Compliance

At UAB, compliance with applicable laws and regulations is our minimum standard. Federal Civil Rights regulations, which include Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 apply to all institutions of higher education that receive federal financial assistance. Our continued excellence among top global research universities and academic health centers depends, in part, upon going beyond minimum legal standards to sustain a campus culture of respect, equal access, and inclusiveness. What sets UAB apart is its charge to all community members not to merely comply with laws and regulations, but to always conduct ourselves in the spirit of our core values.

Therefore, the focus of the July 2017 Compliance 411 is on two UAB programs that are working diligently to support UAB’s culture of respect: UAB Student Affairs’ Disability Support Services and Title IX Office.

Are You Accessible? UAB’s Disability Support Services Can Help

UAB thrives on the diversity of its student population. The backgrounds of UAB students are as various as the number of enrollees. Yet what all students have in common is the hope to meet the challenge that higher educational opportunity presents.

Students with disabilities are an essential part of this diversity, and UAB is committed to making sure that equal access is afforded to all UAB students with disabilities, including undergraduates, graduate students, and professional students.

UAB must comply with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. Under the direction of Allison Solomon, Disability Support Services (DSS) is the office designated to support UAB in fulfilling its legal responsibility to include students with disabilities in the design and administration of all classes and student programs. Yet Solomon explains that “When training faculty and staff about

Title IX Takes Center Stage at UAB

UAB is committed to sustaining an environment that respects the dignity of its students, faculty, and staff and is free from sexual misconduct. The University expects individuals who live, work, teach, study, or visit here to contribute positively to the environment and refrain from behaviors that threaten the freedom and respect that every member of our community deserves.

It is our individual duty to practice equity and respect on a daily basis. These values are embodied in Title IX of the Education Amendments of 1972, a comprehensive Federal Civil Rights law that prohibits discrimination based on the sex of students and employees of educational institutions that receive federal financial assistance. In summary, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. §1681

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Disability Support Services  

their responsibilities to students with disabilities, we want to teach them that we aren’t just complying with the law. We’re setting a higher bar. We want to foster excellence above and beyond the law. DSS is faculty’s advocate in achieving that excellence.”

While DSS serves students with disabilities by offering a wide range of academic support services to those with qualifying conditions, DSS also offers University faculty and staff various services, including:

- Online training modules and in-person departmental training covering faculty/staff responsibilities under disability compliance mandates;
- Test administration with accommodations provided and proctored by DSS staff;
- Resources related to recognizing when materials must be captioned, locating captioned media, and arranging for captions to be added by an outside vendor; and
- Guidance & consultation on accessible course design, accommodation, determining reasonableness, and rights and responsibilities of students and instructors.

What faculty can do

How does one learn that a student has a disability in the first place? How can faculty help if they aren’t aware that a student in their class has a disability? Students are the ones that must put the wheels in motion by coming to DSS. “Fortunately, we’re reaching students with disabilities in the admissions process and through freshman orientation awareness education. But there are still students who don’t self-identify until they are in the midst of a challenge due to a class requirement for which their type of disability has created a barrier to a level playing field.”

An instructor may notice signs of distress, that a student is frequently absent, or other indicators of a poten-

Title IX Office  

Because of the damage to morale, scholarship, and progress that results from sex-based discrimination, issues surrounding Title IX have risen to a level of critical global importance and require focused leadership. Until recently, responsibility for implementation of UAB’s Title IX program was distributed across various administrative and academic units. With a changing national Title IX landscape, UAB executive leadership worked to revise the Title IX Policy and Procedures and hire a full-time Title IX Coordinator to implement the Title IX program.

When asked why UAB needs a dedicated Title IX office, UAB’s new Title IX Coordinator, Kasey Robinson, responds, “Because discrimination can be so damaging to an institution, Title IX has to take center stage. We should not have a campus where discrimination is present or prohibited behavior is allowed to continue without being addressed. A centralized Title IX office allows consistent implementation of policy and procedures and also measurement of trends, incidents, and results. Evaluation of such data will help us tailor Title IX efforts to UAB’s specific needs based on what we learn from our database of knowledge.” Kasey adds that having a centralized Title IX office in Hill Student Center allows for a visible, easily accessible reporting location.

Robinson stresses the importance of maintaining a respectful environment across segments of UAB: “We work with both sides of campus – the workplace and the classroom – because when there’s harassment in the workplace, students get the impression that it could be allowed in the academic realm too. So no matter what area you’re in, if you see something, say something.”

How to report

As Title IX Coordinator, Robinson strongly advises reporting any violation of UAB’s Title IX Sexual Violence
Beginning fall semester, UAB Parking & Transportation will offer a new van service for students, faculty, and staff with mobility impairments. This service will be called BlazeRide and will collaborate with Disability Support Services (DSS) and the AWARE Disability Management Program. To register for the service, students should call DSS at 205-934-4205; faculty & staff should call AWARE at 205-934-4458.

Compliance Challenge:

Read the hypothetical scenario below, and then click on an answer A-E. to enter a drawing for one of two $10.00 Taco Mama gift certificates to be held Sept. 30, 2017. You don’t have to select the correct answer to be entered into the drawing – you only need to participate. Only individuals with addresses ending in uab.edu or uabmc.edu qualify.

Dr. Arthur’s physics class is almost one third of the way through the first semester, and she is preparing her students for the mid-term exam. She is glad to see that one of her students, Amy, is present today since her attendance has been inconsistent. Amy has been very attentive at times, but at others has appeared to be weepy and distracted in class. While Dr. Arthur is concerned, she doesn’t want to pry into Amy’s personal matters. Yet she fears that, with Amy’s poor attendance, she may not have the chance to talk with her again.

Given the challenge of having to decide what to do in the moment, Dr. Arthur should:

A. Email Amy a suggestion to see a psychiatrist since she is clearly showing symptoms of depression or another mental disorder.

B. Wait to see how she does on the mid-term and bring Amy’s matter up at the next faculty meeting.

C. Stop Amy at the door and ask if she is taking anything for her ADHD.

D. As soon as class is over, privately tell Amy that she has observed her being absent, appearing emotional, and not focusing on the class discussion, and that UAB offers support services through Academic Success, Student Health Services, Student Counseling Services, and Disability Support Services.

E. Instruct Amy to drop the class.

It’s Not Just Academic: How UAB Serves Employees with Disabilities

In addition to serving students with disabilities, UAB also serves faculty and staff with disabilities through the Office of Human Resources’ AWARE (Always Working to Advocate, Retain & Employ) program. Through a unique partnership between UAB and the Alabama Department of Rehabilitation Services, the AWARE program assists current employees and their departments, job seekers going through the application process, and employees returning from long-term disability or medical leave. In addition, AWARE coordinates employee requests for reasonable workplace accommodations under the Americans with Disabilities Act.

Reasonable accommodation request process

AWARE provides disability-management services when an employee’s job is affected by a physical, mental, or emotional disability. It is the responsibility of the employee to self-identify as having a disability and to request an accommodation. Employees should make accommodation requests by completing the Accommodation Request Form and returning it to Sherri Moultrie, UAB’s AWARE Coordinator (205-975-9973 or srmoul@uab.edu). Human Resources may require written documentation of your disability from an appropriate health care provider. View full process here.

AWARE’s current services:

- Disability awareness and sensitivity training;
- Recruitment of qualified applicants with disabilities;
- Vocational evaluations and rehabilitation counseling;
- Advice on ADA reasonable accommodations;
- On-site workplace assessments by trained rehabilitation engineers;
- Medical information and return-to-work documentation coordination;
- Job placement, training, and transitional employment programs for employees unable to remain in their current positions; and
- Transfer assistance when appropriate

For more information, please contact Sherri Moultrie. Faculty and staff may also find the following links helpful:

<table>
<thead>
<tr>
<th>Job Accommodation Network</th>
<th>This service of the Office of Disability Employment Policy suggests solutions for workplace accommodations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama Business Leadership Network</td>
<td>A network of Alabama businesses committed to providing disability resources through networking and assistance.</td>
</tr>
<tr>
<td>Disability Information from the Federal Government</td>
<td>This resource from the White House’s 2001 New Freedom Initiative covers a variety of disability-related topics.</td>
</tr>
<tr>
<td>Cornell University Employment and Disability Institute</td>
<td>Cornell is the leader in industrial and labor research, especially concerning disabilities in the workplace.</td>
</tr>
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Title IX Office  Continued from page 2:

and Sexual Misconduct and Equal Opportunity and Discriminatory Harassment Policies: “Per UAB policy, retaliation against anyone who makes a report in good faith is prohibited. That also includes retaliation against anyone involved in an investigation of a violation of Title IX.”

Here are some avenues for reporting incidents and situations that you believe violate UAB’s Title IX Sexual Violence and Sexual Misconduct Policy:

• Contact Kasey Robinson, Title IX Coordinator, at (205) 996-1340 or kaseyr@uab.edu.
• Contact any Deputy Title IX Coordinator whose contact information is listed here.
• Title IX/Gender-Based Discrimination Form (online).
• UAB Ethics Hotline.
• If you’re an employee, please contact your immediate supervisor; if you are uncomfortable making a report that way, you may use any other resource above.

Regarding the privacy of individuals who may be involved in the investigation of a report, per our Title IX policy, “The University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.” Consequently, there may be instances where information about incidents of sexual misconduct must be shared if the University needs to take action for reasons of community safety.

Further, if such behavior is not reported and addressed, it may lead to the mistaken assumption that such behavior is acceptable here, when in fact, it is the complete opposite.

Faculty & staff training

“Our main effort in support of faculty and staff is in training, education, and awareness.” Training for faculty and staff is available through UAB’s Learning Management System, or upon request depending upon the needs of the group or individual. Robinson believes that tailoring training will best serve UAB as a whole. The Office of the Vice President for Diversity, Equity & Inclusion offers another layer of Title IX training that supports the Title IX office’s training efforts.

Student training

Freshmen entering UAB are required to take an online course as part of their initial orientation, and orientation leaders are required to be trained to address questions or issues that may arise in orienting freshmen to their new environment.

Investigations

When reports lead to an official complaint, an investigation is opened. For detailed information and step-by-step outlines of these procedures, please refer to the Procedures for the Resolution of Sexual Misconduct Complaints against Students and the Procedures for the Resolution of Sexual Misconduct Complaints against Faculty, Staff, Affiliates, and Non-Affiliates. Investigations can be complex and must strictly follow all elements of procedures in order to be fair, equitable, and respectful to all parties concerned. The procedures provide for prompt and appropriate response to reports of conduct prohibited by Title IX and UAB’s Title IX Sexual Violence and Sexual Misconduct Policy.

There is a goal of a 60-day timeline for investigation completion. While not all investigations can be completed in that time, it is a benchmark by which timeliness of investigations can be measured.

Investigations are stressful and can take a toll on the parties involved. Both complainants and respondents have rights to support and counseling, which can be tailored to each involved party.

New Title IX initiatives

Now that Title IX compliance is centralized at UAB, it has been easier to coordinate efforts to maintain and enhance the program. Robinson has been working on:

• Presentations to the Presidents Risk Cabinet, Deans’ Council, Faculty Senate, and various campus forums;
• Deputy Title IX Coordinator monthly meetings;
• Seminar for Student Affairs staff;
• Policy & Procedure review committee;
• Hearing Board training;
• Helpful publications and print media;
• Advertising & awareness raising for Title IX Office; and
• Quarterly meetings with UA System representatives.

Partners across campus

Robinson interfaces often with many units across campus. Sometimes, students may report a situation through Student Advocacy, Rights, and Conduct or through the Office of Diversity, Equity, and Inclusion, in which there are issues related to Title IX. Federal financial assistance (such as the Federal Free Application for
Disability Support Services

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In this situation, faculty should approach the student privately and offer objective observations about the student’s behavior, without diagnosing the issue, and inform the student about services UAB offers that can help support them through a difficulty in pursuit of their education. Including DSS, there are numerous UAB programs that offer support and assistance.

Roles and responsibilities

It is also important for faculty and staff to understand that there is a formal process that must be followed when a student with a disability is identified.

Faculty Roles and Responsibilities

- Understand the laws and university’s guidelines regarding students with disabilities;
- Evaluate students based on their abilities rather than their disabilities;
- Maintain appropriate confidentiality of records concerning students with disabilities;
- Receive and review formal requests for accommodations from DSS via email, submit any requested information, and consider the impact of the accommodations in the context of the course;
- Privately discuss coordination of students’ accommodations during office hours or by appointment and consult with DSS if there are any questions about providing specific accommodations;
- Provide handouts, videos, and other course materials in accessible formats upon request;
- Construct web pages in accessible formats across multiple platforms (text-to-speech software, screen-readers, screen enlargers, etc.) and provide descriptive text or captioning for all media embedded into webpages;
- When directed by DSS, provide extended time accommodations for exams and quizzes within Canvas; and
- Provide requested accommodations in a timely manner.

Student Roles and Responsibilities

While it is the instructor’s responsibility to ensure that the learning environment is accessible, students must request accommodations. Instructors will find it useful to include a statement on their syllabus which directs students with disabilities about the steps they need to take to receive classroom accommodations. Student’s specific responsibilities include:

- Contacting the DSS office if an accommodation is needed due to a disability;
- Providing documentation of their disability;
- Making timely requests for services; and
- Communicating with their professors regarding accommodations specific to the course.

Trends in student demand for services

DSS office encounters (phone, e-mail, and walk-ins) have increased by 160% over the last year. Solomon credits this increase with a growing student population, the lessening of stigma associated with having a disability, and DSS’ relocation to a more central and accessible location in Hill Student Center. Solomon adds, “In general, the population of those with disabilities is being diagnosed earlier in their lives, so by the time they reach college-age, they are aware that they will need to request accommodation. Just to show how great an increase in requests for services DSS has seen, we proctored over 300 exams last.”

Title IX Office

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Federal Student Aid, or FAFSA) administered through the Office of Financial Aid requires that institutions and departments show documentation of Title IX policy and procedures. Often, grant sponsors require the Office of Sponsored Programs to show proof of an established Title IX program. And did you know that Title IX requires HR and academic areas to work with individuals to ensure that pregnancy, childbirth, parenting, and related conditions are treated in the same manner as a temporary disability? Under Title IX, not doing so would be considered gender-based discrimination.

If there is anything the Robinson would like to make clear to the UAB community, it is that, “There is no area of UAB that not affected by Title IX.” Robinson believes that “Title IX’s directives pervade all aspects of our professional and academic endeavors, which is why it is so important to practice the basic values of respect and equity towards each and every member of the UAB community, regardless of your status as a student, your professional position, or the degree you hold.”

For more information, please visit the Title IX website.
UAB’s Title IX Sexual Violence and Sexual Misconduct Policy: A Synopsis

UAB’s Title IX Policy and its accompanying procedures set forth UAB’s comprehensive approach to compliance with Title IX of the Education Amendments Act of 1972. Below are the essentials of UAB’s Title IX policy that can be used as a quick-reference. Remember though, these are only highlights of the policy and should not be considered a substitute for the entire policy. Use the links provided for more details and information, or refer to the full Title IX Sexual Violence and Sexual Misconduct Policy and related procedures.

**Purpose:** The overall purpose of the Title IX policy is to foster an environment that respects the dignity of UAB community members and is free from discrimination on the basis of sex.

**Scope:** The policy applies to all students, residents, employees, (including faculty, staff, and post-doctoral employees), and to others, as appropriate, with respect to activities occurring on University premises or property and University-related activities occurring off-campus (including programs outside the U.S.).

**Prohibited Conduct:** Any form of sexual misconduct, as specifically defined by State and Federal Code, and any form of retaliation against anyone reporting Prohibited Conduct in good faith, are prohibited. UAB’s Title IX policy provides definitions of such sexual misconduct. Individuals who are found, by a preponderance of the evidence standard (i.e., more likely than not) to be in violation of the policy will be subject to corrective action up to and including termination from employment or expulsion from the University. Additionally, certain conduct may be a crime under Alabama or federal law.

**Reporting Incidents of Violence and Sexual Misconduct:** Anyone may make a report of Prohibited Conduct to the Title IX Coordinator, Human Resources, or the Office of Diversity, Equity and Inclusion. While the Title IX Coordinator has general responsibility for oversight of the reporting process and investigation of a report, Deputy Coordinators and other departments may be involved and consulted as necessary. Anonymous reports may be made by submitting a form online at [https://www.uab.edu/titleix/report-a-violation](https://www.uab.edu/titleix/report-a-violation) or by contacting the UAB Ethics Hotline at 1-866-362-9476. Victims of sexual violence are not required to report to law enforce-

**Interim Protective Measures:** UAB provides support services for parties involved in investigations of sexual misconduct and may take measures to provide for the safety of a complainant and the campus community while the University investigates an allegation of sexual misconduct. Requests for interim measures can be made to the Title IX Coordinator.

**Title IX Review and Sanctions:** UAB Title IX Coordinator Kasey Robinson oversees the University’s review, investigation, and resolution procedures for reports of sexual misconduct. The specific procedures used for reporting, investigating, and resolving Prohibited Conduct will be determined by the status of the respondent’s relationship with the University:
- Complaints against student respondents will be investigated and resolved with the Procedures for the Resolution of Sexual Misconduct Complaints against Students.
- Complaints against faculty and staff respondents, as well as non-affiliates, will be investigated and resolved with the Procedures for the Resolution of Sexual Misconduct Complaints against Faculty, Staff Affiliates, and Non-Affiliates.

**Training and Education Programs:** The Title IX Office engages in comprehensive educational programming with students and employees to prevent Prohibited Conduct. To request training, contact UAB’s Title IX Office.

**Other Resources:**
- Resources for Victims of Sexual Assault, Dating/Domestic Violence, and Stalking
- A Guide for Victims of Sexual Assault
- UAB Behavioral Threat Assessment and Management Program
- Equal Opportunity and Discriminatory Harassment Policy
- Duty to Report and Non-Retaliation Policy
- Student Conduct Code
- Policy Concerning Consensual Romantic Relationships
- Policy on the Protection of Children on UAB Premises and in UAB-Sponsored Activities
- Violence Prevention and Response Policy
Disability Support Services  Continued from page 5:  semester for students who needed testing accommodations.”
Omnipresence of disabilities requires broad outreach

Solomon’s and DSS’ presence can be felt throughout campus. Like students with disabilities, they are everywhere. Outreach by the DSS staff is not limited to individual students, faculty, and staff. In addition to representing DSS on the 38-member Equity Leadership Council, Solomon partners with various groups to raise awareness and cooperation towards fulfilling DSS’ mission. Some of these stakeholders are Student Counseling Services, the Deans’ Council, Student Housing and Residence Life, and UAB Facilities.

DSS’ benefit to students doesn’t end at graduation. ”Ultimately, the lesson that we hope students – both with and without disabilities -- carry with them after their university experience is that when you leave UAB, you will work with people who are different from you, and that taking into consideration their aspirations as well as your own is a path to success.”

Students, staff, or faculty who experience, or become aware of, a bias-related incident are asked to report the incident immediately using this online form. Incidents may be reported anonymously, but please note that BIRT will be unable to follow up on without contact information. A member of the Bias Incident Response Team will contact the reporting party within 24 hours of filing the report to make appropriate arrangements to discuss the incident.

For more information on bias incident reporting, please visit http://www.uab.edu/studentaffairsbiasreporting/.