense in the UCR.

<sup>9</sup> Rape as defined in the Uniform Crime Reporting Program (UCR) includes: Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment, or against members of the College community whose role includes administering any part of the Title IX process. Instances of retaliation will be treated as another possible instance of harassment or discrimination. Acts of retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. This includes any form of retaliation against students, student organizations, staff, or faculty.

#### *Sexual Assault*

The commission of an unwanted sexual act, further defined as:

- Non-Consensual Sexual Contact: The deliberate touching of a person's intimate parts (including genitalia, groin, breast, or buttocks), or clothing covering any of those area(s) or to cause a person to touch his or her own or another person's intimate parts; with any object, by a person upon another person, that is without consent, is coerced, under threat of use of force, and/or by force
- Non-Consensual Sexual Intercourse: Any penetration (anal, oral, or vaginal) by a penis, tongue, finger, or an inanimate object, by any person upon another person, that occurs without consent, is coerced, is under threat of use of force and/or by force

Sexual assault can occur either forcibly and/or against a person's will, or when a person is incapable of giving consent. Under federal and state law, sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g. unwanted touching or kissing for purposes of sexual gratification), and the threat of sexual assault.

#### *Sexual Assault with an Object*

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### *Sexual Exploitation*

Taking non-consensual or abusive sexual advantage of another person including but not limited to:

- Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person
- Causing the prostitution of another person

- Recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person
- Allowing third parties to observe private sexual acts
- Engaging in voyeurism (such as watching a person undress, shower or engage in sexual activity without the consent of the person being observed)
- Knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV without informing the other person of the infection

#### *Sexual Harassment*

Includes conduct on the basis of sex or gender (or perceived sex or gender) that satisfies one of the following:

- An employee of Lyon conditions the provision of aid, benefit, or service on an individual's participation in unwelcome sexual conduct
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Lyon programs and activities
- Sexual assault, dating violence, domestic violence, or stalking as defined below

#### *Sexual Violence*

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into this category, including but not limited to, acts of non-consensual sexual contact and non-consensual sexual intercourse such as rape, sexual assault, sexual battery, sexual coercion, forcible sodomy, forcible oral copulation, sexual assault with an object, forcible fondling, and threat of sexual assault. All such acts of sexual violence are forms of sexual harassment included under the protections of Title IX of the Educational Amendments of 1972.

#### *Stalking*

A course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class, that is unwelcome *and* that would cause a reasonable person to fear for their, or others' safety, or to suffer substantial emotional distress. A course of conduct includes a series of acts over any period of time which is repetitive and menacing; pursuit, following, harassing, and/or interfering with the peace and/or safety of another. This can include cyberstalking or other behavior or course of conduct that causes substantial emotional distress to the person to whom the conduct is directed. Stalking includes any credible threat to the victim that causes reasonable fear for the safety of the victim, the victim's family members, or others closely associated with the victim, regardless of whether the perpetrator actually intends to go through with the threats. See Ark. Code Ann. § 5-71-229 for the definition of stalking in Arkansas.

### *Statutory Rape<sup>10</sup>*

Sexual intercourse with a person who is under the statutory age of consent. See Ark. Code Ann. § 5-14-103 for the definition of statutory rape in Arkansas.

### *Supportive Measures*

Includes non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to the complainant or the respondent before or after filing of a formal complaint or where no formal complaint has been filed.

### *Witness*

A person or party who provides information, knowledge, or observation of behavior between the complainant or respondent.

### Reporting Options

The College has resources in place for an employee or student who may have experienced an act of violence or intimidation. The College strongly encourages individuals to report incidents of violence or intimidation in a timely manner. Time is a critical factor for evidence collection and preservation. An act of violence or intimidation in progress of occurring on campus is to be reported immediately and directly to Campus Safety; however, in cases of threat of life or serious injury, contacting 9-1-1 is the first action to be taken.

### *Confidentiality and Reporting of Offenses Under this Policy*

All College employees (faculty, staff, administrators) are required to report actual or suspected incidents of harassment, discrimination, intimidation, and violence to appropriate officials immediately, though there are limited exceptions, referred to as confidential reporters. These distinctions are explained below.

### *Confidential Reporters*

If a complainant would like the details of an incident to be kept confidential, the Complainant may speak with the Campus Clinic Director, the Chaplain, or the Director of Mental and Behavioral Health.

The above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger to the complainant or others or abuse of a minor. Visits to the Campus Clinic Director, Chaplain, and the Director of Mental and Behavioral Health are always free of charge to students. It is important to understand that the making of a report to a professional or non-professional counselor or advocate and seeking to maintain confidentiality has the effect that the College will be limited in its ability to investigate the particular incident

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<sup>10</sup> Statutory Rape is a Nonforcible Offense in the UCR.

or pursue disciplinary action against the respondent. Even so, confidential sources can assist the complainant in receiving other necessary protection and support, such as victim advocacy and health or mental health services.

#### *Officials with Authority*

The following positions are officials with authority:

- Title IX Coordinator
- Deputy Title IX Coordinators
- Human Resources Director
- Vice President for Student Life and Dean of Students
- Associate Dean of Students
- Vice President for Enrollment
- Vice President for Business and Finance
- Executive Director of Strategic Marketing and Communications
- Athletic Director
- Provost and Dean of Faculty
- Associate Dean of Faculty
- President

If officials with authority are notified of sexual misconduct, they shall promptly report such sexual misconduct to the Title IX Coordinator who will take immediate action under this policy.

Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees as those details must be shared with the Title IX Coordinator. Officials with authority must promptly share all the details of the reports they receive. When a report is provided to an official with authority, the complainant may expect the institution to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

Officials with authority are therefore not confidential resources for reporting an incident. Officials with authority must report all relevant details about the sexual misconduct to support the College in initiating its review and action. Details would include the names of the complainant, the alleged respondent, and any witnesses, in addition to any and all other relevant facts, including the date, time, and specific location of the alleged incident, if they are known to the complainant. To the extent possible, information reported to officials with authority will be shared only with the individuals responsible for handling the institution's response to the report. Officials with authority may not share information with law enforcement without the complainant's consent or unless the complainant has reported the incident to law enforcement.

In the event of being approached with an information report, officials with authority are to promptly advise the reporting individual of their role as a mandatory reporter, that confidentiality may not be expected and that there are reporting obligations to the Title IX Coordinator. Where confidentiality is desired and requested, the official with authority will immediately advise the individual as to whom they may make a confidential report.

Requests made by a complainant under this policy to the Title IX Coordinator for anonymity and/or requests that no investigation follow and/or that there be no disciplinary action taken against the respondent will be honored to the greatest extent possible. The decision will be made within the framework of federal, state, and local laws and after consideration of whether there is a presence of serious overriding factors.

In cases indicating pattern, predation, threat, weapons, and/or violence the College will likely be unable to honor a request for confidentiality. In cases where the complainant requests confidentiality and the circumstances allow the College to honor that request the College will offer interim support and remedies to the complainant and the community but will not otherwise pursue formal action. A complainant has the right, and can expect to have allegations taken seriously by the College when formally reported and to have those incidents investigated and properly resolved through these procedures.

Reports to officials with authority and/or the College may be made in person or through electronic means. Reporting options are provided below.

#### *On-Campus Reporting Options*

- Student Online Incident Reporting Form

Individuals may use the Student Incident Reporting Form, found on the College's website, for reporting incidents alleging a violation of this policy. This form does not have to be used to make a complaint, report an incident, or receive assistance.

- Title IX Coordinator

Cory Godbolt, Associate Dean of Students  
[titleix@lyon.edu](mailto:titleix@lyon.edu)

#### *Off-Campus Reporting Options*

- Local Law Enforcement

Reporting parties are encouraged, but not required, to make a formal report to law enforcement. Making a formal report to law enforcement will not impact the College's responsibility to investigate complaints.

- Batesville Police Department

Emergency: 9-1-1

Non-Emergency: 870-569-8111

- General Resources, Referrals, and Support  
Batesville Family Violence Prevention Hotline: 870-793-8111  
Batesville Rape Crisis Center: 870-698-0006  
National Sexual Assualt Hotline: 800-656-4673  
National Domesticc Violence Hotline: 800-799-7233

#### *False Reports*

Deliberately making false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith are a serious offense and will be subject to appropriate disciplinary action.

#### Institutional Responses

##### *Requests for Formal and Informal Resolution*

The College respects and supports the protection of privacy regarding the identity of a person or persons who formally report an act of sexual misconduct. The College provides information regarding the courses of action available, obtaining medical aid, counseling, and the initiation of investigations through both the institution and local law enforcement. The Campus Safety Office will assist with contacting the appropriate law enforcement agency if requested by the complainant. However, if the police initiate an investigation and criminal charges are filed, privacy may not be maintained.

The Title IX Coordinator must weigh formal and informal resolution requests against the College's obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff members. Once the Title IX Coordinator, or any official with the authority of the College, is on notice of an act of sexual misconduct, weighing an individual's request for privacy and whether or not to move forward with the formal resolution process, must factor into consideration of overriding laws. The same applies to requests that might be made of the administration that no investigation takes place, or that discipline not be pursued. These overriding factors may include:

- The increased risk that the respondent will commit additional acts of sexual misconduct, such as:
  - Whether there have been other reports of acts of sexual misconduct about the same respondent
  - Whether the respondent has a history of arrests or records from prior schools indicating a history of sexual misconduct
  - Whether the respondent threatened further acts of sexual misconduct against the complainant or others
  - Whether the act of sexual misconduct was committed by multiple perpetrators
  - Whether the act of sexual misconduct was perpetrated with a weapon

- Whether the complainant is a minor; whether the College possesses other means to obtain relevant evidence of an act of violence or intimidation in order to act of its own accord (e.g., security cameras or personal, physical evidence)
- Whether the present report reveals a pattern of perpetration or behavior (e.g., illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors could lead or allow the College to investigate through the formal resolution process and, if appropriate, pursue disciplinary action. If none of these factors are present, a request for privacy and an informal resolution will most likely be honored. Should the College determine that it cannot maintain privacy and/or honor an inaction request, the College will inform the complainant prior to starting an investigation. A respondent alleged to have violated this policy is afforded certain rights. One of those rights includes the ability to know one's accuser. The respondent will be provided with the name of the complainant. Further, the College will, to the extent possible, only share information with those responsible for handling the College's response. The College will take steps to protect the individual(s) from retaliation or harm. Retaliation, whether by students or employees, against anyone for either filing a report and/or cooperating in an investigation will not be tolerated.

The College will also assist both the complainant and respondent in accessing available College advisors, academic, living, and work arrangements, counseling, health, and/or mental health services, no-contact order or trespass from College property, local law enforcement, if requested.

The College may not require a complainant to participate in any investigation or disciplinary proceeding. The College takes violations of this policy extremely seriously and considers it a continuing obligation to address the issue of acts of sexual misconduct. Reports of acts of sexual misconduct (including nonidentifying reports) will prompt the College to consider broader remedial actions on an ongoing basis—such as adding resources for security monitoring; increasing education and prevention efforts; conducting climate assessments and surveys, and maintaining readily available and relevant policies and practices.

#### *Consolidation of Complaints*

Lyon College may consolidate formal complaints as to allegations of sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances. Where a process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

### *Retaliation*

Lyon College strictly prohibits retaliation by, for, or against any participant (complainant, respondent, or witness) for making a good faith report of any conduct, act, or practice believed to violate this policy, or any other College policy or standard of conduct, or participating in good faith in the College's investigation of any reported violation. Retaliatory action of any kind is conduct subject to discipline. Any person who thinks they have been the recipient of retaliation should contact the Title IX Coordinator immediately. Statements intended to harm or discredit another, or efforts that meet a community standards violation, will be treated as retaliation.

### *Obligation to Participate and Provide Truthful Information*

Students and employees are expected to cooperate in any investigation conducted under this policy. Failure of any student or employee to cooperate in an investigation under this policy may subject the student or employee to disciplinary action. The College does not require a complainant to participate in the formal process.

### *Amnesty for Complainant and Witnesses*

Lyon College's primary concern is ensuring that individuals feel comfortable reporting a violation of this policy. As such, the College does not want to discourage reporting parties from reporting an incident because they fear that they themselves may be accused of violations of other College policies such as underage consumption of alcohol or use of drugs at the time of the incident. A complainant, in addition to bystanders and witnesses acting in good faith, who are helping others in need and/or who are reporting a violation of this policy, will not be subject to the College's disciplinary proceedings for minor violations of other College policies related to the incident. The College will provide educational options rather than punishment to those who assist others in need. In addition, the use of alcohol and/or drugs by either party will not diminish the respondent's responsibility as consent is not valid if given while an individual is incapacitated by alcohol and/or drugs.

### *Release of Documents*

The investigative report, statements of one party shared with another party during the course of the process described herein, and any documents prepared by the College in investigating and resolving a complaint under this policy constitute education and/or personnel records, which are subject to federal privacy laws and may not be disclosed outside of the proceedings, except as required or authorized by law. The College does not impose restrictions on the parties' redisclosure of the incident, their participation in the process stated herein, or the final outcome letter. Documents will only be exchanged between the College and the students and/or personnel involved in the report. Records collected and retained by the College under this policy may be obtained by contacting the Title IX Coordinator. It shall be the policy of

the College that any recordings or documentation leaving the custody of the Title IX office shall include redactions of any personal or identifying information of other involved parties.

*Withdrawal, Graduation, or Resignation While Charges Pending*

When there are charges pending, the College may continue its investigation regardless of the withdrawal, the end of the term, or the resignation of the complainant and/or respondent. Additionally, the following may apply.

- Student respondents who are scheduled to graduate during an investigation may be restricted from participation in commencement-related events. A registration hold will be placed on academic transcripts and diplomas until such time that the investigation is complete and any appeals are resolved. If there is a finding of responsibility, the sanctions imposed begin immediately. In the event that the sanction is suspension from the College, the student respondent's degree will be conferred *after* the suspension period is completed and only after any additional sanctions have been satisfied. If the sanction imposed is expulsion, the student respondent would no longer be eligible to receive their degree or diploma. Should an investigation be underway when a semester ends and student respondents depart the campus for the break, or when student respondents choose to withdraw and/or not participate in the formal resolution process, the College process may proceed within the limits allowed. Student respondents on break may choose to participate in the proceedings or an in-absentia process will occur. Student respondents found responsible for violating this policy will not be permitted to return to the College unless all sanctions have been satisfied. Student respondents will not have access to an academic transcript until the disciplinary process has been concluded and only if there is not a sanction of suspension or expulsion.
- If an employee respondent chooses to resign with unresolved allegations or the College terminates the employee respondent during an investigation, the records of the Title IX Coordinator and Human Resources will reflect that status, and any College responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire. The College reserves the right to take additional actions against a former employee, such as being barred from campus or restricted from participation in College events to ensure the safety of the College community. In either case, the complainant will be notified of the separation of the former employee from the College.

Applicable Procedures Under this Policy

*Standard of Evidence*

The standard of evidence used for determining a violation of this policy is the preponderance of the evidence. The preponderance of the evidence is whether or not it is deemed to have been more likely than not based on the evidence that an action occurred in violation of this policy.

### *Timeframes*

There is no time limit for reporting a violation of this policy. Nevertheless, students, employees, and third parties are encouraged to report allegations immediately in order to maximize the College's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. Failure to promptly report a violation of this policy may result in the loss of relevant evidence and witness testimony and may impair the College's ability to enforce this policy. However, in cases where the student respondent is not currently enrolled the College is not obligated to conduct a formal process under this policy.

Additionally, in a formal process, the complainant and respondent (and their advisors) will have 10 days to review the draft investigation report and evidence used and provide a written response for the investigators to consider before completion of the final investigation report. The complainant, respondent, and their advisors will have a minimum of 10 days between receipt of the final investigation report and the hearing.

### *Receipt of Report*

Upon receipt of a report of an alleged violation of this policy, the Title IX Coordinator, and/or their designees, will:

- Assess the nature and circumstances of the report, including the complainant's safety and wellbeing and offer the College's immediate support and assistance; assess the risk to the College community
- Inform the complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence
- Inform the complainant of the right to contact local law enforcement, decline to contact law enforcement, and/or seek a protective order
- Inform the complainant about College and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures
- Inform the complainant of the right to seek informal resolution (where available) or formal resolution under these procedures; gain the complainant's expressed preference for pursuing Informal or formal resolution, or neither, and discuss with the complainant any concerns or barriers to participating in any College investigation and resolution under these procedures
- Explain the College's retaliation policy
- Ascertain the ages of the complainant and respondent, if known, and, if either of the parties is a minor (under 18), contact the appropriate child protective service agency
- Communicate with the appropriate College officials to determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations

### *Supportive Measures*

Following the receipt of the report, the Title IX Coordinator and/or their designees will assess the nature and circumstances of the report and take prompt and effective action as is reasonably practicable under the circumstances to support and protect the complainant and College community. This includes providing supportive measures and remedies pending the investigation and, if applicable, the hearing. These measures are available to the complainant and respondent. Supportive measures may assist in ensuring that a thorough and impartial investigation can take place in a timely manner. Decisions regarding reasonable supportive measures will be implemented with the input of the complainant as long as the desired actions do not interfere with protecting the community from any immediate threat of harm. The Title IX Coordinator, or appropriate College personnel, may take any further protective action that they deem appropriate concerning the interaction of the parties pending the investigation and resolution including but not limited to:

- Imposing a campus no-contact order (NCO) which will prohibit all communication between the complainant(s) and/or the respondent(s), including in person, through third parties, or via electronic means; NCOs are not always mutual, can be amended, and may or may not include restrictions regarding proximity while on campus. For non-affiliated third-party respondents, a criminal trespass notice can be issued.
- Directing appropriate College officials to alter the respondent's and/or complainant's academic or work schedule, College housing arrangements, and/or College employment arrangements and to maintain this alteration for as long as necessary
- Imposing emergency probation and/or suspension on an employee, student, and/or organization pending the completion of the investigation and resolution process. The College may emergency suspend a student, employee, or organization pending the completion of an investigation in cases where pattern, predation, threat, weapons, or violence is reported; or when the complainant is a minor child.

### *Emergency Removal*

Emergency removal of a student requires specific findings:

- Conduct a prompt individualized safety and risk analysis and make the required findings of an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment:
  - Evaluate the applicability of disability laws to the removal decision
  - Consider the appropriateness of supportive measures in lieu of an emergency removal
- Provide the respondent with notice and an immediate opportunity to challenge the emergency removal.

Appeals of emergency removal under this policy will follow the appeal requirements in the student handbook under the Social System's Extraordinary Procedures. In all cases in which

an emergency suspension is imposed, the student, employee, or student organization will be given the option to meet with the Title IX Coordinator or in the absence of the Title IX Coordinator, a designated College administrator, prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator or designee has sole discretion to implement or stay an interim suspension and to determine its conditions and duration.

During an emergency suspension or administrative leave, a student, student organization, or employee respondent may be denied access to College housing and/or the College campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other College activities or privileges for which the respondent might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued, as requested, to ensure as minimal an impact as possible on the respondent. Violation of an emergency suspension under this policy will be grounds for immediate expulsion or termination.

The institution will notify campus personnel of the emergency suspension only on an “as needed” basis and will otherwise maintain as confidential any emergency actions or protective measures, provided confidentiality does not impair the institution’s ability to provide the emergency actions or protective measures.

Any emergency or supportive measures taken will be designed to minimize the burden on the complainant and/or respondent as much as possible. In addition to the actions provided after the receipt of a report, reporting parties will be provided written notification of their options and available resources. These options are available regardless of whether the complainant discloses the incident to law enforcement. When a decision is reached to initiate an investigation or to take any other action under these procedures that impacts a respondent (including the imposition of interim measures), the Title IX Coordinator and/or their designees will notify the respondent and provide the respondent with available resources and options. Violation(s) of emergency measures imposed by the Title IX Coordinators’ directives and/or administrative actions may lead to additional disciplinary actions.

#### *Resolution and Investigation*

For all complaints involving a Lyon-affiliated respondent. For employees, reports of violations of this policy fall outside of the jurisdiction of the College grievance procedures and committees outlined in the Lyon College Personnel Policies.

Regardless of the informal or formal resolution request, the complainant and respondent will be provided a written copy of this policy as well as available resources and options.

If the complainant requests not to move forward with the formal resolution process, the College will weigh the overriding factors and determine its ability to grant this request. Should the College determine that it cannot maintain anonymity and/or honor an inaction request, the College will inform the complainant prior to starting an investigation. If appropriate, the option for informal resolution of the complaint will be explored with the complainant.

A complainant may change their mind at any point in time and pursue a formal resolution process, regardless of where they are currently engaged in the informal resolution process. Some minor incidents can be resolved through informal or other interventions as long as both parties agree to participate voluntarily. Mediation is not appropriate for any form of sexual assault, intimate partner violence, or stalking and will not be an option. Regardless of the complainant's request for an informal or formal resolution, the College is still required to provide reasonable remedies that are deemed appropriate for the situation, including but not limited to, directing appropriate College officials to alter the respondent's and/or complainant's academic schedule, College housing arrangements, and/or College employment arrangements, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances as a form of information resolution.

Once there is a determination that the formal resolution process will commence, the complaint will be sent to the investigator(s) for further investigation. The complaint will set forth the name of the complainant, respondent, and date(s), location(s), and nature of the alleged misconduct.

Both the complainant and the respondent will receive a formal, written notice of the investigation and potential charges. This will include prohibitions against retaliation and a listing of supportive measures in place, as well as how to report any additional concerns. Both the complainant and the respondent will be provided a College advisor who can assist with providing support during the process. The College advisor may be present during all meetings with College officials to serve as a guide during the disciplinary process. If the College advisor is not utilized, the complainant and/or the respondent may select an alternative advisor of their choice (i.e., parent, friend, attorney, etc.). This person will act as a support person but will not represent either party. The complainant and respondent are entitled to have one advisor present during all meetings with College officials during the investigation and resolution process, should they so choose. During a hearing, the advisor will conduct the cross-examination of witnesses and other parties. Reports filed against Lyon College faculty, staff, or third parties for violations of this policy will follow the resolution process that corresponds to the employee or student status of the alleged individual (respondent).

Should the respondent carry the status of both employee and student, the Title IX Coordinator will determine the more appropriate and fitting process to invoke. For those cases that involve

students or employees and the respondent is a third-party vendor or contractor, the Title IX Coordinator will work with appropriate College and local officials to determine an appropriate course of action. The College will still offer all resources and available options and assure that protective measures are in place. In cases where an employee is reported for violations towards a student, the formal process must be followed.

*a. The Investigation Process*

The formal investigation process commences with the notice of investigation being sent to both the complainant and respondent. The complaint is then forwarded to the investigator(s) designated by the Title IX Coordinator. As quickly as feasibly possible, after receipt of a report and notice to initiate an investigation from the Title IX Coordinator, the investigator(s) will notify the parties of their interview dates.

Investigations will be conducted by the investigator(s) who have received training on issues related to acts of sexual or gender-based misconduct, and how to investigate that protects the safety of the complainant and promotes accountability. The investigator(s) will identify all policies allegedly violated, coordinate and initiate a thorough, reliable, and impartial investigation by developing a strategic investigation plan including, interviewing the complainant and respondent, and developing a credible witness list to gain information and collect evidence. Both parties have the right to suggest witnesses and provide evidence to the investigator(s) for consideration during the investigation process. Witnesses must be able to provide relevant, first-hand information regarding the incident. The appropriateness and relevancy of the witnesses and their testimony in the investigation will be determined at the investigator(s)' discretion. Under certain and appropriate circumstances, the identities of certain parties involved may be withheld from the investigative report. The investigator(s) reserves the right to add to or modify the alleged policy violations at any time during the investigation process and will notify the appropriate parties of such modifications.

The investigators will provide regular updates to the complainant and respondent(s), as appropriate; students and employees are expected to participate in an investigation under this policy. Failure of any student or employee to cooperate in the investigation may be subject to disciplinary action. Should the respondent choose not to participate in the investigation, the investigator(s) will proceed with the investigation and conclusions of the alleged policy violation.

Upon completion of the investigation, the investigator(s) will prepare a written summary of the information collected. The investigator(s) will provide an opportunity for both parties to review the investigative report prior to the determination of findings of any policy violations. The investigative report will be made available for both the complainant and respondent to review. Replication and/or distribution of the investigative report is strictly

prohibited. The parties must submit any comments or supplemental information about this summary to the investigator(s) within 10 business days after review of the written summary.

The investigator(s) will then prepare the final investigative report, which provides an overview of the alleged policy violations, due diligence taken, evidence considered, and findings of fact for each allegation.

The Title IX Coordinator will review the findings, contents, conclusions, and rationale of the findings in the investigation report. The Title IX Coordinator will oversee each investigation and ensure the sufficiency of evidence gathered, that the facts gathered support the findings, that the preponderance of evidence standard was applied, that best practices are followed, and that each allegation is addressed by the investigator(s)' investigative report. The Title IX Coordinator will either accept the investigator(s)' findings and recommendations, request the investigator(s) collect additional information or amend the investigators' findings and recommendations based on the evidence collected to ensure that a preponderance of evidence was used to determine findings and that the misconduct has stopped, measures have been taken to prevent the reoccurrence of that conduct and that measures have been taken to remedy the effects of the harassment. The final report will be sent to the parties and the hearing scheduled for no less than 10 days afterward.

*b. Hearing Process*

The live hearing to determine responsibility will be held at a time identified by the Title IX Coordinator, not less than 10 days after the parties have received the final investigation report. The complainant and respondent may have an advisor present throughout the hearing. The hearing will take place in an appropriate space identified by the Title IX Coordinator. Either party can request that the hearing be conducted by streamed video with the complainant and respondent in separate rooms, while simultaneously allowing the hearing officers and parties to see and hear the party or the witness answering questions. If a party does not have an advisor, the College will appoint one at no charge to the party. The Title IX Coordinator or (designee) will serve as the clerk to the hearing process and assist with bringing in witnesses, managing documents, and providing other support. The Title IX Coordinator (or designee) will not have any role in determining findings of responsibility.

**Hearing Officers:** The hearing officers will manage the process of the hearing, including the determination of the relevance of questions prior to the question being asked by either advisor. There must be a minimum of two officers present for the hearing to continue. The hearing officers will explain any decision to exclude a question as not relevant.

**Cross-Examination:** Prior to the hearing, each party shall submit a list of questions to be asked by their advisor of the other party and any witnesses. All cross-examination will be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally.

Advisors are restricted from any other form of participation during the hearing except consultation with the party and cross-examination.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the hearing officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The hearing officers cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

**Recordings:** The College will create audio or audiovisual recordings or transcripts of any live hearing and make them available to the parties for inspection and review.

## **Determinations**

The hearing officers will issue a written determination regarding responsibility, which will include:

- Identification of the allegations potentially constituting sexual harassment
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- Findings of fact supporting the determination
- Conclusions regarding the application of the College's code of conduct to the facts
- A statement of, and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's programs or activities will be provided to the complainant
- The College's procedures and permissible bases for the complainant and respondent to appeal

The hearing officers will provide the written determination document to the Title IX Coordinator no more than five days following the conclusion of the hearing.

The Title IX Coordinator will provide the written determination simultaneously to both parties. The determination becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Appropriate sanctions may include the entire range available under College policy. Appropriate sanction(s) for violation of this policy are determined by the investigator(s) upon the conclusion of their investigation and confirmed by the Title IX Coordinator. An outcome letter will be provided to both the respondent and complainant without undue delay between notifications. The letter will include the investigation findings, sanction(s), and appeal process. The investigators may determine at any point in the investigation that the matter does not involve violations of this policy. In the case of a student respondent, the case will be forwarded to the Associate Dean of Students. In the case of an employee respondent, the case will be forwarded to the Director of Human Resources.

**Acceptance of Responsibility:** The respondent may, at any time, choose to resolve the formal resolution process by notifying the investigators of their acceptance of responsibility for the alleged violation. The respondent will meet with a Title IX Coordinator to formally accept responsibility for the policy violation. The Title IX Coordinator will sanction the respondent based on the specific policy violation, the impact upon the complainant, and the impact upon the Lyon College community. A respondent who accepts responsibility limits the right for either party to appeal the decision to one ground: the sanctions fall outside the range of sanctions Lyon College has designated for this offense and the cumulative record of the respondent. Both parties will have three days to submit their request for an appeal in writing to the Title IX Coordinator.

#### **Notification of Outcome**

The outcome decision will be communicated to both parties in writing without undue delay between notifications. This letter will be sent within five business days after the outcome has been decided, barring any exigent circumstances that may cause reasonable delays. The final outcome letter will include, the name of the respondent; the alleged violation(s) and the outcome, i.e., responsible, or not of a College policy violation; the sanction(s) imposed if any; and information regarding the appeal process. Both the complainant and respondent will be informed of the outcome.

**Penalties:** Where there is a finding of responsibility, one or more sanctions may be imposed. Factors considered in determining sanction(s) include: the nature, severity of, and

circumstances surrounding the violation, an individual's disciplinary history, as well as the nature and severity of the past violation(s), previous allegations or allegations involving similar conduct; the need to bring an end to, prevent future recurrence of and remedy the effects of the harassment, discrimination and/or retaliation will be considered. Sanctions may include, but are not limited to (varies depending upon role within College):

- Warning
- Required counseling
- Required training or education
- Administrative warning: a written notice that the behavior violated College policy
- Restriction of privileges: denial of specific privileges for a definite period of time
- Restrictions will be clearly defined
- Revocation of admission
- Revocation of degree
- Withholding diploma: withholding a student's diploma for a specified period of time and/or deny a student participation in commencement activities
- Probation: an encumbrance on the student/employee's good standing at the College. A subsequent violation of College policy during the probation period may result in immediate separation from the College.
- Student suspension: termination of the student's enrollment and separation of the student from the College for a specific period of time
- Student expulsion: termination of the student's enrollment and permanent separation of the student from the College
- Organizational sanctions: deactivation, de-recognition; loss of privileges, loss of funding for a specific period of time
- Employee performance management process
- Employee loss of annual pay increase
- Employee loss of managerial or supervisory responsibility
- Employment demotion
- Employee suspension with or without pay
- Termination of employment

This policy prohibits a broad range of conduct. In accordance with the College's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, this policy provides latitude in the assignment of sanctions while supporting the College's educational mission and legal obligations. Sanctions are effective immediately unless otherwise specified.

**Remedial Actions:** Upon the receipt of a report of prohibited conduct under this policy, and/or upon the conclusion of the formal resolution process, the Title IX Coordinator may implement

remedies or actions to end the harassment or discrimination, remedy its effects, and prevent its recurrence. Remedial actions may include but are not limited to

- Referral to counseling and health services
- Referral to the employee assistance program Providing educational programming to the College community
- Providing a Campus Safety escort on campus, when available
- Assistance with academics, including scheduling and working with instructors in regard to assignments and exams
- Relocation and/or housing assignment alterations
- Permanently altering work arrangements for employees
- Implementing no-contact orders
- Climate surveys
- Policy modification

**Appeals:** Any party may request appeal consideration by submitting a written appeal to the Title IX Coordinator within three days after delivery of the written finding. When a party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three days and/or bring their own appeal on separate grounds. The Title IX Coordinator will determine the appropriate appeals officer(s) for evaluating the appeal and notify both parties in writing of the appeal request. The designated appeals officer(s) will be individual(s) who have not been involved in the process previously. Appeals officers might include the Provost, Director of Residence Life, or Director of Student Involvement for employee Respondents holding the position of Vice President, the President, or their designee. All appeals officers may consult with College Counsel or others as deemed appropriate. Appeal requests must fall into one of the following grounds:

- New evidence exists, which was unavailable to the party submitting the appeal request at the time of the decision, and which could substantially impact the original finding or sanction. A summary of the new evidence and its potential impact must be included in the appeal request. Deliberate omission of information during an investigation by an appealing party is not sufficient grounds for appeal.
- A significant procedural error or omission occurred that may have significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, the preponderance of evidence does or does not support the findings, etc.)
- The sanctions fall outside of the range of sanctions the College has designated for this offense and the cumulative record of the respondent
- Conflict of interest or bias on the part of the Title IX Coordinator, investigators, or hearing officer(s), either generally or individually, as supported by evidence

The appeals officer(s) will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the

grounds listed above, and such a decision is final. The party requesting an appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three days. All appeal responses and appeal requests will be shared with each party. The appeals officer(s) may determine an outcome based on the information provided in the appeal without further action from the parties involved. In very rare circumstances the appeals officer may determine the need for a meeting with the involved parties; the meeting is not intended to be a full rehearing of the allegation and evidence. The appeals officer(s) will meet with both the complainant and respondent equitably if necessary.

The appeals officer(s) may also refer the matter back to the investigator(s) when the appeal is granted based on new evidence to consider additional information. Appeal decisions will affirm the original decision(s) or modify the original decision and/or sanctions. The appeals officer's decision is the final determination of College violations. If the appeals officer upholds the original findings, the effective date of any sanctions imposed will be the date of the original decision letter, there will be no stay of implementation. The Title IX Coordinator will provide both the complainant and the respondent with written notice of the final outcome of the appeal within five days of the outcome of the appeals officer(s), without significant time delay between notifications. In cases where the investigative findings or appeal resolutions result in reinstatement to the College or a resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## **Sex Offender Registration**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne *Clery Act* and the Family Educational Rights and Privacy Act of 1974, the Lyon College Campus Safety Office provides a link to the New York State Criminal Justice Services' (DCJS) Sex Offender Registry for high risk (level 3) registered sex offenders. This registry can be viewed on the internet at: [www.independenceso.org/map.php](http://www.independenceso.org/map.php) Also, persons seeking to obtain sex offender registration information may contact Batesville Police Department at (870) 698-2450.

This act requires institutions of higher education to issue a statement advising the campus community where to obtain law enforcement information provided by the State concerning registered sex offenders. It also requires sex offenders who are already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

The Arkansas Crime Information Center makes available statewide information about sex offenders via Internet at: <http://acic.org/offender-search/index>. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general.

### **Missing Student Notification Policy and Procedures**

Lyon College takes student safety very seriously. To this end, the following policy has been developed to assist in locating Lyon students reported as missing.

A missing student is defined as any currently registered student living in on-campus housing at Lyon College who has not been seen by friends, family members, staff, faculty or associates for a reasonable length of time, and whose whereabouts have been questioned and brought to the attention of an official of the College community. This policy is in compliance with the Missing Student Notification Policy and Procedures 20 USC 1092 C (Section 488 of the Higher Education Opportunity Act of 2008).

Missing person reports in the College environment often result from a student changing his/her routine without informing his/her roommates and/or friends and family of the change. The primary objective of the College when responding to a report of a student's disappearance is to establish contact with the individual, to ensure his/her well-being, and to offer appropriate support and assistance. If an absence has occurred under circumstances that are suspicious or cause concern for safety, efforts will be made immediately to contact the student to determine his or her state of health and well-being.

At the beginning of each academic year, Lyon will inform students residing in on-campus housing of the missing student policy. Students will be informed that Lyon will notify either a family member or an individual selected by the student not later than 24 hours after the time the student is reported by others to be missing. This information will include the following:

- Students have the option of identifying an individual who will be contacted by Lyon not later than 24 hours after the time the student has been determined to be missing. Students will be given the opportunity to provide this information on an Emergency Notification Card completed at the time they check-in to College-owned housing. This emergency information will be kept in the Office of Residence Life and will be updated annually during the Fall semester.
- Lyon will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined to be missing.

Any member of the College community who has reason to believe that a student is missing should immediately report this concern to the Offices of Student Life, Residence Life, or Campus Safety.

**LYON COLLEGE**  
**CLERY ACT 2022 CAMPUS CRIME STATISTIC REPORT**  
**(AS REPORTED IN THE 2022 ANNUAL SAFETY REPORT)**

OFFENSE	YEAR	ON CAMPUS PROPERTY	**RESIDENTIAL FACILITIES	NON CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non Neg Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Neglegent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Sex Offenses Forcible	2020	0	0	0	0
	2021	1	0	0	0
	2022	1	0	0	0
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

Aggravated Assault	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Burglary	2020	0	0	0	0
	2021	0	0	0	0
	2022	5	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2021	0	0	0	0
	2022	4	0	0	0
Arson	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2021	1	0	0	0

	2022	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	4	4	0	0
	2021	11	11	0	0
	2022	4	3	0	0
Drug Law Arrests	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	0	0	0
Drug Law Vioations Referred for Disciplinary Action	2020	4	4	0	0
	2021	11	11	0	0
	2022	7	1		
Illegal Weapons Possession Arrests	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

Illegal Weapons Referred for Disciplinary Action	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Hate Crimes	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	1	0	0
Stalking	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

\*\*Crimes reported in the residential facilities column are included in the on-campus category.

**LYON COLLEGE**  
**2022 ANNUAL FIRE SAFETY REPORT (ASFR)**

**Fires, Fire Drills, False Alarms and Fire Safety Equipment**

Residence hall fire drills are scheduled each semester. The purpose of fire drills is to acquaint residents with a rapid and orderly means of exit during an emergency.

Equipment designed to protect residents and their belongings from the dangers of fire is very important in Lyon's continuing efforts to make campus residences as safe as possible. Fire extinguishers, fire alarms, smoke detectors, and sprinklers are each critical to this effort. The College expects students to treat these devices with respect and to avoid any damage or misuse of these devices.

College personnel will inspect fire safety on a regular basis to ensure that it is in proper working order and may enter student rooms at any time to conduct inspections. Residents are collectively responsible for fire safety equipment in their assigned room, suite, or apartment, and all residents of a hall are collectively responsible for fire safety equipment in common areas of the hall.

Students are expected to report any malfunction or concern about fire safety equipment to the hall RA without delay.

If fire safety equipment is misused or tampered with in an individual room, suite, or apartment, the resident(s) will be referred to the Associate Dean of Students or their designee and will be subject to penalties.<sup>11</sup>

The following behaviors will be considered violations of this policy:

- Setting or causing any unauthorized fire in or on College property
- Failing to participate in fire drills
- Failing to respond to a fire alarm
- Engaging, tampering with, or triggering any mechanical or electrical apparatus for the purpose of creating a false fire alarm
- Engaging, operating, tampering with, discharging, or removing any fire extinguishing equipment, emergency signs, exit signs, smoke detectors, or identification of rooms without proper authorization
- Reentering a building before doing so has been declared safe by the appropriate Lyon College staff member or emergency personnel

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11 First Offense: A minimum of residential probation and a \$250 fine plus the cost of any necessary repairs; Second Offense: Permanent dismissal from the residence halls and a \$500 fine plus the cost of any necessary repairs

## **Policies or Rules on Portable Electric Appliances, Smoking and Open Flames in a Student Housing Facility**

The following items are considered fire hazards and are not permitted in residence halls:

- Sun lamps
- Halogen lamps
- Window HVAC units
- Hot plates
- Electric skillets
- Indoor grills
- Toasters and toaster ovens
- Air fryers
- Deep fryers
- Refrigerators larger than five cubic feet

Microwaves are prohibited in student rooms and suites but are permitted in apartments.

Students must use UL-approved surge protectors. UL-approved surge protectors contain their own fuse and a reset switch to prevent overloads. At no time should outlet extenders or extension cords be used in a residence hall. These items have no way of preventing overloads and pose a serious fire risk.

Open flames of any type, inside or outside any residence hall, are prohibited without the written permission of the Associate Dean of Students (except for authorized use of the campus fire pits). This includes but is not limited to burning candles and incense.

Halls and stairways must be kept free of furniture debris, and other materials. Firecrackers, fireworks, or explosives of any kind are prohibited. Live and cut Christmas decorations, including but limited to Christmas trees, wreaths, etc. are prohibited.

### **Reporting a Fire**

All students, faculty, and staff should report a fire by calling the Office of Campus Safety (870) 834-1979 or 9-911. Please give detailed information to the person answering the call, including location of fire, and your name.

### **Future Improvements in Fire Safety**

The College will continue to focus on education in fire safety during orientation, hall meetings, and during fire drills. The College will focus on improvement in posted information, electrical hazard identification processes, and upgrades to equipment as renovations occur.

## RESIDENTIAL FACILITIES FIRES SUMMARY

Residential Facility	Year	Fires	Injuries	Deaths
Barton 1-8	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Barton 9-12	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Brown 1-4	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Brown 5-6	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Spragins	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Blandford	2020	0	0	0

	2021	0	0	0
	2022	0	0	0
Bryan	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Love	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
McRae	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Wilson-Rogers	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Young	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Sturbridge 1-2	2020	0	0	0
	2021	0	0	0

	2022	0	0	0
Sturbridge 3-4	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Sturbridge 5-6	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Sturbridge 7-8	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
2065 Maple St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
2085 Maple St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
250 22nd St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

365 23rd St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
395 23rd St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
420 23rd St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
445 23rd St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
465 23rd St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
485 23rd St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
2030 Bearette St.	2020	0	0	0

	2021	0	0	0
	2022	0	0	0
2050 Bearette St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
2100 Bearette St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
2150 Bearette St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
2065 College St.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
2090 Highland Rd.	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

## FIRE SAFETY SUPPORT REPORT

Residential Facility	Address	Off-Site Fire Alarm Monitoring	Partial Sprinkler System	Full Sprinkler System	Smoke Detector	Fire Extinguishing Devices	Evacuation Maps	Number of Fire Drills Per Year
Barton 1-8	2300 Highland Rd.				X	X	X	2
Barton 9-12	2300 Highland Rd.				X	X	X	2
Brown 1-4	2300 Highland Rd.				X	X	X	2
Brown 5-6	2300 Highland Rd.				X	X	X	2
Spragins	2300 Highland Rd.				X	X	X	2
Blandford	2300 Highland Rd.				X	X	X	2
Bryan	2300 Highland Rd.				X	X	X	2
Love	2300 Highland Rd.				X	X	X	2
McRae*	2300 Highland Rd.				N/A	N/A	N/A	N/A
Wilson-Rogers**	2300 Highland Rd.				N/A	N/A	N/A	N/A
Young House (Hoke McCain)	2300 Highland Rd.			X	X	X	X	2

Sturbridge 1-2	6 Row St.				X	X		2
Sturbridge 3-4	6 Row St.				X	X		2
Sturbridge 5-6	6 Row St.				X	X		2
Sturbridge 7-8	6 Row St.				X	X		2
2065 Maple St.	2065 Maple St.				X	X		2
2085 Maple St.	2085 Maple St.				X	X		2
250 22nd St.	250 22nd St.				X	X		2
355 23rd St.	355 23rd. St.				X	X		2
365 23rd St.	365 23rd St.				X	X		2
420 23rd St.	420 23rd St.				X	X		2
445 23rd St.	445 23rd St.				X	X		2
465 23rd St.	465 23rd St.				X	X		2
485 23rd St.	485 23rd St.				X	X		2

2050 Bearette St.	2050 Bearette St.				X	X		2
2200 Bearette St.	2200 Bearette St.				X	X		2
2250 Bearette St.	2250 Bearette St.				X	X		2
2065 Bearette St.	2065 Bearette St.				X	X		2
2090 Highland Rd.	2090 Highland Rd.				X	X		2

\*McRae Hall is offline.

\*\*Wilson-Rogers is offline.

**LYON COLLEGE**  
**FACILITIES LIST**  
**(The following is for reference only. It is not part of the ASR/AFSR.)**

<b>FACILITY NAME</b>	<b>BUILDING USAGE</b>
Alphin Humanities Building	Academic Facilities
Brown Chapel/Fine Arts	Academic Facilities
Holloway Theatre	Academic Facilities
Lyon Building	Academic Facilities
Derby Science Center	Academic Facilities
Mabee-Simpson Library	Supporting Facilities
Kelley Indoor Practice Facility	Special Use Facilities
Becknell Gymnasium	Special Use Facilities
Athletic Annex	Supporting Facilities
Edwards Commons	Supporting Facilities
Morrow Quadrangle Building	Supporting Facilities
Bradley Manor	Residential Facilities
Faculty House	Academic Facilities
The Temp	Supporting Facilities
Grigsby House	Special-Use Facilities
Nichols Administration Building	Supporting Facilities
Barton Apartments	Residential Facilities
Brown Apartments	Residential Facilities
Blandford Hall	Residential Facilities
Bryan Hall	Residential Facilities
Young House (Hoke McCain)	Residential Facilities

Love Hall	Residential Facilities
McRae Hall	Vacant
Spragins Hall	Residential Facilities
Wilson-Rogers	Vacant
250 22nd St.	Residential Facilities
395 22nd St.	Residential Facilities
Sturbridge Apartments	Residential Facilities
2065 College St.	Residential Facilities
2085 Maple St.	Residential Facilities
2050 Beurette St.	Residential Facilities
2200 Beurette St.	Residential Facilities
2250 Beurette St.	Residential Facilities
2395 Case St.	Residential Facilities
302 23rd St.	Supporting Facilities
355 23rd St.	Residential Facilities
365 23rd St.	Residential Facilities
375 23rd St. (Faculty House)	Residential Facilities
385 23rd St. (Guest House)	Residential Facilities
420 23rd St.	Residential Facilities
445 23rd St.	Residential Facilities
465 23rd St.	Residential Facilities
485 23rd St.	Residential Facilities
2090 Highland Rd.	Residential Facilities
Maintenance Buildings	Supporting Facilities
Trailers	Supporting Facilities
Hatcher Wrestling Facility	Special Use Facilities

