

# THE UNIVERSITY OF ALABAMA AT BIRMINGHAM



## 2015 ANNUAL SECURITY AND FIRE SAFETY REPORT

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## **OVERVIEW**

The University of Alabama at Birmingham is committed to providing a safe and secure environment for all faculty, staff, students, patients, and visitors. Located in the City of Birmingham, AL, UAB is part of a greater urban community. Within campus boundaries, there is a mixture of public and private property. Our campus boundaries are I-65; 10th, 11th, 12th, Avenues South; 22nd Street South and 2nd Avenue South. Overall, the campus consists of approximately 428 acres and 216 academic, residential, and recreational buildings, which translates into over 15 million square feet of functional building space.

A city within a city, UAB has over 18,500 students and more than 20,000 employees. Campus residence halls can accommodate over 2,000 students. Numerous visitors come to campus, and during special events, the number of visitors can exceed 50,000.

UAB is an open and vibrant campus. Except for residence halls, which are locked twenty-four hours per day, and some research areas, University facilities are open to the public during regular business hours. At other times, facilities are locked and only persons authorized or the individual departments within the building may have access to the facility.

UAB Facilities maintains the University's buildings and grounds with a concern for safety and security. Its staff regularly inspects the campus, evaluates lighting, and makes repairs affecting safety and security hazards such as broken windows and locks. The UAB Police Department and other departments assist Facilities by reporting potential safety and security hazards.

No campus is isolated from crime; however, UAB employs a variety of security measures to protect the campus community. All persons who come to campus are expected to obey all laws and University and department rules related to the use of each facility. Those who fail to comply are subject to arrest and/or disciplinary action through the University.



## **CAMPUS LAW ENFORCEMENT**

### **Location**

The UAB Police Department is located at 1117 14th Street South, Birmingham, AL. The Department is open twenty-four hours a day, seven days a week, including weekends, holidays, and semester breaks.

### **Responsibilities**

Primarily responsible for protecting the life and property of people on the UAB campus, officers patrol the campus on a twenty-four hour basis and provide a full range of public safety services including: Investigating criminal incidents and traffic accidents, providing first response to emergencies, enforcing laws and University policies, completing criminal and traffic reports, and conducting crime awareness and prevention programs. When a criminal act is reported, the Department will investigate the incident and make every reasonable effort to identify the offenders. Depending upon the wishes of the victim, nature of the offense, and the evidence gathered, the case would be presented for prosecution in the criminal courts of Alabama. If a member of the UAB community is identified as an offender in an incident, the UAB Police Department also will notify the appropriate University administrator so that administrative disciplinary action may be taken.

### **Training**

Officers are professionally trained and certified in accordance with the Alabama Peace Officer's Standards and Training Council and attend continuing in-service training programs to further their skills.

### **Authority Code of Alabama section 16-47-10**

The President of the University may appoint or employ one or more suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property of the University. Such person shall be charged with all the duties and invested with all the powers of police officers. The officer may eject trespassers from the University buildings and grounds. The officer may, without warrant, arrest persons who commit disorderly conduct, or trespass on the property of the institution, or in any circumstance in which an arrest by a police officer without a warrant is authorized by law, and carry them before the nearest district court or municipal court charged with the trial of such offenders. Upon proper affidavit charging the offense, the person arrested may be tried by the court and convicted as in the case of persons brought before the court on a warrant. The officers may summon a posse comitatus.

**Joint Commission-** UAB Police Officers share a joint commission with the Birmingham City Police Department (BPD), effective September 1, 1976, and revised May 5, 1986. The BPD Directive (201-2) permits the enforcement of city ordinances, initiating arrests for criminal acts, investigation of alleged criminal offenses, and the booking of prisoners in the Birmingham City Jail. The Joint Commission empowers UAB Officers to enforce City ordinances on all streets and avenues, which intersect the campus, as well as on adjoining and adjacent properties of the campus.







## **HOW YOU CAN HELP CREATE A SAFE CAMPUS**

Safety, security, and crime prevention are the responsibilities of everyone. The cooperation and involvement of faculty, staff, and students are essential to having a safe campus. The safety and security of you and your belongings begin with your own awareness and commitment to the safety of the community. Following is a list of resources you can use to help create a safe campus for yourself and others.

### **Reporting Incidents**

Like any other community of 40,000 people, UAB experiences accidents, injuries, crimes, and other emergencies. To report voluntary incidents, potential criminal actions, or suspicious incidents, UAB faculty, medical personnel, staff, students, and visitors should notify the UAB Police Department at (205) 934-3535. The University has emergency two-way (blue light) phones throughout campus for use during emergencies. By pressing the red button on the stations, users can communicate directly with the UAB Police Communications Center. To report an incident of a confidential nature, an individual should contact a Campus Security Authority (UAB Police, Athletics, Student Housing & Residential Life, Student Life, Provost, Student Services, Resident Coordinators, Resident Assistants, and Faculty Advisors to Student Organizations).

### **Monitoring and recording criminal activity at off-campus organizations**

The University relies on its working relationships with the local law enforcement agencies to receive information about incidents involving students off-campus. The UAB Police Department will actively investigate any crime information it receives concerning or involving a member of the campus community. If the University is notified of a crime, the department may issue a crime alert, detailing the incident and providing tips so that other community members may avoid similar incidents.

## **Stay Informed**

The UAB Police Department uses a variety of methods to keep the campus informed about incidents occurring on and near campus. The Department website [www.uab.edu/police](http://www.uab.edu/police) contains information about crime prevention, programs and services, Department news and events, links for outside resources, and much more.

## **Student and Faculty/Staff Media Outlets**

UAB Student Media's newspaper, The Kaleidoscope, student e-Newsletter, GreenMail, and the faculty/staff e-Newsletter, the eReporter, have access to incident summaries and publish stories covering serious incidents and crime awareness information. The Kaleidoscope and GreenMail are published weekly during the academic year, and the eReporter is published bi-weekly.

## **Utilize Campus Resources and Services**

A variety of resources and services are available to UAB students, faculty, staff, and visitors that contribute to the overall safety and security of the campus, reducing the success of criminals.

## **Publications**

The UAB Police Department prepares and distributes numerous brochures and pamphlets covering topics such as sexual assault awareness, general crime prevention, harassing phone calls, bicycle safety and security, and traffic safety.

## **New Student and Employee Orientations**

New students are provided crime awareness information through New Student Orientation. New employees receive information through the New Employee Orientation Program.

## **Emergency/Public Telephones**

For the safety of the UAB community, 450+ emergency/ public telephones are strategically located across campus. These telephones may be used to make campus calls. For emergencies, press the red emergency button, which will connect you directly with the UAB Police Department. Your location will be automatically identified for the police dispatcher, and a UAB police officer will be dispatched to the area if necessary.

## **Lost and Found**

The UAB Police Department operates a lost and found area. You can stop by the UAB Police Department to drop off found property or inquire about lost property. Call (205) 934-4649 for more information.



## **CAMPUS TRANSPORTATION**

### **UAB Blazer Express**

The UAB Blazer Express Transit System is a service that provides transportation throughout the University campus. With a valid UAB ID badge, students, employees, and authorized visitors can enjoy fare-free bus transportation along six designated routes. All buses are ADA-accessible and can seat approximately 35 riders. Bus service is provided Monday – Friday from 5:30AM - 12:00AM. Late night, on-demand service is available Monday – Saturday from 9:00 PM – 5:30 AM by calling (205) 934-8772.



### **Motorist Assistance Roadside Service (MARS)**

Motorist Assistance Roadside Service (MARS) is a free service available to all visitors, students, and employees parking on campus who need help with a dead battery, flat tire, keys locked in a car, or empty gas tank. The service is available weekdays 6:30 AM - 10:30 PM, except University holidays. For assistance, call (205) 975-6277.

### **Operation Identification**

This program assists members of the UAB community in marking and tracking information (serial and model numbers, etc.) about valuable items such as calculators, computers, and televisions. Engravers for marking valuables are available, and participants in this program are provided with inventory cards. Call (205) 934-2409 for more information.

### **Security Surveys**

Free security surveys are offered by the UAB Police Department for campus buildings and on-campus residents. For more information, call (205) 934-2409.



## **Living on Campus**

UAB encourages its students who do not reside with their parents or families to live in the residence halls. The Housing Department supervises the assignment of rooms for single and married students. For a complete guide containing information about Housing facilities and services, costs, priorities and policies, and residence hall safety, contact the UAB Housing Department at (205) 934-2092.



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## **MISSING PERSON PROCEDURES**

Students who reside in on campus housing facilities are encouraged to report a student that has been missing for 24 hours to the University Police Department (UPD) or a campus security authority. The campus security authority (Athletics, Student Housing & Residential Life, Student Life, Provost, Student Services, Resident Coordinators, Resident Assistants, and Faculty Advisors to Student Organizations) will be required to report any official missing student to the UPD. Per the Clery Act, the University will give each student living in an on campus housing facility the option to identify a contact person(s) who the institution shall notify if the student is determined to be missing by the UPD.

Students contact information will be registered confidentially and this information will be accessible only to authorized campus officials and the UPD. This information may not be disclosed outside of a missing person investigation. Students under 18 years of age and not emancipated, the institution will notify a custodial parent or guardian when the student is determined to be missing within 24 hours, in addition to any additional contact person designated by the student.

If a student did not name a contact person to notify, and the UPD receives a report that the student is missing, the UPD will conduct an investigation to determine if the student is officially missing. If the student has designated a contact person, the UPD will notify that contact person within 24 hours. If the student is under 18 years of age and is not emancipated, the UPD will notify the student's custodial parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UPD will conduct an investigation to determine if the student is officially missing within 24 hours.

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## **Access to Campus Facilities and Residence Halls**

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. The University encourages an open environment with limited constraints to ensure the reasonable protection of all members of the community. Except for residence halls, most campus facilities are open during weekday business hours. Individuals who wish to access University buildings or property during non-business hours or for special events should contact the appropriate department administrator, Conference and Event Services, or the UAB Police Department.

Exterior doors of the residence halls are locked twenty-four hours a day. A resident's individual room key also unlocks the main door. All visitors must be escorted through the residence halls by a resident. In the event of a lost key, the student's room locks are changed.

## **STAFF TRAINING**

All residence life staff members undergo thorough training in enforcing residence hall security policies. As part of the responsibility for residence hall security, all residence life staff members participate in lectures and seminars that are conducted by Institute administrators and police and associated with the safety and security of the campus.

## **SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES**

The University is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. Department members conduct routine checks of lighting on campus during regularly assigned patrol duties. If lights are out or dim, officers will initiate an immediate work order, which is acted upon by a representative of the appropriate maintenance office, usually within 24 hours or the next business day. We encourage community members to report any deficiency in lighting to Facilities at (205) 934-2281. Any community member who has a concern about physical security should contact the Physical Security Department at (205) 934-3708.

Representatives from the police department and physical security work together to identify inoperative locking mechanisms on a continual basis. We encourage community members to promptly report any locking mechanism deficiency to Physical Security at (205) 934-3708, or to the UAB Police Department at (205) 934-4434. Maintenance staff is available to respond to calls for service regarding unsafe facility conditions or for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

## **LIVING IN OFF-CAMPUS HOUSING, FRATERNITIES, AND SORORITIES**

Neither the Housing Department nor UAB provides supervision for off-campus housing, apartments, and individual homes. Sororities and fraternities educate their members on safety and security in their houses and on campus. All students receive crime awareness information. Students, whether they live on or off campus, are encouraged to report all crimes to the appropriate police agency.

If community members report crimes or serious incidents to other University administrators, those administrators will notify the UAB Police Department. Representatives of these offices will promptly notify and collaborate with the UAB Police Department to issue a crime alert, if one is appropriate.



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## **CRIME AWARENESS AND PREVENTION SPEAKERS**

You can request a speaker from the UAB Police Department to come and talk with your group or organization about crime awareness and prevention. To request a speaker, call (205) 934-2409.

## **SAFETY AND SECURITY PROGRAMS**

The UAB Police Department has a full-time crime prevention specialist that provides educational programming to the University community. Educational programs include:

1. Campus Watch- This program encourages the community to take an active role in the fight against crime.
2. Police Advisory Council - Volunteers from within the community that listen to the needs of the people and present those concerns to the Chief.
3. Drug and Alcohol Abuse- This program is designed to educate our students on the cause and effect of drugs and alcohol abuse.
4. Pedestrian Safety Campaign- Encourages safe habits and adherence to traffic policies.
5. Operation ID- Property protection with the aid of an engraver. The engraver assists with the speedy recovery of lost or stolen property.
6. Get Mugged Campaign- This program is designed to teach the UAB community on the importance of securing their valuables and not leaving items unattended in the workplace/classroom setting while at UAB.
7. Domestic Violence Seminar- Teaches the signs and symptoms of abuse.

8. Workplace Violence Seminar- Learn the different methods to identify and curtail workplace violence. Reviews the laws and employee rights and procedures to take when faced with this type of situation.
9. Personal Safety Awareness Seminar- Informs the community of the possible dangers of unwanted/uninvited individuals that could be lurking in the area.
10. Rape Aggression Defense- Program that teaches an individual how to become aware of potential aggressors and how to protect oneself from existing aggressors. UAB students and employees learn how to defend themselves if attacked.
11. A.L.I.C.E. Violent Intruder/Active Shooter Response – this program teaches response options during a violent intruder and/or active shooter event.

Safety programs begin with orientation for incoming freshmen and their parents. Once school begins, the Crime Prevention Unit continues with educational programs throughout the year in the residence halls as requested. All programs are available to students, faculty and staff upon request or if a need becomes apparent.

**SGA:** Students interested in improving campus safety should contact the Student Government Association (SGA) at (205) 934-8020.

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA)**

The University of Alabama at Birmingham prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the University community. As a result, UAB issues this statement of policy to inform the University community of our programs to domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

For a complete copy of UAB's policies governing Sexual Violence, visit <http://www.uab.edu/policies/content/Pages/UAB-UC-POL-0000761.aspx> for the student policy and <http://www.uab.edu/policies/content/Pages/UAB-HR-POL-0000759.aspx> for the employee policy.

The University has established a Coordinated Community Response Team. The team consists of members from Student Affairs, Human Resources, UAB Police, Student Conduct, the Title IX Coordinator, the Campus Clery Compliance Officer, Campus Housing, select faculty and staff, and students. The team meets quarterly and is responsible for developing, reviewing, and revising protocols, policies, and procedures for addressing violence against women on campus.

**RELEVANT DEFINITIONS (VAWA)**

<b>INTIMATE PARTNER VIOLENCE: DATING VIOLENCE</b>	
UAB	Any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a romantic or intimate relationship. This includes threats, assault, property damage, and violence or threat of violence to one’s self or to the family members or pets of the romantic or intimate



	partner when used as a method of coercion, control, punishment, intimidation, or revenge. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
FED/ CLERY	<p>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.</p> <p>(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.</p> <p>(ii) For the purposes of this definition—</p> <p>(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.</p> <p>(B) Dating violence does not include acts covered under the definition of domestic violence. 34 C.F.R. § 668.46(a)</p>
AL	n/a
<b>INTIMATE PARTNER VIOLENCE: DOMESTIC VIOLENCE</b>	
UAB	See FED/ CLERY definition.
FED/ CLERY	<p>(i) A felony or misdemeanor crime of violence committed—</p> <p>(A) By a current or former spouse or intimate partner of the victim;</p> <p>(B) By a person with whom the victim shares a child in common;</p> <p>(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;</p> <p>(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or</p> <p>(E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. 34 C.F.R. § 668.46(a)</p>
AL	<p><b>First Degree Domestic Violence</b>- ALA. CODE § 13A-6-130(a)</p> <p>A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20 or aggravated stalking pursuant to Section 13A-6-91, and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p>
	<p><b>Second Degree Domestic Violence</b> - ALA. CODE § 13A-6-131(a)</p> <p>A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p>
	<p><b>Third Degree Domestic Violence</b> - ALA. CODE § 13A-6-132(a)</p> <p>A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p>
<b>STALKING</b>	

UAB	<p>See FED/ CLERY Definition.</p> <p>Additionally, conduct that may be considered stalking includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Following or approaching a person, someone with whom that person has or has had a continuing relationship, or a member of that person’s family or household;</li> <li>• Contacting a person, someone with whom that person has or has had a continuing relationship, or a member of that person’s family or household whether or not conversation ensues;</li> <li>• Placing a person, someone with whom that person has or has had a continuing relationship or a member of that person’s family or household under surveillance;</li> <li>• Repeated unwanted communications of any type, including face to face, telephone calls, email, text messages, and social media:</li> <li>• Sending unwanted gifts;</li> <li>• Trespassing;</li> <li>• Lying in wait and/or</li> <li>• Vandalism.</li> </ul>
FED/ CLERY	<p>Stalking is: (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—</p> <p>(A) Fear for the person’s safety or the safety of others; or</p> <p>(B) Suffer substantial emotional distress.</p> <p>(ii) For the purposes of this definition—</p> <p>(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.</p> <p>(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.</p> <p>(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p> <p>34 C.F.R. § 668.46(a)</p>
AL	<p><b>First Degree Stalking</b>- ALA. CODE § 13A-6-90(a)</p> <p>A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.</p> <p><b>Second Degree Stalking</b> - ALA. CODE § 13A-6-90.1(a)</p> <p>A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.</p>
<b>SEXUAL ASSAULT OFFENSES – CONSENT, SEXUAL ASSAULT &amp; SEXUAL EXPLOITATION, FONDLING, INCEST, RAPE &amp; STATUTORY RAPE</b>	
<b>CONSENT</b>	
UAB	<p>The term “consent” used when describing different types of prohibited acts of sexual misconduct under this Policy (such as sexual assault) means clear, voluntary permission, which cannot be inferred by the absence of verbal or physical resistance. A lack of consent results from forcible compulsion or incapacity to consent. Forcible compulsion is a physical force or a threat, whether expressed or implied, that places a person in fear of immediate serious physical injury or economic harm to him/herself or a third party. A person is deemed incapable of providing consent if, at the time of the act, he or she:</p> <p>(1) is under the age of 16;</p> <p>(2) suffers from a mental impairment, whether temporary or permanent, which renders them incapable of appraising the nature of his or her conduct (e.g., age, disability, or temporary impairment due to drug</p>

	<p>or alcohol consumption); or,  (3) is physically helpless (e.g., unconscious), asleep, ill, or in a state of shock  Consent can be withdrawn by either party at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional or psychological pressure, intimidation, or fear. Consent to engage in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. For purposes of this policy, the issue is whether the Respondent knew, or should have known, that the activity in question was not consensual. Engaging in sexual activity with a person who you know to be incapacitated, or reasonably should know to be incapacitated, violates this policy.</p> <p>Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. With incapacitation, an individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation may result from the use of alcohol and/or drugs. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation or may already be incapacitated include, but not limited to, slurred speech, vomiting, stumbling, glassy or unfocused eyes, confusion as to time, place, etc., odor of alcohol, combativeness, or emotional volatility.</p> <p>Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:</p> <ul style="list-style-type: none"> <li>◦Decision-making ability;</li> <li>◦Awareness of consequences;</li> <li>◦Ability to make informed judgments; or</li> <li>◦Capacity to appreciate the nature and the quality of the act.</li> </ul> <p>Evaluating incapacitation also requires an assessment of whether a Respondent was aware or should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.</p>
FED/ CLERY	The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. <i>Note: This is a suggested draft DOE definition of consent.</i>
AL	<p>(a) Whether or not specifically stated, it is an element of every offense defined in this article, with the exception of subdivision (a)(3) of Section 13A-6-65, that the sexual act was committed <i>without consent</i> of the victim.</p> <p>(b) Lack of consent results from:</p> <ol style="list-style-type: none"> <li>(1) Forcible compulsion; or</li> <li>(2) Incapacity to consent; or</li> <li>(3) If the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct.</li> </ol> <p>(c) A person is deemed incapable of consent if he is:</p> <ol style="list-style-type: none"> <li>(1) Less than 16 years old; or</li> <li>(2) Mentally defective; or</li> <li>(3) Mentally incapacitated; or</li> <li>(4) Physically helpless. ALA. CODE § 13A-6-70</li> </ol>
<b>SEXUAL ASSAULT/SEXUAL CONTACT/SEXUAL EXPLOITATION</b>	
UAB	<p><u>Sexual Assault</u> means any sexual act directed against another person, forcibly or against that person's will; or, if not forcibly, where the victim is incapable of giving consent. Sexual assault also includes, but is not limited to, non-consensual sexual intercourse or sexual contact, incest rape, including statutory rape, and sexual exploitation.</p> <p><u>Non-consensual sexual intercourse</u> means any sexual intercourse whether anal, oral, or vaginal (or an attempt to commit the same) however slight, with any object, by a person upon another person, and, without that person's consent or by physical force. Intercourse is vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).</p>



	<p><u>Non-consensual sexual contact</u> means any intentional sexual touching (or an attempt to commit the same), however slight, with any object, by person upon another person, and, without consent or by physical force. Sexual touching is any intentional contact with the breasts, buttocks, groin, or genitals; or touching another with any of these body parts; or making another touch you or themselves with or on any of these body parts; or any intentional bodily contact in a sexual manner not involving these body parts.</p> <p><u>Sexual exploitation</u> taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:</p> <ul style="list-style-type: none"> <li>■ Exposing one’s genitals in non-consensual circumstances or inducing someone to expose their genitals;</li> <li>■ Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to be witness to one’s consensual sexual activity;</li> <li>■ Engaging in voyeurism (Peeping Tom) or facilitating the voyeurism of others;</li> <li>■ Non-consensual video or audio recording of sexual activity;</li> <li>■ Prostituting another student; and/or</li> <li>■ Knowingly transmitting a sexually transmitted disease/infection or HIV to another student</li> </ul>
FED/ CLERY	Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape (see FED definitions below) 34 C.F.R. § 668.46(a)
AL	<p>Alabama law includes definitions of the following in its sexual offenses category: rape, sodomy, sexual misconduct, sexual torture, sexual abuse, indecent exposure, enticing a child to enter vehicle, house, etc. for immoral purposes, sexual abuse of a child less than 12 years old. Refer to AL definitions below for those.</p> <p><b>First Degree Sexual Abuse</b> – ALA. CODE § 13A-6-66  (a) A person commits the crime of sexual abuse in the first degree if:  (1) He subjects another person to sexual contact by forcible compulsion; or  (2) He subjects another person to sexual contact who is <i>incapable of consent</i> by reason of being physically helpless or mentally incapacitated.</p> <p><b>Second Degree Sexual Abuse</b> - ALA. CODE § 13A-6-67  (a) A person commits the crime of sexual abuse in the second degree if:  (1) He subjects another person to sexual contact who is <i>incapable of consent</i> by reason of some factor other than being less than 16 years old; or  (2) He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.</p> <p><b>First Degree Sodomy</b> – ALA. CODE § 13A-6-63  (a) A person commits the crime of sodomy in the first degree if:  (1) He engages in deviate sexual intercourse with another person by forcible compulsion; or  (2) He engages in deviate sexual intercourse with a person who is <i>incapable of consent</i> by reason of being physically helpless or mentally incapacitated; or  (3) He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.</p> <p><b>Second Degree Sodomy</b> – ALA. CODE § 13A-6-64  (a) A person commits the crime of sodomy in the second degree if:  (1) He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old.  (2) He engages in deviate sexual intercourse with a person who is <i>incapable of consent</i> by reason of being mentally defective.</p> <p><b>Sexual Torture</b> – ALA. CODE § 13A-6-65.1  (a) A person commits the crime of sexual torture:  (1) By penetrating the vagina or anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually torture or to sexually abuse.  (2) By penetrating the vagina or anus or mouth of a person who is <i>incapable of consent</i> by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture or to sexually abuse.  (3) By penetrating the vagina or anus or mouth of a person who is less than 12 years old with an</p>

	<p>inanimate object, by a person who is 16 years old or older with the intent to sexually torture or to sexually abuse.</p> <p><b>Indecent Exposure</b> - ALA. CODE § 13A-6-68  (a) A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises.</p> <p><b>Enticing Child to Enter Vehicle, House, Etc. for Immoral Purposes</b> – ALA. CODE § 13A-6-69  (a) It shall be unlawful for any person with lascivious intent to entice, allure, persuade, or invite, or attempt to entice, allure, persuade, or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.</p> <p><b>Sexual Abuse of a Child Less than 12 Years Old</b> – ALA. CODE § 13A-6-69.1  (a) A person commits the crime of sexual abuse of a child less than 12 years old if he or she, being 16 years old or older, subjects another person who is less than 12 years old to sexual contact.</p> <p><b>School employee engaging in a sex act or deviant sexual intercourse with a student under the age of 19 years.</b> – ALA. CODE §13A-6-81  (a) A person commits the crime of a school employee engaging in a sex act or deviant sexual intercourse with a student under the age of 19 years if he or she is a school employee and engages in a sex act or deviant sexual intercourse with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section.  (b) As used in this section, sex act means sexual intercourse with any penetration, however slight; emission is not required.  (c) As used in this section, deviant sexual intercourse means any act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another.</p> <p><b>School Employee Having Sexual Contact With a Student Under the Age of 19 Years</b> - ALA. CODE §13A-6-82  (a) A person commits the crime of a school employee having <i>sexual contact</i> with a student under the age of 19 years if he or she is a school employee and engaging in sexual contact with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section.  (b) As used in this section, <i>sexual contact</i> means any touching of the sexual or other intimate parts of a student, done for the purpose of gratifying the sexual desire of either party. The term includes soliciting or harassing a student to perform a sex act.</p>
<b>FONDLING</b>	
UAB	See FED definition
FED/ CLERY	The touching of the private body parts of another person for the purpose of sexual gratification, <i>without the consent</i> of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. 34 C.F.R. § 668.46 Appendix A
AL	n/a
<b>INCEST</b>	
UAB	See AL & FED definitions
AL	<p>(a) A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:</p> <ol style="list-style-type: none"> <li>(1) His ancestor or descendant by blood or adoption; or</li> <li>(2) His brother or sister of the whole or half-blood or by adoption; or</li> <li>(3) His stepchild or stepparent, while the marriage creating the relationship exists; or</li> <li>(4) His aunt, uncle, nephew or niece of the whole or half-blood.</li> </ol> <p>(b) A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated</p>

	testimony of the person with whom the offense is alleged to have been committed. Ala. Code § 13A-13-3
FED/ CLERY	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. 34 C.F.R. § 668.46 Appendix A
<b>RAPE</b>	
UAB	See FED and AL definitions below.
FED/ CLERY	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, <i>without the consent</i> of the victim. 34 C.F.R. § 668.46 Appendix A
AL	<p><b>First Degree Rape</b> – ALA. CODE § 13A-6-61</p> <p>(a) A person commits the crime of rape in the first degree if:</p> <p>(1) He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or</p> <p>(2) He or she engages in sexual intercourse with a member of the opposite sex who is <i>incapable of consent</i> by reason of being physically helpless or mentally incapacitated; or</p> <p>(3) He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.</p> <p><b>Second Degree Rape</b>– ALA. CODE § 13A-6-62</p> <p>(a) A person commits the crime of rape in the second degree if:</p> <p>(1) Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex.</p> <p>(2) He or she engages in sexual intercourse with a member of the opposite sex who is <i>incapable of consent</i> by reason of being mentally defective.</p>
<b>STATUTORY RAPE</b>	
UAB	See FED and AL definitions
FED/ CLERY	Sexual intercourse with a person who is under the statutory age of consent. 34 C.F.R. § 668.46 Appendix A
AL	In Alabama, it is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 16), even if the sex is consensual. See AL definition of consent.
<b>HARASSMENT &amp; SEXUAL HARASSMENT</b>	
UAB	<p>Any unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature if: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education, living environment, employment, or participation in a University-related activity or University Program; (2) submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual’s education, living environment, employment, or participation in a University-related activity; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual’s education, living environment, employment, or participation in a University-related activity.</p> <p>Examples may include, but are not limited to, the following: unwanted sexual statements; unwanted personal attention including stalking and cyber-stalking; unwanted physical or sexual advances that would constitute sexual assault, as defined in this policy; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without the knowledge and consent of all parties involved; touching oneself sexually for others to view; and voyeurism (spying on others who are in intimate or sexual situations).</p> <p>Harassment can include interactions between individuals of the same or opposite sex.</p> <p>Hostile environment sexual harassment is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive. The determination of whether an environment is “hostile” must be based on all the circumstances. These circumstances could include the nature, frequency, intensity, location, context and duration of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely</p>



	serious) will not amount to hostile environment harassment. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient. For example, a single instance of sexual assault can constitute sexual harassment See <a href="http://sppublic.ad.uab.edu/policies/Pages/LibraryDetail.aspx?PID=52&amp;Source=http://sppublic.ad.uab.edu/policies/Pages/keywordlookup.aspx?PAN=S">http://sppublic.ad.uab.edu/policies/Pages/LibraryDetail.aspx?PID=52&amp;Source=http://sppublic.ad.uab.edu/policies/Pages/keywordlookup.aspx?PAN=S</a> for UAB's Equal Opportunity and Discriminatory Harassment Policy. <a href="http://www.uab.edu/students/services/student-engagement/contact-student-engagement/item/936-a-guide-for-victims-of-sexual-assault">http://www.uab.edu/students/services/student-engagement/contact-student-engagement/item/936-a-guide-for-victims-of-sexual-assault</a> for UAB's Guide for Victims of Sexual Assault <a href="http://www.uab.edu/handbook/activities-and-programs/engagement/d-sexualharassment">http://www.uab.edu/handbook/activities-and-programs/engagement/d-sexualharassment</a> for UAB's Sexual Harassment Guide
FED/ CLERY	n/a
AL	n/a

## **OTHER DEFINITIONS**

1. Violence is defined as any behavior or threat of behavior that causes physical harm or reasonable fear of physical harm to any individual, including but not limited to, a University student or employee, other member or guest of the University community, or anyone with whom the University is conducting business. Examples of behaviors or conduct that are not tolerated include, but are not limited to, the following:
  - Injuring or threatening to injure another person or to damage/injure property; Engaging in inappropriate verbal, written, or physical behavior that subjects an identifiable individual to extreme emotional distress;
  - Defacing or damaging property;
  - Brandishing a weapon or firearm;
  - Any act of domestic violence, dating violence or stalking;
  - Attempting or committing nonconsensual sexual contact (any touching of the sexual or intimate parts of a person) or exposure, including sexual assault;
  - Aiding or abetting others in any of the above actions (examples include but are not limited to concealing any of the above behaviors to protect the perpetrator, allowing them to use phones or e-mails to bypass security plans, delivering messages to the victim);
  - Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
  - Hazing, defined as any action taken or situation that either intentionally or unintentionally endangers the mental or physical health, safety, or welfare of any person within the University community, or that destroys or removes public or private property, for the purpose of initiation, participation, admission into, affiliation with, or as a condition of continued membership in a group or organization. (as defined further in the Student Code);
  - Bullying, defined as intentional, repeated and/or severe aggressive behaviors that a reasonable person should know will intimidate, cause fear, or cause physical and/or emotional harm and/or control to one or more individuals and are not protected by freedom of expression;
  - Enlisting, coercing, or asking others to do any of the above acts; and,
  - Retaliating against any individual who, in good faith, reports a violation of this policy.
2. Student means any person admitted to the University, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, and who is either currently enrolled or was enrolled the

previous semester and registered for a future semester. Students include persons attending classes on campus, off-campus or online. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students.”

3. Student group or student organization means any number of students who have complied with formal requirements for the University recognition as a student organization/group.
4. University Official includes any person employed by the University performing administrative, professional, research, teaching, or para-professional responsibilities.
5. Reporting party means any person who submits a written complaint or report alleging that a student violated this Student Code. The University reserves the right to initiate a report, to serve as reporting party, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.
6. Responding party means any student or student organization that is alleged to have violated this Student Code.
7. Administrative Review Meeting means a meeting between the Responding party and a Conduct Officer to discuss a Responding party’s rights and review alleged violations of the Student Code.
8. Resolution meeting means a conduct proceeding before a Conduct Officer or before the Conduct Committee to address alleged violations of the Student Code.
9. Advisor means a person chosen by the Responding party or Reporting party to assist them with any conduct proceedings.
10. University Representative means a University Official authorized by the Director or their designee to present information and question witnesses on behalf of the University at conduct proceedings.
11. Faculty Member means any person who is employed by the University for the purpose who holds academic rank or performs teaching or research duties.
12. Staff Member means any person employed by the University who is not considered faculty.
13. University-Sponsored Activity means any activity on or off campus, which is initiated, aided, funded, authorized, or supervised by the University
14. University Policy means the written regulations of University as found in, but not limited to, the Student Code, residence hall living guides, graduate or professional school policies and appropriate sections of the University Policy Manual and University catalogues.
15. Preponderance of the Information is the information that would lead a reasonable person to conclude it is “more likely than not” that a Respondent violated this Student Code. In this context, the Respondent will be found to be responsible for the alleged violations if the Conduct Officer or the Conduct Committee concludes that the University has shown that such conduct more likely than not (i.e., preponderance of the evidence) occurred based on careful review of all information presented.
16. Conduct hold is defined as a hold on a student’s registration or transcript access. While conduct cases are pending, the University may place a conduct hold on the student’s records. A conduct hold will also be placed if a student fails to complete assigned sanctions. The conduct hold will not be removed until all sanctions have been completed. If a student fails to respond to a request to meet to discuss the alleged code violation, a conduct hold will be placed on the student’s record. Students who withdraw from UAB while conduct action is pending will have a conduct hold placed on the student’s record and the allegations must be resolved prior to the student’s readmission if approved.
17. “Will” is used in the imperative sense.
18. “May” is used in the permissive sense.
19. Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint,

including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

20. Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.
21. Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the Institution.
22. Programs to prevent: The term programs to prevent refers to comprehensive educational and training programs intended to prevent violence that incorporate diverse approaches that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and consider risk and protective factors as they occur on the individual, relationship, community and societal levels.
23. Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
24. Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
25. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
26. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

### **PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students and that:



- Identifies domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Alabama;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Provides information on risk reduction;
- Information regarding:
  - procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientations; presenting programs throughout the year at least on a quarterly basis, including sessions such as: skits, clothes line projects, a residence hall speaker series, an annual poster series and web-based training programs regarding the Role of Faculty in Assisting Students Who Disclose Abuse or an Assault (see page eight for a list and short description of programs provided by UAB Police Department).

### **Primary Prevention and Awareness Programs**

The term primary prevention refers to programming, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

The University offered the following **primary prevention and awareness programs for all incoming students** in 2014:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Physical Therapy New Student Orientation	1/6/14	SHRP RM640	DoV, SA
Freshman Transfer Orientation	4/11/14	HH Lobby	DoV, DaV, SA, S
Freshman Transfer Orientation	5/11/14	HH Lobby	DoV, DaV, SA, S
Freshman Transfer Orientation	5/14/14	HH Lobby	DoV, DaV, SA, S
Freshman Orientation	5/20/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	5/25/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	5/28/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/1/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/2/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/4/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/5/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/9/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/11/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/13/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/16/14	HH Rm 102	DoV, DaV, SA, S
Freshman Transfer Orientation	6/17/14	HH Lobby	DoV, DaV, SA, S
Freshman Orientation	6/19/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	6/27/14	HH Rm 102	DoV, DaV, SA, S
Freshman Transfer Orientation	7/15/14	HH Lobby	DoV, DaV, SA, S
Freshman Transfer Orientation	7/17/14	HH Lobby	DoV, DaV, SA, S
Freshman Orientation	7/18/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	7/21/14	HH Rm 102	DoV, DaV, SA, S
Freshman Transfer Orientation	8/1/14	HH Lobby	DoV, DaV, SA, S
GBS Orientation	8/11/14	BBRB rm 170	DoV, SA
School of Optometry	8/12/14	HP 130	DoV, SA
Freshman Transfer Orientation	8/20/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	8/21/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	10/22/14	HH Rm 102	DoV, DaV, SA, S
Freshman Orientation	12/15/14	HH Lobby	Dov, DaV, Sa, S
SON prelicense student orientation	12/15/14	SON 1028	Dov, SA

1. DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **primary prevention and awareness programs for all new employees** in 2014:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
New Employee Orientation	1/6/14	MT3 419A	DoV, SA
New Employee Orientation	1/13/14	MT3 419A	DoV, SA
New Employee Orientation	2/3/14	MT3 419A	DoV, SA

New Employee Orientation	2/17/14	MT3 419A	DoV, SA
New Employee Orientation	2/18/14	MT3 419A	DoV, SA
New Employee Orientation	3/3/14	MT3 419A	DoV, SA
New Employee Orientation	3/17/14	MT3 419A	DoV, SA
New Employee Orientation	3/31/14	MT3 419A	DoV, SA
New Employee Orientation	4/14/14	MT3 419A	DoV, SA
New Employee Orientation	4/28/14	MT3 419A	DoV, SA
New Employee Orientation	5/12/14	MT3 419A	DoV, SA
New Employee Orientation	5/27/14	MT3 419A	DoV, SA
New Employee Orientation	6/9/14	MT3 419A	DoV, SA
New Employee Orientation	6/23/14	MT3 419A	DoV, SA
New Employee Orientation	7/7/14	MT3 419A	DoV, SA
New Employee Orientation	7/21/14	MT3 419A	DoV, SA
New Employee Orientation	8/4/14	MT3 419A	DoV, SA
New Employee Orientation	8/18/14	MT3 419A	DoV, SA
New Employee Orientation	9/2/14	MT3 419A	DoV, SA
New Employee Orientation	9/9/14	MT3 419A	DoV, SA
New Employee Orientation	9/15/14	MT3 419A	DoV, SA
New Employee Orientation	9/29/14	MT3 419A	DoV, SA
New Employee Orientation	10/13/14	MT3 419A	DoV, SA
New Employee Orientation	10/27/14	MT3 419A	DoV, SA
New Employee Orientation	11/10/14	MT3 419A	DoV, SA
New Employee Orientation	11/24/14	MT3 419A	DoV, SA
New Employee Orientation	12/8/14	MT3 419A	DoV, SA

2. DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### Ongoing Prevention and Awareness Programs

The term ongoing awareness and prevention campaigns refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to SA, DoV, DaV and stalking prevention. These programs will occur at different levels throughout the institution (i.e. faculty, athletics, incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

The University offered the following **ongoing awareness and prevention programs** for students in 2014:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Police Advisory Meeting	2/18/14	PHB 204	DoV, SA, DaV
Wellness Fair	2/21/14	Campus Rec Center	DoV, SA, DaV
Campus Watch Meeting	3/4/14	PHB 204	DoV, DaV, SA

Passion/Fatigue Workshop	3/11/14	Ryals Rm 209	DoV, SA, DaV
Hospital Safety Fair	3/12/14	North Pavilion Atrium	DoV, SA, DaV
CCRT Meeting	3/18/14	Sterne Library Henley Rm	SA
Campus Watch Meeting	5/12/14	PHB 204	DoV
New Orientation Leaders Training	5/15/14	Edge of Chaos 4 <sup>th</sup> floor	DoV, DaV, SA, S
Police Advisory Meeting	5/20/14	PHB 204	DoV, SA
CCRT Meeting	5/28/14	Ryals Rm 209	DoV, DaV, SA, S
CCRT Meeting	6/16/14	Ryals Rm 209	DoV
Student Coffee Break	6/18/14	SHRP 219	DoV, SA
Safety Presentation Equality/Diversity	6/24/14	HH Rm 121	DoV, DaV, SA
CCRT Meeting (Education Group)	7/8/14	LRC 257	SA
Domestic Violence Conference	7/17/14	LRC 235/249	DoV, DaV, SA, S
CCRT Meeting	7/18/14	LRC 255	SA
Seminar – Abusive Relationships	7/30/14	WP Conference Rm E	DoV, DaV, SA, S
CCRT Meeting	8/6/14	Mervyn Sterne Library	SA, S
Campus Watch Meeting	8/12/14	PHB 204	DaV
Police Advisory Meeting	8/19/14	PHB 204	SA
Conference—Trauma Informed Advocacy	9/4/14	LRC 265	SA, S, DoV, DaV
Conference—Trauma Informed Advocacy	9/5/14	LRC 265	SA, S, DoV, DaV
CCRT Meeting	9/17/14	LRC 390B	DoV, DaV
CCRT (Education Group)	9/18/14	LRC 265	DoV
Domestic Violence Training Rm B	10/7/14	Bham Municipal Court	DoV, DaV
UAB Campus Health & Safety Fair	10/10/14	Rast Hall Lawn	DaV, DoV, SA, S
Campus Watch Meeting	10/14/14	PHB 204	SA
Domestic Violence training/luncheon	10/14/14	Mountain Brook Junior League	DoV, DaV, SA, S
Domestic Violence Presentation	10/20/14	Ryals 509	DoV, SA
Safety Presentation	10/24/14	HHB 402	DoV, SA
Safety Display	11/3/14	Denman	DoV, DaV, SA, S
Safety Display	11/4/14	Rast	DoV, DaV, SA, S
Safety Display	11/5/14	Blount Hall	DoV, DaV, SA, S
Safety Display	11/6/14	Camp Hall	DoV, DaV, SA, S
Safety Display	11/7/14	Blazer	DoV, DaV, SA, S
CCRT (Education Group)	11/13/14	LRC 265	DoV, DaV, SA, S
Holiday Safety Tips	12/9/14	Edge of Chaos	DoV, SA

3. DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **ongoing awareness and prevention programs** for **employees** in 2014:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Commission Status of Women	1/15/14	HH 500	DoV, DaV, SA, S
Police Advisory Meeting	2/18/14	PHB 204	DoV, DaV, SA, S
Wellness Fair	2/21/14	Campus Recreation	DoV, DaV, SA, S
Campus Watch Meeting	3/4/14	PHB 204	DoV, DaV, SA, S
Passion/Fatigue Workshop	3/11/14	Ryals Rm 209	DoV, DaV,



<b>Hospital Safety Fair</b>	3/12/14	North Pavilion	DoV, DaV, SA, S
<b>Commission Status of Women</b>	3/19/14	HH 500	SA
<b>Campus Watch Meeting</b>	5/12/14	PHB 204	DoV
<b>Police Advisory Meeting</b>	5/20/14	PHB 204	DoV, SA
<b>Safety Presentation</b>	6/11/14	VA Hospital (blind rehab)	DoV, SA
<b>Commission Status of Women</b>	6/18/14	HH 500	SA
<b>Commission Status of Women</b>	7/16/14	HH 500	SA
<b>Domestic Violence conference</b>	7/17/14	LRC Rm 235/249	DoV, DaV, SA, S
<b>Seminar Abusive relationships</b>	7/30/14	WP Conference E	DoV, DaV, SA, S
<b>Campus Watch Meeting</b>	8/12/14	PHB 204	DaV
<b>Police Advisory Meeting</b>	8/19/14	PHB 204	SA
<b>Conference- trauma informed Advocacy</b>	9/4/14	LRC 265	DoV, DaV, SA, S
<b>Conference – Trauma Informed Advocacy</b>	9/5/14	LRC 265	DoV, DaV, SA, S
<b>Commission Status of Women</b>	9/17/14	HH Rm 500	SA
<b>Domestic Violence Training</b>	10/7/14	Bham Municipal Court Rm B	DoV, DaV
<b>UAB Campus Health and Safety Fair</b>	10/10/14	Rast Hall lawn	DoV, DaV, SA, S
<b>Campus Watch Meeting</b>	10/14/14	PHB 204	SA
<b>Domestic Violence Training (luncheon)</b>	10/14/14	Mountain Brook Junior League	DoV, DaV, SA, S
<b>Police Advisory Meeting</b>	11/11/14	PHB 204	DoV
<b>Safety Presentation</b>	11/20/14	FOT 8 <sup>th</sup> floor Conf Rm	DoV, SA
<b>Holiday Safety Tips</b>	12/9/14	Edge of Chaos Lobby	DoV, SA

4. DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at the Rape Response and the Sexual Assault Nurse Examiner (S.A.N.E.) Facility, call Rape Response at (205) 323-7273. In Alabama, evidence may be collected even if you chose not to make a report to law enforcement. If you are on or near the UAB campus, you may contact the UAB Police at 205-934-3535, and the dispatcher will notify a police officer who will transport you to the local rape crisis center, S.A.N.E. Facility. If you are off-campus and need assistance, contact local law enforcement by dialing 911. University personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel.

You may also contact Rape Response directly at 205-323-RAPE (7273). This is a 24-hour confidential hotline. At Rape Response/SANE, you will receive a range of free and confidential services, including a medical examination, forensic evidence collection, medical advocacy, crisis counseling, and legal advocacy services. A qualified physician or nurse will examine you for injuries and collect physical evidence that could be used in proceedings, if you decide to prosecute. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy

and/or a sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with UAB Police or other law enforcement personnel to preserve evidence in the event that the victim changes her/his mind at a later date.

### **Involvement of Law Enforcement and Campus Authorities**

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether to make such a report. Furthermore, victims have the right to decline involvement with the police. In Alabama, you may file a police report without providing your name. The Office of Student Advocacy, Rights and Conduct will assist any victim with notifying local police (if they so desire). UAB Police Department may also be reached directly by calling (205) 934-4434, in person at 1117 14<sup>th</sup> Street South. Additional information about the UAB Police Department may be found online at [uab.edu/police](http://uab.edu/police).

### **Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Assistant Vice President for Student Life and Title IX Coordinator, Andrew Marsch by phone (205) 934-4175, in writing [marsch@uab.edu](mailto:marsch@uab.edu), or in person 1715 Building, 715 9<sup>th</sup> Avenue South and UAB Police at (205) 934-4434, 1117 14<sup>th</sup> Street South (if the victim so desires). Reports of all domestic violence, dating violence, sexual assault and stalking made to UAB Police will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

### **Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the UAB Police Department (UABPD) or local law enforcement. Students should contact the Office of Student Advocacy, Rights and Conduct at (205) 975-9509 and/or UABPD at (205) 934-4434 and employees should contact an immediate supervisor or the Office of HR Employee Relations (205) 934-4458.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the below are the procedures that the University will follow:

Incident Being Reported	Procedure Institution Will Follow
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate</li> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate</li> </ol>
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate</li> </ol>

## **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights. In Alabama, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

**Within 72 hours after a victim files a crime report, the assisting local law enforcement agency shall provide the victim with the following:**

1. a list of local emergency and crisis services
2. the name and phone number of the officer and the agency handling your report
3. the name and phone number of the prosecuting attorney
4. the procedural steps in a criminal prosecution
5. the availability of victim's' compensation benefits
6. a listing of your rights as a victim including a form to insure you are given your rights
7. the existence and eligibility requirements of restitution and compensation
8. a recommended procedure if you are subject to threats or intimidation as a victim

**A crime victim also has a right to:**

1. notification of all criminal proceedings and charges filed against the defendant, with the exception of initial appearance, and the right to be present at all proceedings
2. necessary information regarding the appropriate agencies from which you may request information
3. an explanation of the pre-sentence report and the right to make a written or oral statement to the probation officer, and a right to review the pre-sentence report
4. be notified of the time and place of any sentencing hearing and to make a written or oral statement, or present any information at a sentencing proceeding or any other proceeding as authorized by law
5. information regarding the return of any property taken
6. be provided the date of conviction, acquittal or dismissal of charges against the defendant and the sentence imposed
7. refuse an interview or other communication with the defendant, his attorney or anyone acting on his behalf
8. the status and results of any post-conviction appeal
9. be provided a waiting area separate from the defendant, his relatives, and defense witnesses if available and practical
10. submit a statement to be entered into the inmate's records that you are to be notified of release, on bond, from prison, escape, re-arrest, or death of the prisoner
11. information regarding collection of restitution
12. any release opinion by the Alabama Department of Mental Health
13. be notified of any Pardon and Parole Board hearings and the right to be present and heard at such hearings

For more information, please see the State of Alabama, Office of the Attorney General's website <http://www.ago.state.al.us/Page-Victims-Assistance-Crime-Victims-Rights> or call the State of Alabama's Victim Assistance Hotline (800) 626-7676

## **Rights of Victims and the University's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the University**

UAB complies with Alabama law in recognizing protection from abuse orders. Any person who obtains an order of protection from the State of Alabama or any other state should provide a copy to UAB Police and the Office of the



Title IX Coordinator. A complainant may then meet with UAB Police to develop a Safety Action Plan, which is a plan for UAB Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: imposing a no contact order on the Responding party; residence hall room change for one or more involved parties; changes in academic schedules or assignments for one or both parties; and interim suspension of the Responding party. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). To apply for a Protection From Abuse Order (PFA) you must file a petition, which can be obtained from the circuit clerk in your county, usually located at the county courthouse.

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

### **Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, UAB will provide written notification to students and employees about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Office of Student Advocacy, Rights and Conduct (students) and UAB HR Office of Employee Relations (employee). The Office of Student Advocacy, Rights and Conduct and the Title IX Coordinator (students), and/or Human Resources (employees) can assist victims with these accommodations.

### **On and Off Campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, UAB will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

## On-campus

Name	Address	Phone Number
UAB Police	1117 14 <sup>th</sup> Street South	205-934-4434
Student Health and Wellness	1714 9 <sup>th</sup> Avenue South	205-934-3581
Student Health and Wellness Counseling Services	1714 9 <sup>th</sup> Avenue South	205-934-5816
Office of Student Advocacy, Rights and Conduct	171 9 <sup>th</sup> Avenue South	205-975-9509
Office for Equity and Diversity	401 Campbell Hall, 1300 Univ. Blvd	205-934-8762
Office of Employee Relations	1720 2 <sup>nd</sup> Avenue South	205-934-4458
Title IX Coordinator, Andrew Marsch	1715 9 <sup>th</sup> Avenue South	205-934-4175
UAB Hospital Emergency Department	1802 6 <sup>th</sup> Avenue South	205-934-5105

## In the Birmingham Area

Name	Address	Phone Number
City of Birmingham Police	1825 1st Avenue North	205-254-2107
Birmingham Crisis Center (SANE)	3600 8th Avenue South Suite 501	205-323-7777
Family Violence Center		205-322-4878
Jefferson County Courthouse	716 Richard Arrington Jr. Blvd. N.	205-325-5300

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

## Confidentiality

Victims may request that directory information on file with the University be withheld by request through the UAB One Stop Student Services, (205) 934-4300.

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

If you would like the details of an incident to be kept confidential, you may speak with on-campus counselors, campus health service providers, off-campus rape crisis resources (such as advocates or peer advisors), or

clergy/chaplains. Campus counselors are available to help you free of charge and can be seen on an emergency basis during normal business hours. UAB Student Health and Wellness - Counseling Services can be contacted at (205) 934-5816. For emergency counseling available after normal business hours, please contact the Crisis Center (205) 323-7777 or Rape Response at (205) 323-7273. These counselors are not required to report any information about an incident to the Title IX coordinator without the victim's permission.

### **Resolution of Violations**

The University's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, advisors are not allowed to speak and are allowed only to confer with their advisee. An advisor who violates this limitation could subject the advisee to additional sanctions or conduct action under the Student Code. Participants electing to be accompanied by an advisor must notify the Chair at least three (3) business days prior to the hearing;
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

In addition to the above, The Student Violence and Sexual Misconduct Policy allows the following additional rights:

The Reporting party will also be afforded the following rights:

- The University will inform the Reporting party of available counseling services, medical services, mental health services, and other campus and off campus resources for assistance for victims of violence and sexual misconduct.
- The Reporting party may request changes to academic and living situations after violence and sexual misconduct occurs. The Office of Advocacy, Rights and Conduct may be able to help facilitate such changes.
- The Reporting party has a right to request issuance of a campus "no-contact order," to prohibit the Responding party from having contact of any kind (including electronic contact or contact from third parties acting on the Responding party's behalf) with him or her either on an interim or on a permanent basis.
- The University will not consider the prior, sexual behavior or history of the Reporting party with other individuals, or their engagement in under-age drinking in any investigation of sexual misconduct.
- The Reporting party may report incidents of violence and sexual misconduct to local law enforcement, which will not prevent University disciplinary action.
- The Reporting party has the right to submit physical evidence in the event of sexual assault.

The Responding party will also be afforded the following rights:

- To a general notice of the allegations, or Code of Conduct charges (if applicable), and access to policy statements regarding the investigation process and possible sanctions.
- To receive information regarding University and community support resources (including but not limited to modification of academic, living, transportation, or working situations to avoid a hostile environment, and available health counseling, mental health counseling, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid).

Whether or not criminal charges are filed, the University or a person may file a complaint under the UAB Student Violence and Sexual Misconduct Policy (student policy) and/or the Violence Prevention and Response Policy (employee policy), depending on the status of the accused (student or employee):

### **Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

#### **Student Violence and Sexual Misconduct Policy**

##### **1. *How to File a Disciplinary Complaint Under this Policy***

Students should immediately report domestic violence, dating violence, sexual assault, and stalking to the UAB Police Department (UABPD) (205) 934-3535. The UABPD will also inform the University Title IX Coordinator of the incident. Any criminal investigation by UABPD or other law enforcement agency is independent from any disciplinary investigation undertaken by the University under this policy. Students may also report sexual misconduct to the University's Title IX Coordinator, Andrew Marsch (205) 934-4175 [marsch@uab.edu](mailto:marsch@uab.edu); the Title IX Deputy Coordinator and Director of Advocacy, Rights and Responsibilities, Emily Feinstein, at (205) 975-9509 [eufenstein@uab.edu](mailto:eufenstein@uab.edu); or the Assistant Director of Advocacy, Rights and Responsibilities, Debbie Morgette, at (205) 975-9509 [morgette@uab.edu](mailto:morgette@uab.edu). Regardless of whether a Reporting party decides to pursue a criminal investigation, the University's Title IX Coordinator will take

immediate steps to investigate the report, to protect the Reporting party, and to ensure the safety of the campus community. If a criminal complaint is filed in addition to the University complaint, the University will continue implementing its own procedures regardless of the timeline of the criminal proceedings or their outcome, unless the University is advised by the UABPD or other law enforcement agency that doing so could jeopardize the criminal investigation.

## **2. How the University Determines Whether This Policy will be Used**

Any action involving a student is referred to the Office of Advocacy, Rights and Conduct to determine if this policy is applicable.

## **3. Steps in the Disciplinary Process**

### **1. Complaint**

- a. When it is alleged that a student, student group or student organization has violated this Policy the Title IX Coordinator will be notified.
- b. The Title IX Coordinator will assign the matter to a Title IX Investigator to conduct an investigation. If at any time during the investigation, the Title IX Investigator determines that there is no reasonable cause to believe that a policy has been violated or misconduct has occurred, the Title IX Investigator will notify the Title IX Coordinator of same and the investigation shall be concluded and the complaint dismissed. The Reporting party may appeal the dismissal of the complaint pursuant to Appeals Procedures Section of the full policy.

### **2. Notification**

- a. If the Title IX Investigator determines there is reasonable cause to believe a policy has been violated, the Responding party will be notified in writing (the "Notification") of the Title IX investigation.
- b. The Notification will be sent to the Responding party's UAB email address of record, the mailing or permanent address appearing in the University's student information system, an address appearing in a police report, or through personal contact.
- c. The Notification will include:
  - i. A description of the alleged misconduct.
  - ii. A description of the provision of the conduct or University policy alleged to have been violated.
  - iii. A request that the Responding party notify the Title IX Investigator to set up a meeting within the timeframe designated in the Notification. If the Responding party does not schedule or attend the meeting by the date specified in the Notification, the Title IX Investigator may make findings and determinations, assign sanctions and complete any investigation based on the information in their possession without the Responding party's participation.
  - iv. Information about the right to have an advisor attend any conduct proceeding contemplated in these procedures.

### **3. Title IX Investigation**

- a. The Title IX Investigator is responsible for conducting a prompt, objective and equitable investigation into the alleged violation(s) of this Policy.



- b. As part of the Title IX Investigation, the Title IX Investigator will meet with the Responding party and the Reporting party, separately. At the meetings, the Title IX Investigator will:
  - i. Explain each party of his/her rights;
  - ii. Explain the allegations clearly and fully to the Responding party;
  - iii. Allow the Responding party the opportunity to accept or deny responsibility for the alleged conduct violation(s);
  - iv. Explain the resolution options;
  - v. Explain the right to have an advisor attend any conduct proceeding contemplated in these procedures;
  - vi. Explain the conduct and appeal process and
  - vii. Allow the Reporting party and Responding party to identify witnesses who may have information pertinent to the alleged conduct.
- c. The Investigator will speak to witnesses identified by the Responding party or the Reporting party.
- d. At the conclusion of an investigation, the Title IX Investigator shall prepare a written Report, which will include a statement of factual findings and a recommendation as to whether there was a violation and a recommendation as to sanctions, if any.
- e. The Responding party and the Reporting party shall be notified in writing of the Title IX Investigator's finding and recommendation for sanctions, if any., consistent with FERPA or other regulations regarding the disclosure of education records.
- f. The Responding party and the Reporting party may accept or reject the recommendation. If both the Responding party and the Reporting party accept the recommendation, then the Title IX Coordinator will implement the recommendation and sanctions, if any. The acceptance of the recommendation cuts off each party's right to appeal. If either the Responding party or the Reporting party rejects any part of the recommendation, then the process will proceed to a resolution hearing as to only that part of the recommendation which was rejected. The Responding party or the Reporting party may accept or reject the recommendation at any time prior to the date of the resolution hearing.

#### 4. Resolution Hearing Notice

The Chair, in coordination with the Conduct Body, will select a date and time for the resolution hearing. The Chair will notify the Responding party and the Reporting party of the hearing date and time at least ten (10) days prior to the hearing. The hearing notice will be in writing and will include the following information:

- a. The date, time, and location of the hearing;
- b. The names of the Conduct Body Members;
- c. Information about how to submit witness names to Chair;
- d. Information about how to submit Advisor name to Chair.
- e. A Responding party or Reporting party who cannot attend the scheduled hearing must contact the Chair to request a new date and/or time for the meeting at least three (3) business prior to the hearing. It is at the discretion of the Chair if the hearing will be rescheduled and a Responding party and a Reporting party may only request one change to the date and/or time of the hearing.
- f. If, after proper notice, the Responding party does not appear at the scheduled date and/or time, the Conduct Body may conduct the meeting without the Responding party's participation, determine the Responding party's responsibility for the alleged violation(s) and assign sanctions based on the information in its possession. An unexcused absence from a meeting, without just cause, may also result in additional charges under the Student Code.

- g. A hearing may be conducted on a non-business day at the discretion of Chair, as applicable, with the agreement of all involved participants.

5. Resolution Hearing Before the Conduct Board

- a. At the resolution hearing, the Chair will explain hearing procedures to the Responding party, Title IX Investigator, Reporting party, and other participants.
- b. The Chair is responsible for facilitating the meeting and will make decisions regarding witnesses, evidence, and procedures. The Chair may exclude any person who disrupts the resolution meeting.
- c. The Conduct body will hear and receive information and witnesses presented by the Responding party, the Reporting party and Title IX Investigator, review the Title IX Investigator's Report and other information, and ask questions.
- d. The Responding party and the Reporting party will also have the opportunity to submit questions to the Chair regarding participating witnesses. The Chair will determine relevancy of the questions submitted.
- e. The Responding party and the Reporting party will not be permitted to directly question each other and are not required to be present together at any point during the process, including the meeting.
- f. The Chair will conclude the meeting by explaining next steps in the process.
- g. During the hearing, the Reporting party and the Responding party has the right to give opening and closing statements.  
The Responding party and Reporting party are entitled to be assisted by an advisor during a resolution hearing. Advisors are not allowed to speak and are allowed only to confer with their advisee. An advisor who violates this limitation could subject the advisee to additional sanctions or conduct action under the Student Code. Participants electing to be accompanied by an advisor must notify the Chair at least three (3) business days prior to the hearing.

Witnesses and Supporting Information:

- a. All documents to be presented at the hearing by the Reporting party or the Responding party must be submitted to the Chair at least three (3) business days prior to the hearing. The Chair will provide copies of submitted documents to the Reporting party and Responding party at least two (2) business days prior to the hearing, consistent with FERPA or other regulation governing the disclosure of educational records. Any documents submitted and/or discovered within three (3) business days of the hearing may only be considered at the discretion of the Chair.
- b. Witness lists must be provided by the Responding party and the Reporting party to the Chair at least three (3) business days prior to the hearing. The Chair will provide the Responding party and the Reporting party with a complete witness list at least two (2) business days prior to the hearing.
- c. Members of the University community are encouraged to appear at the hearing as witnesses if they have knowledge or information regarding the incident or alleged violation in question and if they have been requested to appear. Individuals who are not members of the University community will generally be permitted to appear as a witness if they have direct knowledge or information regarding the incident or alleged violation in question.
- d. Character witnesses are not accepted.

6. Resolution Conduct Body's Decision – *See below #5 Decision-Making Process*

**4. Anticipated Timelines**

The Title IX Coordinator will resolve these reports or complaints equitably and as promptly as practicable after the report or complaint is made. Ordinarily, the resolution process shall be concluded no later than sixty (60) days following the receipt of a complaint. More specific timelines can be found in the above section (Steps in the Disciplinary Process).

**5. Decision-Making Process**

- a. After the conclusion of the hearing, the Conduct Body will deliberate privately. The determination(s) of the Conduct Body will be made by majority vote. The deliberations will not be recorded.
- b. The Conduct Body will first determine whether the Responding party is responsible for the alleged violation(s). If the Responding party is found not responsible for all alleged violation(s), the matter will be dismissed and concluded without further proceedings for the Responding party.
- c. If the Responding party is found responsible for one or more of the alleged violation(s), the Conduct Body will determine fair and appropriate sanction(s) and make sanction recommendations. While determining fair and appropriate sanction(s) the Chair will notify the Conduct Body of the Responding party's previous student conduct history. Previous student conduct history will be limited to student conduct cases where the Responding party accepted responsibility, or was found responsible for violating the Student Code. Cases where the Responding party was not found responsible for violating this Policy or all charges were dismissed will not be introduced.
- d. When notifying the Conduct Body of a Responding party's student conduct history, the Chair will provide the date of the incident, a description of the violation(s), and the assigned sanctions. However, information which implicates federal privacy laws or is protected from disclosure (e.g. FERPA, HIPAA) may be excluded.
- e. After the conclusion of deliberations, the Chair will compile a Student Conduct Resolution Report summarizing the alleged violation(s), the Conduct Body's findings as to each alleged violation, and sanction recommendations, if any and will forward the report within five (5) business days to the Title IX Coordinator, as applicable, who will review the findings and recommended sanction(s), if any.
- f. After reviewing the report, the Title IX Coordinator, as applicable, will forward the report to the Chair who will send the Responding party and the Reporting party a copy of the Student Conduct Resolution Report and assigned sanction(s), if applicable within five (5) business days of receiving the Report from the Title IX Coordinator, unless circumstances warrant otherwise. The Report will be sent to the Responding party's and the Reporting party's UAB email address of record, the mailing or permanent address appearing in the University's student information system, an address appearing in a police report, or through personal contact.
- g. Either the Responding party or Reporting party may request an appeal of the Conduct Body findings within (5) business days of receiving notification of the finding.
- h. When suspension or expulsion are recommended by the Conduct Body, the Vice President for Student Affairs receives the recommendation, reviews the case, and makes a final decision regarding the recommendation. The response to the recommendation will be communicated to the student(s) involved by the Vice President for Student Affairs. Similar due process procedures will be available for student groups/organizations.

## **6. Standard of Evidence**

Preponderance of the Evidence

## **7. Possible Sanctions**

Any student found responsible for violating the provision on non-consensual sexual intercourse will likely receive a sanction of suspension or expulsion. Any student found responsible for violating the provision on non-consensual sexual contact, sexual exploitation, or sexual harassment will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous conduct code violations. The Office of Advocacy, Rights and Conduct reserves the right to broaden or lessen any range of recommended sanctions in the event of mitigating factor or egregiously offensive behavior. The following is a list of all possible sanctions:

- Informal Warning
- Formal Warning
- Parental/Guardian Notification
- No Contact Order
- Conduct Probation
- Loss of Privileges and Exclusion from Activities
- Restorative Actions
- Campus and/or Community Service
- Facility Suspension
- Facility Expulsion
- Educational Assignment/Initiatives
- Residence Hall Transfer or Removal
- Restitution
- Restriction from Employment at the University
- Prohibition or limitation on University employment
- Removal from Specific Courses
- Suspension
- Expulsion
- Additional Sanctions: Additional sanctions may include, but are not limited to, requiring the student to attend a counseling, drug, or alcohol consultation, required to have drug/alcohol testing, or required to have a psychological or psychiatric evaluation.

If a student fails a drug test, additional sanctions may include, but are not limited to, requiring the student to complete educational assignments, requiring the student to have a drug assessment, requiring the student to seek treatment, or attend a counseling consultation. Depending on the circumstances of a failed drug test, a student may also be suspended, or expelled from the University.

In situations involving some of the sanctions listed above, a student may be asked to relinquish any University office held. If student leaders are charged with a violation of serious non-academic misconduct, they may be removed from the leadership position until the matter is resolved. Sanctions may also result in permanent removal from leadership positions. This may also include prohibition from representing the University in any capacity. This could also result in the loss of certain scholarships and financial aid. In addition to the sanctions described, the Conduct Officer or Conduct Committee may apply or recommend additional sanctions.

Failure to complete a required sanction is a serious offense. It is considered an additional violation of the Student Code (Section J. Responsibility 4.), and will usually result in more serious sanctions being imposed. Within one (1) week of a student's failure to complete a sanction, a conduct hold will be placed on the student's records, and any pre-registration that the student might have already conducted. Students refusing to complete sanctions also place themselves at risk of being suspended or expelled from the University.

#### **8. *Range of Protective Measures Available to a Victim Alleging Misconduct***

The Title IX Coordinator will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: imposing a no contact order on the Responding party; residence hall room change for one or more involved parties; changes in academic schedules or assignments for one or both parties; and interim suspension of the Responding party.

### **Violence Prevention and Response Policy**

#### **1. *How to File a Disciplinary Complaint Under this Policy***

Employees should immediately report domestic violence, dating violence, sexual assault, and stalking to the UAB Police Department (UABPD) (205) 934-3535. UABPD coordinates required notifications to Office of HR Employee Relations for matters involving employees or the Office of Non-Academic Student Conduct for matters involving students. Employees who have been approached by a student relaying a potential incidence of violence must relay the report to the Assistant Vice President for Student Life.

#### **2. *How the University Determines Whether This Policy will be Used***

Any action involving an employee is referred to the Office of HR Employee Relations to determine if this policy is applicable.

#### **3. *Steps in the Disciplinary Process***

1. Complaint
2. Notification – If the Office of Human Resources determines there is reasonable cause to believe a policy has been violated, the Responding party will be notified in writing.
3. Human Resources Investigation – All investigations and/or disciplinary proceedings will be conducted by University officials who are adequately trained on the issues related to these situations. The complainant and the respondent will not be permitted to directly question each other and are not required to be present together at any point during the process. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present. The accuser, the accused, and the appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings.
4. Human Resources Decision – the accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.



#### **4. *Anticipated Timelines***

The Office of Human Resources will resolve these reports or complaints equitably and as promptly as practicable after the report or complaint is made. Ordinarily, the resolution process shall be concluded no later than sixty (60) days following the receipt of a complaint.

#### **5. *Decision-Making Process***

The Office of Human Resources will review all of the facts, including any documentation related to the specific complaint to make a decision. If the complaint goes before the Problem Resolution Committee, the Committee will accumulate and study the facts about the case and will submit a written report and recommendation to the Chief Human Resources Officer who will render a decision. The Chief Human Resources Officer will send a copy of the written decision to the employee and the supervisor. If the decision of the Chief Human Resources Officer differs from the recommendation of the Committee, the Chief Human Resources Officer may meet with the Committee to review the written rationale for the Committee's decision.

#### **6. *Standard of Evidence***

Preponderance of the Evidence

#### **7. *Possible Sanctions***

Any employee found responsible for violating the provision on non-consensual sexual intercourse will likely receive a sanction of termination. Any employee found responsible for violating the provision on non-consensual sexual contact, sexual exploitation, or sexual harassment will likely receive a sanction ranging from progressive disciplinary actions that may include termination, depending on the severity of the incident and taking into account any previous conduct code violations. Confirmed violations of this policy will result in appropriate consequences commensurate with the offense, up to and including dismissal from academic programs or termination of employment, appointment, or other relationships with UAB. Interim actions may be taken by UAB prior to final resolution. Individuals may also be subject to arrest, criminal prosecution, and/or may be barred from campus. The Office of Human Resources reserves the right to broaden or lessen any range of recommended sanctions in the event of mitigating factors or egregiously offensive behavior. The following is a list of all possible sanctions:

- Verbal Warning – The step should be used for first-time, minor policy violations.
- Written Warning – A written warning may be given after repeated violations, after a verbal warning, or for serious first-time misconduct. An employee who receives three written warnings during an 18-month period (whether or not the first two written warnings resulted in probation and/or suspension) may be terminated without proceeding through the remaining steps in the disciplinary process.
- Suspension – Suspension without pay may be imposed for repeated violations after a written warning has been issued or for serious first-time misconduct. Suspensions may not exceed ten working days. No vacation, holiday, or sick time benefits will be paid by UAB during suspension.
- Imposed Probation – An employee may be placed on probation for repeated violations after a written warning has been issued or for serious first-time misconduct. The probationary period may not exceed 90 calendar days. Imposed probation may be used in lieu of suspension or in some cases suspension and probation are combined.

If an employee fails to satisfactorily meet the goals or expectations during the imposed probation period, further disciplinary action up to, and including, discharge may occur.

Merit based increases will not be given to the employee during an imposed probationary period. Vacation and personal holidays will continue to accrue but will not be granted during this period of imposed probation. Imposed probation does not affect an employee's access to the formal Problem Resolution Procedure.

- Termination – Termination may occur immediately and without notice and/or without pay in lieu of notice for repeated violations of policy or for first-time incidents of gross misconduct. Termination should only occur after a careful review of the case with the appropriate departmental representative and the HR Employee Relations Office.
- Administrative Leave – Administrative leave may be imposed, with or without pay, in cases when it is believed that normal unit operations or safety would be affected or when UAB officials need time to gather information for determining the specific disciplinary action which needs to be taken.
- Demotion – Demotion may be used as a remedy and not as a step in the progressive disciplinary process when an employee cannot perform assigned job duties satisfactorily. It is most often used when an employee's skills are not matched to the job assignment. It may be possible to demote the employee into a position of lower classification in the same department with a resultant decrease in salary. A demotion without a decrease in salary must be approved by the appropriate vice president, the Provost, the CEO of the UAB Health System or by the Chief Human Resources Officer.

#### **8. *Range of Protective Measures Available to a Victim Alleging Misconduct***

The Office of Human Resources will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: imposing a no contact order on the Responding party; residence hall room change for one or more involved parties; changes in academic schedules or assignments for one or both parties; and interim suspension or imposed probation of the Responding party.

#### **University-Initiated Protective Measures**

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the University.

#### **Notification to Victims of Crimes of Violence**

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Sex Offender Registration**

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also mandates sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Alabama, convicted sex offenders must register with the sheriff of the county of his or her legal residence. Information on Registered Sex Offenders can be obtained at the UAB Police Department or on the Alabama Department of Public Safety's website: <http://dps.alabama.gov/Home/Default.aspx>, located under the Sexual Offenders link.

## **Student Rights in the Non-Academic Student Conduct Process (Due Process)**

Students and student groups/organizations accused of a violation of the Student Code or other University conduct policy will be assured of fair and equitable treatment through consistent adherence to procedure as described below:

1. The right to receive notification of the section(s) of the Student Code allegedly violated or the charge against them and the opportunity to schedule a date and time, of any resolution meeting regarding the alleged violation(s).
2. The right to know the identity of the Reporting party (unless it will cause a clear and present danger to the Reporting party).
3. The right to challenge the objectivity or fairness of any of the persons serving on the Conduct Committee. The decision to uphold any challenge made by the Responding party rests with the Chair of the proceedings.
4. The right, in all conduct proceedings to have the presence of one (1) advisor. An advisor may consult with the Responding party, but not address the Conduct Officer or Conduct Committee or participate directly in any conduct proceedings.
5. The right to have timely access to information that will be used during any resolution meeting upon request.
6. The right to know the name of each witness (unless it will cause a clear and present danger to the witness) to appear the resolution meeting.
7. The right to introduce documents, to call witnesses, and present other information. The right to call witnesses is accompanied by the obligation to provide the name of each witness, in writing, two (2) business days in advance of the resolution meeting to the Conduct Officer or Chair of the Conduct Committee.
8. The right to be present at their resolution meeting regarding the alleged violation(s) and to make or refrain from making statements.
9. The right to ask questions of any person participating in or providing information at a conduct proceeding. All questions asked by the Responding party during a resolution meeting conducted by the Conduct Officer or the Conduct Committee are to be submitted in writing to the Conduct Officer or Chair of the Conduct Committee. The Conduct Officer or Chair has the authority to determine relevancy of questions

asked by a Respondent or Complainant. In certain circumstances, questioning may be done outside the physical presence of those participating in the resolution meeting.

10. The right to receive written notification of any finding made, including written notice of sanctions or actions, if any.
11. The right to be notified when results are final.
12. The right to be notified of the request to appeal process and whether an appeal is available for the conduct or violation alleged.
13. The right to review the record that exists of a personal conduct resolution meeting in accordance with all state laws and the Family Educational Rights and Privacy Act.
14. The right to request postponement of a resolution meeting for good cause shown. In most cases, a postponement will only be granted due to an academically related commitment. The decision to postpone a resolution meeting rests with the Conduct Officer or Chair of the Conduct Committee.
15. The Responding party of a Title IX Sexual Misconduct report may be entitled to additional rights as set forth in the Sexual Violence and Sexual Misconduct Policy.

See entire Non-Academic Student Conduct Policy at <http://www.uab.edu/students/services/student-engagement/student-conduct>

### **DISTRIBUTION OF TIMELY WARNINGS**

The department distributes timely warnings via the University's B-ALERT emergency notification system to communicate through voice calls, SMS text messages and emails to the entire campus all at the same time. B-ALERT also integrates with Facebook and Twitter. Timely Warnings are issued to alert the University community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Once the University determines that an alert will be issued, the Information Technology Department e-mails the announcement and the police department posts it on its Website at [www.uab.edu/police](http://www.uab.edu/police). The department may also post alerts on bulletin boards throughout campus and send "Be On the Look Out" (BOLO) to local law enforcement agencies.

### **DAILY CRIME LOG**

The UAB Police Department maintains a Daily Crime Log that records, by the date the incident was reported, all crimes, and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the department's patrol jurisdiction. It is our policy to prepare an annual disclosure of crime statistics via our Annual Security and Fire Safety Report, our Daily Crime Log and on our department's website. The Daily Crime Log is available for public inspection at the department's headquarters. The Daily Crime Log includes the nature, date, time, and general location of each crime reported to the department, as well as the disposition of the complaint, if this information is known at the time the log is created. The department posts specific incidents in the Daily Crime Log within two business days of receiving a report of an incident and reserves the right to exclude reports from the log in certain circumstances.

### **EMERGENCY PREPAREDNESS, RESPONSE, AND EVACUATION PROCEDURES**

The University of Alabama at Birmingham has long recognized the need to be prepared for critical incidents. Under the guidance of the University Safety Committee, various department and offices work together to ensure the University is doing all it can to prepare for, prevent, respond to, and recover from emergencies. In conjunction with local first responders, such as the Birmingham Police Department and Birmingham Fire and Rescue, the

University is well prepared to respond to a full range of critical incidents.

The Office of Occupational Health and Safety (OH&S) and the University Police Department work together to ensure our emergency protocols and plans are updated, as needed, and are applicable as new risks are identified. The University's emergency planning website, located at [www.uab.edu/emergency](http://www.uab.edu/emergency), not only contains important information about what to do during an emergency, but it also outlines the various initiatives underway to enhance preparedness. One such initiative is the University of Alabama at Birmingham Emergency Notification System. This system is used to send text messages to cell phones and pagers when urgent information needs to be communicated quickly to the University community.

Upon immediate confirmation by the University Police Department or other University administrators (President, President's Cabinet, and Emergency Management) that an emergency incident has occurred on campus, the University will immediately issue an emergency notification to the campus community via the University's B-ALERT emergency notification system to communicate through voice calls, SMS text messages and emails to the entire campus all at the same time. Face-to-face communication maybe utilized as well, if appropriate. B-ALERT also integrates with Facebook and Twitter. However, if issuing a notification, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the University may decide not to immediately issue the notification. Appropriate University administrators (University Police, or President, President's Cabinet, or Emergency Management) will determine the necessary segment or segments of the campus community to receive an emergency notification(s): such as the entire campus community, or the affected residence hall or halls, or the affected campus building or buildings, or the affected hospital(s); determine the content of the notification, such as the University Police Department will determine how much information is appropriate to disseminate at different points in time to the entire campus community, or the affected area(s); part of this information may tell the residents, students, and/or employees to shelter in place or to tell commuter students and employees to stay away from campus; and initiate the notification system. The UAB administrators responsible for carrying out the above actions are as follows: The President, The President's Cabinet, the University Police Department, and Emergency Management.

The larger community is highly encouraged to go to the University's emergency planning website, located at: [uab.edu/emergency](http://uab.edu/emergency), to obtain emergency information. UAB will test (announced or unannounced) the emergency notification system on an annual basis and publicize its emergency response and evacuation procedures in conjunction with its annual test per calendar year. UAB will document each annual test, including a description of the exercise, the date, time, and whether it was announced or unannounced.

### **CRIMINAL INCIDENTS ON CAMPUS**

The University Police 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 [uab.edu/police](http://uab.edu/police). This report is prepared in cooperation with the local law enforcement agencies surrounding our campus, Student Housing and Residential Life, the Office of Student Advocacy, Rights and Conduct, and the Office of Financial Affairs and Administration. 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 UAB Police, designated campus officials (including but not limited to directors, deans, department heads, student conduct, advisors to students/student



organizations, athletic coaches), and local law enforcement agencies.

Each year, an email link is made available via the Kaleidoscope, GreenMail, eReporter, undergraduate and graduate admissions, and human resources management in reference to the web site to access the Annual Security & Fire Safety Report. Copies of the report may also be obtained at the University Police Department Headquarters located at 1117 14th Street South Birmingham, AL or by calling 205-934-4649.

### **UNFOUNDED CRIMINAL INCIDENTS**

"Unfounded" means that an investigation has shown that the incident or offense did not occur. An offense or incident cannot be "unfounded" just because stolen property was recovered and/or the victim refuses to prosecute, or an arrest was not made.

### **FEDERAL CAMPUS SEX CRIMES PREVENTION ACT**

The Federal Campus Sex Crimes Prevention Act, (section 1601 of Public Law 106-386) enacted on October 28, 2000, went into effect October 28, 2002. It is a law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or those working or volunteering on campus. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already registered in a State to provide notice to the appropriate state agency, as required under state law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. Information on registered sex offenders can be obtained on the Alabama Department of Public Safety's website: <http://dps.alabama.gov/Home/Default.aspx>, located under the Sexual Offenders link.

### **Crime Statistics**

Major crimes reported to the UAB Police Department for January through December of the most recent three-year period are listed in the following chart. UAB Police Incident Reports are subject to Alabama's Uniform Crime Reporting Program and the Alabama Open Records Act. The Code of Alabama (Section 36-12-40) states that every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute. Disciplinary referrals for violations of the Student Code of Conduct, which may include some criminal offenses specified for this report, are sometimes made directly to the Office of Student Advocacy, Rights and Conduct by individuals or campus organizations other than the UAB Police.

Note: Any incidents that may have been reported only to pastoral and professional counselors of the University are generally protected by privacy rights of the client or patient and are not included in any of the following statistics, nor for any timely warning notifications to the campus.

## UAB POLICE DEPARTMENT CRIME STATISTICS

### CRIME STATISTICS MANDATED BY THE JEANNE CLERY ACT

CRIMINAL INCIDENTS	ON CAMPUS		* STUDENT HOUSING		PUBLIC PROPERTY		NON CAMPUS		UNFOUNDED	
	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014
ARSON	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	2	0	0	0	0	0	1	0	0
BURGLARY	1	6	0	1	0	0	7	1	0	0
FONDLING	0	4	0	2	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	4	7	0	0	2	1	1	1	3	0
MURDER/NON-NEGLIGENT MURDER	0	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0
RAPE	2	7	1	2	0	0	0	2	0	0
ROBBERY	2	2	0	0	3	1	0	3	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT (VAWA)</b>										
DATING VIOLENCE	11	10	2	0	0	0	6	2	0	0
DOMESTIC VIOLENCE	7	11	0	0	0	0	0	1	0	0
STALKING	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>										
LIQUOR LAW VIOLATIONS	0	0	0	0	1	0	0	0	0	0
DRUG ABUSE VIOLATIONS	21	29	3	3	5	10	0	2	0	0
WEAPONS: CARRYING, POSSESSING, ETC.	1	0	0	0	1	2	0	0	0	0
<b>DISCIPLINARY ACTIONS/JUDICIAL REFERRALS</b>										
LIQUOR LAW VIOLATIONS	136	79	136	79	0	0	0	0	0	0
DRUG ABUSE VIOLATIONS	12	22	31	22	0	0	0	0	0	0
WEAPONS: CARRYING, POSSESSING, ETC.	1	0	0	0	0	0	0	0	0	0
<b>REGISTERED SEX OFFENDERS IN UAB CAMPUS VICINITY **</b>										

Note: The 2013 and 2014 crime statistics reflect the changes made after the passage of the Violence Against Women Act.

\* Residential Facilities are a subsection of On-Campus totals

\*\*Information on Registered Sex Offenders can be obtained at the UAB Police Department or on the Alabama Department of Public Safety Website ([www.dps.state.al.us](http://www.dps.state.al.us)) located under the Sexual Offender Link

## UAB POLICE DEPARTMENT CRIME STATISTICS

### CRIME STATISTICS MANDATED BY THE JEANNE CLERY ACT

CRIMINAL INCIDENTS	CAMPUS	*STUDENT HOUSING	PUBLIC PROPERTY	NON CAMPUS	UNFOUNDED
	2012	2012	2012	2012	2012
ARSON	1	0	0	0	0
MURDER/NON-NEGLIGENT MURDER	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0
FORCIBLE SEXUAL OFFENSES	2	0	0	0	0
NON-FORCIBLE SEXUAL OFFENSES	0	0	0	0	0
ROBBERY	1	0	0	2	0
AGGRAVATED ASSAULT	0	0	0	2	0
BURGLARY	5	0	0	3	0
MOTOR VEHICLE THEFT	5	1	0	2	1
<b>ARREST</b>					
LIQUOR LAW VIOLATIONS	3	0	1	0	0
DRUG ABUSE VIOLATIONS	45	3	5	0	0
WEAPONS: CARRYING, POSSESSING, ETC.	4	0	1	0	0
<b>NUMBER OF DISCIPLINARY ACTIONS/JUDICIAL REFERRALS</b>					
LIQUOR LAW VIOLATIONS	90	90	0	0	0
DRUG ABUSE VIOLATIONS	48	48	0	0	0
WEAPONS: CARRYING, POSSESSING, ETC.	1	1	0	0	0
<b>REGISTERED SEX OFFENDERS IN UAB CAMPUS VICINITY **</b>					

\* Residential Facilities are a subsection of On-Campus totals

\*\*Information on Registered Sex Offenders can be obtained at the UAB Police Department or on the Alabama Department of Public Safety Website ([www.dps.state.al.us](http://www.dps.state.al.us)) located under the Sexual Offender Link

**UAB POLICE DEPARTMENT CRIME STATISTICS**  
**CRIME STATISTICS MANDATED BY THE JEANNE CLERY ACT**  
**HATE CRIMES**

CRIMINAL INCIDENTS	ON CAMPUS			CAMPUS HOUSING			PUBLIC PROPERTY			NON CAMPUS			UNFOUNDED		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
ARSON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DAMAGE/VANDALISM OF PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LARCENY-THEFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MURDER/NON-NEGLIGENT MURDER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Hate Crimes** - A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

## **IMPORTANT DEFINITIONS**

Crimes reported for the University of Alabama at Birmingham are classified as being on or off campus by using the following boundaries. For the purposes of classifying the reported crimes, the following definitions apply:

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

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

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



The City of Birmingham  
2014 Offenses Reported  
UAB Area\*

Crime Incidents	2013	2014	UNFOUNDED	
			2013	2014
ARSON	0	0	-	0
AGGRAVATED ASSAULT	0	34	-	0
BURGLARY	134	88	-	3
DATING VIOLENCE	0	0	-	0
DOMESTIC VIOLENCE	0	92	-	0
FONDLING	0	1	-	0
INCEST	0	0	-	0
MOTOR VEHICLE THEFT	44	57	-	15
MURDER/NON-NEGLIGENT MURDER	0	1	-	0
NEGLIGENT MANSLAUGHTER	0	0	-	0
RAPE	0	9	-	0
ROBBERY	42	60	-	1
STALKING	0	2	-	0
STATUTORY RAPE	0	0	-	0
<b>Arrest</b>				
LIQUOR LAW VIOLATIONS	-	0	-	0
DRUG ABUSE VIOLATIONS	-	59	-	0
WEAPONS: CARRYING, POSSESSING, ETC.	-	13	-	0

\*Statistics from 2013 reflect changes made after the passage of the Violence Against Women Act.

Crime Incidents	2012	UNFOUNDED
		2012
ARSON	0	-
MURDER/NON-NEGLIGENT MURDER	0	-
NEGLIGENT MANSLAUGHTER	0	-
FORCIBLE SEXUAL OFFENSES	0	-
NON-FORCIBLE SEXUAL OFFENSES	0	-
ROBBERY	121	-
AGGRAVATED ASSAULT	0	-
BURGLARY	208	-
MOTOR VEHICLE THEFT	64	-
<b>ARRESTS</b>		
LIQUOR LAW VIOLATIONS	-	-
DRUG ABUSE VIOLATIONS	-	-
WEAPONS: CARRYING, POSSESSING, ETC.	-	-

-The Birmingham Police Department was unable to provide these statistics.

## **DEFINITIONS OF REPORTABLE CRIMES**

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

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

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

**Domestic Violence** – A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- by a person similarly situated to a spouse of the victim under the domestic violence or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (2) For the purpose of this definition- (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (ii) Dating violence does not include acts covered under the definition of domestic violence. (3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Criminal Homicide—Murder and Nonnegligent Manslaughter** – The willful (nonnegligent) killing of one human being by another.

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

**Criminal Homicide—Manslaughter by Negligence** – The killing of another person through gross negligence.

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

**Sex offenses** - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

**Rape** – 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.

**Fondling** - The touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Statutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

## **OTHER OFFENSES**

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

**Larceny** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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

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

**Liquor law violations** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug abuse violations** – The violation of laws prohibiting the production, distribution, and/or use of certain

controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Weapons: Carrying, Possessing, Etc.** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

## **ALCOHOL AND DRUG USE AND ABUSE**

### **Alcoholic Beverages**

The University has established policies and guidelines governing the possession, sale, and consumption of alcoholic beverages on the campus. A copy of the Student Alcohol Policy may be obtained through Student Affairs. A copy of the Policy on The Use and Consumption of Alcoholic Beverages may be obtained from the Office of Human Resources, Campus Drug Policy Coordinator. Any use of alcoholic beverages on campus must be in compliance with the Alabama law prohibiting the use of alcohol by persons under the age of 21. Students of legal drinking age in Alabama may possess and consume alcoholic beverages in their private residence. Alcohol is not to be served at any UAB sponsored campus events. See entire Non-Academic Student Conduct Policy at [www.uab.edu/studentconduct](http://www.uab.edu/studentconduct)

### **Illegal Drugs**

Institute regulations prohibit the possession or use, without a valid prescription, of any substance currently classified as a dangerous drug by the Alabama Controlled Substance Act. Any individual breaking the law will be subject to disciplinary action and arrest. See entire Non-Academic Student Conduct Policy at [www.uab.edu/studentconduct](http://www.uab.edu/studentconduct).

### **Substance Abuse Education**

UAB is committed to maintaining a campus free of drug and alcohol abuse and assisting all employees and students in finding ways to address these problems. Educational programs addressing these issues are supported and encouraged through a variety of departments. Anyone aware of problems with roommates, friends, or coworkers is encouraged to contact the appropriate office for help.

### **Substance Abuse Assistance**

For students with substance abuse problems, assistance is available through the UAB Student Health and Wellness Center. The Student Health and Wellness Center has experienced professional counselors and psychologists to assist students in need. Students are scheduled for individual appointments, and all information is kept strictly confidential. They have a full-time substance abuse prevention coordinator and trained student peer educators available to provide information individually or in-group settings. The Student Health and Wellness Center is located at 1714 9<sup>th</sup> Avenue South, Birmingham, AL. 35294. For more information, students are encouraged to contact one of the following numbers:

1. Student Health and Wellness Center (205) 934-3581
2. Student Health and Wellness Counseling Services at (205) 934-5816

UAB faculty and staff may obtain assistance through the Office of Human Resources Employee Assistance Program at (205) 934-2281. Alcohol and drug assistance programs are available, including referral to community agencies. Counseling and referral services are provided by appointment and all information is confidential. The Employee Assistance Program also offers training and educational programs regarding drug and alcohol awareness. Please refer to the University's Drug-Free Workplace Policy for additional information <http://www.uab.edu/policies/content/Pages/UAB-AD-POL-0000047.aspx>. The Employee Assistance Program has two locations, 2112 11<sup>th</sup> Avenue South, Birmingham, AL 35205, and at Employee Health North in the Russell Clinic 1813 6<sup>th</sup> Avenue South 3280, Birmingham, AL 35233.

### **How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

### **Risk Reduction**

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

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.

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

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



- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately. UAB Police Department can be reached at (205) 934-3535 (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

#### ADDITIONAL SAFETY TIPS

- Be alert. Watch for obvious strangers around your office, your home, or apartment. Check for signs of a break-in before entering an empty house, office, or car. Call the police if you see signs of forced entry to a building

or a car.

- Call the police if you are experiencing any minor theft problems over a period of time.
- Involve your associates. If you are expecting a delivery or a guest in your absence, leave your keys with a neighbor or a coworker. Let your office staff and neighbors know when you will be away from home and ask them to challenge strangers in the area.
- Maintain a record of serial numbers of your property and of identification and credit cards. Include a brief description with each and keep this information in a safe place.
- Report any crime or suspicious activity to the police. Be prepared to supply as much information as possible, such as descriptions of people, property, and cars.
- Post the number for the UAB Police Department (205) 934-3535, and your local police and fire departments, near your phone at work and at home.
- If you need to contact the Police while on campus, use one of the HELP phones located at key areas around campus. Take a few minutes now to review the Help Phone Map (see page 58) to locate and identify HELP phones in those areas where you park, work, walk, or play. Simply lifting the receiver or pushing the red button of one of these green and yellow phones will put you through to the UAB Police Dispatcher immediately.
- If you would like additional information on crime prevention or wish to discuss a problem that may be crime related, contact the UAB Police Department at (205) 934-4434. Help prevent crime and help to have a safe home, study, and work environment. Victims needing counseling for psychological or physical reasons may contact one of the following on-campus and off-campus offices for further information:
  - a. Student Health and Wellness Center (205) 934-3581
  - b. Student Health and Wellness Counseling Services at (205) 934-5816
  - c. Gateway Family Services (205) 510-2600
  - d. Family Violence: (205) 322-4878
  - e. Crisis Center (205) 323-7777
  - f. Rape Response: (205) 323-7273
  - g. Oasis Counseling Center: (205) 933-0338

# FIRE SAFETY REPORT



## **Important Definitions**

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

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

**Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.

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

**Fire-related death:** Any instance in which a person

- (1) Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- (2) Dies within one year of injuries sustained as a result of the fire.

**Fire safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system includes sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as alarms, bells, or strobe

lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

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

### **Residence halls fire prevention information**

**Smoke detectors and sprinkler systems.** All residence halls have smoke detectors and sprinkler systems installed and a Fire Alarm Control Panel. There are smoke detectors in each student room as well as in common areas. These are connected to the central alarm system, which, in turn, is connected to the UAB Police Department.

**Fire Safety Equipment:** All suites/apartments are equipped with smoke detectors. Each floor in each residence hall is equipped with fire extinguishers. Fire alarm pull stations are located on each corridor of each hall. Tampering with fire safety equipment or setting off a false alarm is against the law. It also will make the system ineffective and endanger the lives of other residents. Any person, who sets off a false alarm, interferes with the operation of the alarm system, damages or removes any part of the alarm system, fire extinguishers, smoke detectors, or exit signs are subject to severe disciplinary action, including dismissal from the residence halls, possible suspension from the University, and/or criminal prosecution. If a smoke detector is detached from the wall for any reason, it is the responsibility of the resident to report it immediately. If not reported, all residents will be held responsible for tampering with fire safety equipment and will be disciplined and/or fined.

**Fire drills/safety education:** To comply with state and local fire regulations and for fire safety education, unannounced fire drills are conducted every semester. All persons inside the residence hall during emergency drills are required to evacuate the building. Failure to evacuate the residence hall for any reason, including sleeping through an alarm, may result in disciplinary action.

**Fire evacuation procedures:** In the event of a fire, all residence hall buildings will be evacuated to protect the health and safety of the residents, guests, and visitors. When an alarm is sounded, you must assume there is an emergency and you must follow the following steps.

- (1) REMAIN CALM.
- (2) Evacuate by the nearest safety exit stairway.
- (3) DO NOT USE ELEVATORS. Elevators will either automatically return to the first floor or the UAB Police will return them to the first floor.
- (4) Residents who cannot traverse stairs should exit through the main entrance if they are on that floor. If on a higher floor, these residents should report to the nearest stairwell and wait safely inside. Emergency personnel or Student Housing and Residence Life staff will help residents and guests waiting in the stairwell.
- (5) After departing the hall, proceed directly to the designated assembly point away from the building. Do not leave the assembly area until told to do so by a responsible official. Suitable emergency shelter will be provided as soon as possible.
- (6) Return to the hall ONLY when told by the Birmingham Fire Department Officials, UAB Police, or a Student Housing and Residential Life staff member.

### ***Fire safety regulations***

It is essential that residents observe the following fire safety regulations:

1. Do not leave appliances unattended while in use.
2. Do not overload electrical circuits.
3. No open flames (candles, incense, kerosene lamps, etc.) or any incendiary devices are permitted in residence hall rooms/suites/apartments.
4. The storage or use of flammable liquid or substances is prohibited.
5. Fireworks are not permitted.
6. Electrical appliances (toaster ovens and deep fryers) with exposed heating elements are prohibited. All appliances must be UL approved.
7. The use of multi-outlet plugs is prohibited, except for those with built-in circuit breakers.
8. Motorcycles, motor scooters, and other internal combustion engines are not permitted inside or adjacent to the buildings. Consult the UAB Department of Transportation Services for approved parking areas.
9. Bicycles may not be kept in hallways/stairwells, attached to fire equipment, or placed in any manner that interferes with exit from the building.
10. Smoking is prohibited in all University buildings, including residence hall balconies.
11. In the event of a grease or food fire on top of the stove eye, do not attempt to lift or move the container. Instead, turn off the stove eye and cover the pot with a metal lid. If the container is inside the oven, turn the oven off and leave the oven door closed.
12. Halogen lamps and medusa lamps are not permitted in the Residence Halls.
13. Hanging anything from the ceiling and/or balcony is not permitted. This includes, but is not limited to: hanging lights, string lights, and hanging baskets.
14. String hanging lights are not permitted outside apartments/suites, including balconies.
15. Fog machines are not permitted in the residence halls. This includes using fog machines for decorative purposes.
16. Any use of portable space heaters must be approved by the Office of Student Housing and Residence Life.

### ***Reporting a fire.***

To report a fire, students, and employees should contact the UAB Police, Birmingham Fire Department, or a Student Housing and Residential Life Staff member.

### **Fire Log**

The UAB Police Department maintains a Fire Log that records, by the date the incident that was reported, all fires that occur in an on campus housing facility. The Fire Log is available for public inspection at the department's headquarters. The Fire log includes the nature, date, time, cause, and general location of each fire reported to the department. The department posts fire incidents on the Fire Log within two business days of receiving a report of a fire and reserves the right to exclude reports from the log in certain circumstances.



The following chart indicated the 2014 Annual Fire Statistics for our on campus residence facilities:

**University of Alabama at Birmingham 2014 Matrix**

University Residential Facilities	Total Fires in Each Building	Fire Number	Report Date	Report Time	Incident Date	Incident Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Blazer	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Blount	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Camp	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Denman	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rast	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

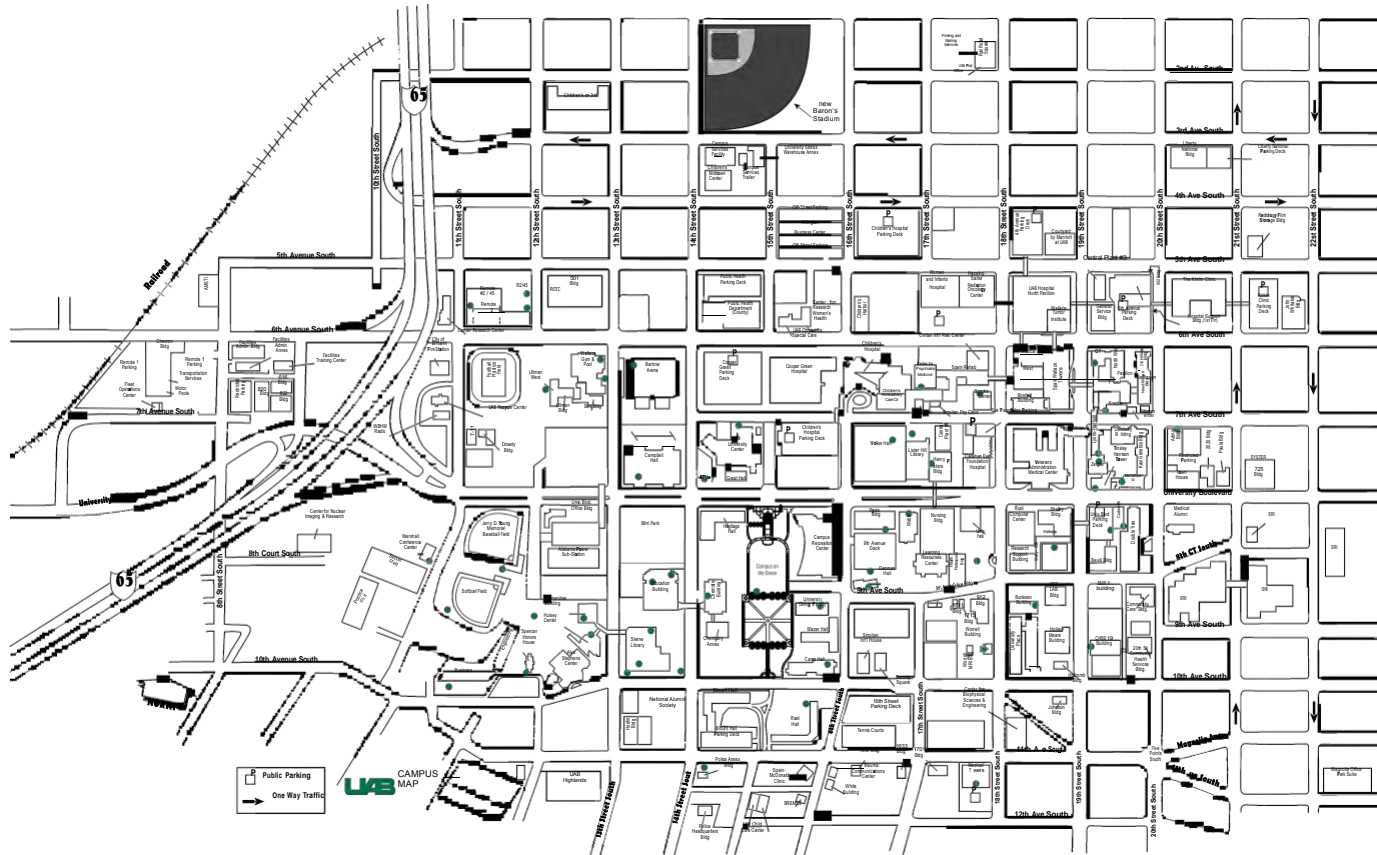
The following matrix depicts the UAB Fire Safety System for our campus residence facilities:

**University of Alabama at Birmingham 2014 Matrix**

University Residential Facilities	Fire Alarm Monitoring Done on Site (UABPD)	Partial 1 Sprinkler System	Full 2 Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans Placards	Number of Evacuations (fire) drills each academic year 2012	Number of Evacuations (fire) drills each academic year 2013	Number of Evacuations (fire) drills each academic year 2014
Blazer	X		X	X	X	X	2	2	2
Blount	X		X	X	X	X	2	2	2
Camp	X		X	X	X	X	2	2	2
Denman	X		X	X	X	X	2	2	2
Rast	X		X	X	X	X	2	2	2

1. Partial Sprinkler System is defined as having sprinklers in the common areas only.
2. Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

# HELP PHONE MAP



## **CAMPUS POLICE PHONE NUMBERS**

1117 14th Street South, Birmingham, Alabama 35205

Fire, Injuries, Accidents, and Other Police Information 24 hours per day

**(205) 934-3535**

Crime Prevention Mon.-Fri., 7:30 a.m. - 4:30 p.m. (205) 934-2409

Lost and Found/ Records Mon.-Fri., 8:00 a.m. - 4:30 p.m. (205) 934-4649

Criminal Investigation Division Mon.-Fri., 8:00 a.m. - 4:30 p.m. (205) 934-6860

Patrol Operations Mon.-Fri., 8:00 a.m.-5:00 p.m. (205) 934-4434

Housing/Special Operations Mon.-Fri., 7:30 a.m.-4:30 p.m. (205) 934-3999

Community Relations /Training Mon.-Fri., 8:00 a.m.-5:00 p.m. (205) 996-2247

Hospital Precinct Division Mon.-Fri., 7:30 a.m.-4:30 p.m. (205) 934-8534

Office of Professional Standards Mon.-Fri., 8:00 a.m.-5:00 p.m. (205) 996-2247

You can contact the following departments for more information about the topics covered in this brochure.

- UAB Police **(205) 934-4434**
- Student Health and Wellness Counseling Services (205) 934-5816
- Office of Student Life (205) 934-4175
- Student Housing and Residential Life (205) 934-2092
- Diversity Programs (205) 934-8020
- Financial Aid (205) 934-8223
- International Students (205) 934-1205
- Office of Human Resources Management (205) 934-4458
- Employee Assistance Program (205) 934-2281
- Parking & Transportation (205) 934-3513
- Student Escort Services: (205) 934-8772
- Health Services (205) 934-3580
- Commons on the Green (205) 996-6565
- UAB Recreation Center (205) 934-8224

View this publication online. Go to the **Crime Statistics** section of the UAB Police Department's Web site located at: [www.uab.edu/police](http://www.uab.edu/police).

# CAMPUS MAP WITH PATROL AND CORE CAMPUS BOUNDARIES

