

## 2020 ANNUAL SECURITY REPORT



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# Overview

The Huntsville Regional Medical Campus (HRMC) of the University of Alabama at Birmingham School of Medicine is committed to providing a safe and secure environment for all faculty, staff, students, and visitors. Located in the city of Huntsville, HRMC is part of the medical district of a greater urban community. Within the block surrounding the HRMC, there is a mixture of public and private property. The street boundaries for HRMC are Governors Drive, Gallatin Street, Longwood Drive, and Harvard Road. The HRMC facility is a 93,000 square foot building, which houses the UAB Health Center Huntsville clinical operations, the J. Ellis Sparks MD Medical Library, the Family Medicine Residency Program, the Internal Medicine Residency Program, and the academic programs for 70 junior and senior medical students from the UAB School of Medicine. The HRMC leases space within its building to a LabCorp satellite laboratory, Auburn University School of Pharmacy, and the Ambulatory Clinic Pharmacy. The Governors Medical Tower, a physician office building owned by Huntsville Hospital, is located at the east end of the campus boundary.

The HRMC has no residence hall. Medical students make their own housing arrangements for their two years of clinical training in Huntsville. The HRMC employs 30 faculty physicians in four clinical departments: family medicine, internal medicine, pediatrics, and psychiatry. The campus also benefits from the expertise of an exceptional medical community by engaging many of the more than 800 physicians of various specialties as volunteer clinical faculty, particularly in the specialties of neurology, obstetrics and gynecology, and surgery.

The HRMC building is open to the public during regular business hours. At other times, the facility is locked and only authorized persons may have access to the facility. Medical students may be given electronic fob access to enter the building after business hours to access the Sparks Medical Library and the medical student/resident lounge only.

Non-sworn armed contract security officers employed by Security Engineers, Inc. (SEI) are utilized by the HRMC to provide twenty-four hours per day, seven days per week coverage to help ensure the safety and security of its students, faculty and staff. When an incident occurs, an SEI security officer completes a report and forwards a copy of the report to the HRMC Executive Administrator. If the incident in question requires the presence of a Huntsville police officer, the contract security officer will contact Huntsville Police Department (HPD) for assistance. In the event of a major security threat, SEI Security will notify the HRMC officials and at HRMC's request, the HPD will be contacted for response to the aforementioned security matter.

The HRMC maintains its building and grounds with a concern for safety and security. The HRMC Plant Operations Department regularly inspects the facility; evaluates lighting, and makes repairs affecting safety and security hazards such as broken windows and locks. The SEI Security officers and other departments assist HRMC Plant Operations by reporting potential safety and security hazards.

No campus is isolated from crime; however, UAB and HRMC employ 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 Security Engineers, Inc. (SEI) office is located at 7501 South Memorial Parkway, Suite 116, Huntsville, AL and their officers are available 24 hours a day, seven days a week, including weekends and holidays. The HRMC community can request Security assistance by phone at 256-880-6334.



### **Responsibilities**

SEI is contracted to secure the safety of people on the HRMC. SEI officers are available for responses from Huntsville faculty, students, residents, and staff. They provide periodic patrols of the HRMC during normal business hours, defined as 7:30am to 5:30pm Monday through Friday, to ensure that buildings are secure. After business hours and on UAB designated holidays, SEI provides periodic patrols of the HRMC, both interior and exterior, to ensure that the building is secure.

When a criminal act is reported, the HPD 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 will 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 HPD will notify the appropriate HRMC administrator so that disciplinary action may be taken.

## **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, UAB and HRMC experiences accidents, injuries, crimes, and other emergencies. To report voluntary incidents, potential criminal actions, or suspicious incidents, UAB Huntsville faculty, medical personnel, staff, students, and visitors should notify SEI at (256) 880-6334 or call 911 for immediate threats. To report an incident of a confidential nature, an individual should contact a Campus Security Authority at (256) 539-7757 (Scott Bence, Executive Administrator; Heather Hubbs Crow, Department Administrator; or Dr. Lanita Carter, Director of Medical Student Services). Others where you may report an incident of a confidential nature for assistance at the Birmingham campus are the Office of Medical Student Services and the Provost.

### **MONITORING AND RECORDING OFF-CAMPUS ACTIVITIES**

The SEI security officers and HRMC rely on its working relationships with the local law enforcement agencies to receive information about incidents involving students off-campus. When needed, the Huntsville Police Department will actively investigate any crime information it receives concerning or involving a member of the campus community. If the HRMC is notified of a crime, the regional dean's office may issue a crime alert, detailing the incident and providing tips so that other community members may avoid similar incidents.

### **Stay Informed**

The HRMC uses a variety of methods to keep the campus informed about incidents occurring on and near campus. The UAB Police 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.

### **Internet and Intranet Resources**

HRMC provides computer access in common areas in the Sparks Medical Library and in the employee, resident and student lounges. The HRMC intranet is available to all faculty, staff, students and residents with a log-on identification and password to provide access to announcements, policies and crime awareness and other information for the HRMC community. The WIRE is the Internet Explorer main page for all HRMC campus computers and serves as a resource for announcements and as a clearinghouse for valuable information. Faculty/staff e-Newsletter, the eReporter, has access to incident summaries and publishes crime stories covering serious incidents and crime awareness information. As an additional resource, the HRMC community may benefit from safety, crime prevention information, links to Department newsgroups, and much more located on the UAB Police Department web site ([www.uab.edu/police](http://www.uab.edu/police)).

### **RAVE GUARDIAN**

A variety of resources and services are available to UAB students and employees that contribute to the overall safety and security of the campus, reducing the success of criminals. Rave Guardian is a way to improve your personal safety and protect your friends by building your own private safety network. This

free app provides instant communications with friends, family, co-workers, and even 911 in the event of an emergency. The app can be downloaded from the Apple App Store and Google Play Store. See <https://www.uab.edu/emergency/rave-guardian> for more information regarding Rave Guardian.



### **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. Huntsville agencies Crisis Services of North Alabama and the Huntsville Police Department also provide various brochures and pamphlets covering those topics. These materials are available to Huntsville students in the Huntsville Office of Medical Students Services.

### **Emergency/Public Telephones**

For the safety of the HRMC community, a public telephone is located at the south exit of the building. If a patient, student, or employee feels that it is not safe to exit the building alone, especially after hours or on weekends and holidays, they may call SEI (256-880-6334) to request an escort to their vehicle. An SEI security officer will be dispatched to the building as soon as available.

In the event of an emergency resulting from a dangerous crime or injury, call Huntsville Police by dialing 911 and follow the HRMC Emergency Preparedness, Response, and Evacuation Procedures. The Emergency (Code 0/Med Alert) Policy should be followed if a medical emergency occurs. Copies of these policies are available on the Huntsville intranet--The Wire. If other types of crime or accidents have occurred on the HRMC, call SEI at (256) 880-6334 or the HPD non-emergency number (256) 722-7100.

### **New Student and Employee Orientations**

New students are provided crime awareness information during compliance training and orientation sessions held at least annually.

### **Lost and Found**

The HRMC Regional Dean's Office serves as the lost and found area for Huntsville. You can come by Room 313 to drop off found property or inquire about lost property. Call 256-539-7757 for more information.

### **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.

### **ACCESS TO CAMPUS FACILITIES**

Access to the building 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. The HRMC facility is open during weekday business hours. Individuals who wish access during non-business hours or for special events should contact the appropriate department administrator. Fob access to specific areas of the facility are allowed based on

the individual's need (for example, medical student access to the facility's main doors, Sparks Medical Library, and student lounge). No residence halls are located at the Huntsville Regional Medical Campus.

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

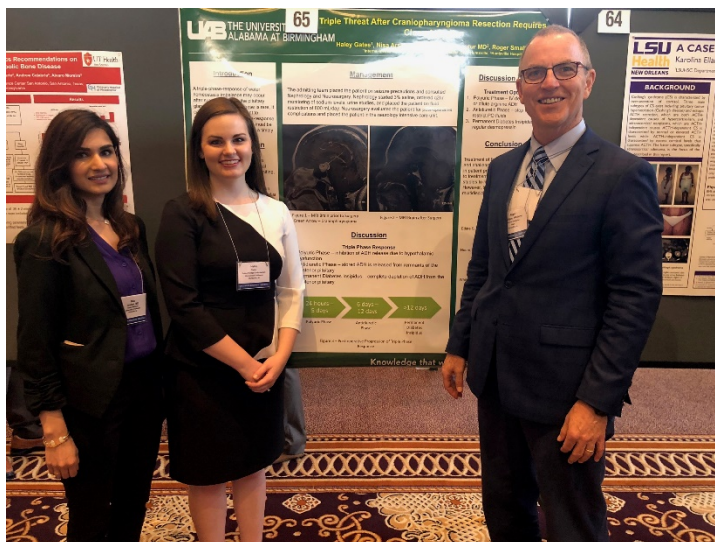
The HRMC is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. The Huntsville Maintenance Director continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. SEI officers conduct routine checks of lighting during regularly assigned patrol duties. If lights are out or dim, officers will initiate an immediate work order, which is acted upon by the maintenance office, usually within 24 hours or the next business day. We encourage community members to report any deficiency in lighting to Huntsville Maintenance at (256) 551-4679. Any community member who has a concern about physical security should contact the Huntsville Regional Dean's Office at (256) 539-7757 or in Room 313 of the facility.

Representatives from SEI and HRMC staff work together to identify inoperative locking mechanisms on a continual basis. We encourage community members to promptly report any locking mechanism deficiency to Maintenance at (256) 551-4679, or to the Huntsville Regional Dean's Office at (256) 539-7757. Maintenance 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.

After-hours and on weekends, an administrator is on call to handle any issues or concerns not resolved by SEI officers. To contact the administrator on call, dial (256) 536-5511 and notify the Answering Service representative that you need to report a concern to the administrator on call. You may be asked to provide a call-back number or relay a message through the Answering Service staff.

## **LIVING IN OFF-CAMPUS HOUSING**

Neither the Housing Department nor UAB HRMC provides supervision for off-campus housing, apartments, and individual homes in Huntsville. All students receive crime awareness information. Students, regardless of where they live, are encouraged to report all crimes to the appropriate police agency. If community members report crimes or serious incidents to other HRMC administrators, those administrators will notify the Huntsville Police Department. Representatives of these offices will promptly notify and collaborate with the Huntsville Regional Dean's Office to issue a crime alert, if one is appropriate.



## **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. During the third-year medical student orientation to the Huntsville Regional Medical Campus, a presentation is made on safety and emergency procedures specific to Huntsville. All safety and security programs offered by UAB are available to students, faculty and staff upon request or if a need becomes apparent.

HRMC students interested in improving campus safety should contact Dr. Lanita Carter, director of medical student services at (256) 551-4432 or the Regional Dean's Office at (256) 539-7757.

## **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);
  - 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); and
  - 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.

### **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 HRMC offered primary prevention and awareness programs for all third year medical students on April 23, 2020, and to all new employees at employee orientation sessions held on Mondays throughout 2020. These sessions covered the topics of domestic violence, dating violence, stalking and sexual assault.

## **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, and 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.



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## **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-0000777.aspx>.

## **RELEVANT DEFINITIONS (VAWA)**

INTIMATE PARTNER VIOLENCE: DATING VIOLENCE	
UAB	Violence committed by a person who is or has been in a social or “dating” relationship of a romantic, intimate, and/or sexual nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
FEDERAL	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (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>(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.</p> <p>34 C.F.R. § 668.46(a)</p>
ALABAMA	n/a
<b>INTIMATE PARTNER VIOLENCE: DOMESTIC VIOLENCE</b>	
UAB	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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Alabama, 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 Alabama.
FEDERAL	<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.</p> <p>34 C.F.R. § 668.46(a)</p>
ALABAMA	<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>

STALKING	
FEDERAL	<p>Stalking is:</p> <p>(i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) Fear for the person’s safety or the safety of others; or (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>
ALABAMA	<p><b>First Degree Stalking</b>- ALA. CODE § 13A-6-90(a) 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) 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>
SEXUAL ASSAULT OFFENSES—CONSENT, SEXUAL ASSAULT & SEXUAL EXPLOITATION, FONDLING, INCEST, RAPE & STATUTORY RAPE	
CONSENT	
UAB	<p>The term “consent” when describing different types of Prohibited Conduct (such as sexual assault) means a clear willingness to participate in the sexual act (e.g., clear communications through words or actions). While consent may be expressed by words or actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this Policy. It is the responsibility of the initiator of any sexual activity to obtain consent.</p> <p>Consent to any sexual activity must be freely given. Consent to a sexual act is not freely given if an individual is not capable of consenting, or if consent is obtained by force, threats, deception, or coercion. A lack of verbal or physical resistance does not grant consent. Previous consent does not grant consent to future sexual acts. Consent can be withdrawn at any time during a sexual act. Inability to give consent includes situations where an individual is:</p> <ul style="list-style-type: none"> <li>• Incapacitated due to alcohol, drugs, or other substances including, but not limited to, prescription medication.</li> <li>• Unconscious, asleep, or in a state of shock</li> <li>• Under the age of consent as defined by the jurisdiction in which the act occurred, which, in Alabama is less than 16 years of age.</li> <li>• Mentally or physically impaired and not reasonably able to give consent.</li> </ul>
FEDERAL	<p>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></p>
ALABAMA	<p>Lack of consent.</p> <p>(a) Unless otherwise stated, an element of every offense defined in this article is, that the sexual act was committed <i>without consent</i> of the victim.</p> <p>(b) Lack of consent results from:</p>

	<p>(1) Forcible compulsion</p> <p>(2) Being incapable of consent</p> <p>(c) A person is deemed incapable of consent if he or she is either:</p> <p>(1) Less than 16 years old</p> <p>(2) Incapacitated</p> <p>(d) Consent to engage in sexual intercourse, sodomy, sexual acts, or sexual contact may be communicated by words or actions. The existence of a current or previous marital, dating, social, or sexual relationship with the defendant is not sufficient to constitute consent. Evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device or sexually transmitted disease protection, without additional evidence of consent, is not sufficient to constitute consent.</p>
<b>SEXUAL ASSAULT/SEXUAL CONTACT</b>	
FEDERAL	Sexual offenses are any sexual act directed against another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent. Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape. 34 C.F.R. § 668.46(a)
ALABAMA	<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. The following are definitions that apply to the Alabama sexual offense statutes (some of which are set forth below):</p> <p>Sexual intercourse. Such term has its ordinary meaning and occurs upon any penetration, however, slight; emission is not required.</p> <p>Sexual contact. Any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin contact.</p> <p>Mentally Defective. Such term means that a person suffers from a mental disease or defect which renders him/her incapable of appraising the nature of his/her conduct.</p> <p>Incapacitated. The term includes any of the following:</p> <ol style="list-style-type: none"> <li>a person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his/her conduct.</li> <li>A person is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender.</li> <li>A person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate.</li> </ol> <p>Forcible Compulsion. Use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. Factors to be considered in determining an implied threat include, but are not limited to, the respective ages and sizes of the victim and the accused; the respective mental and physical conditions of the victim and the accused; the atmosphere and physical setting in which the incident was alleged to have taken place; the extent to which the accused may have been in a position of authority, domination, or custodial control over the victim; or whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim.</p> <p><b>First Degree Sexual Abuse</b> – ALA. CODE § 13A-6-66 A person commits the crime of sexual abuse in the first degree if he/she does either of the following: (1) subjects another person to sexual contact by forcible compulsion; or (2) subjects another person to sexual contact who is incapable of consent by reason of being incapacitated.</p>

	<p><b>Second Degree Sexual Abuse</b> - ALA. CODE § 13A-6-67  A person commits the crime of sexual abuse in the second degree if he/she does either of the following:  (1) subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or (2) 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 he/she does any of the following:  (1) engages in sodomy with another person by forcible compulsion  (2) engages in sodomy with a person who is incapable of consent by reason of being incapacitated  (3) being 16 years old or older, engages in sodomy with a person who is less than 12 years old.</p> <p><b>Second Degree Sodomy</b> – ALA. CODE § 13A-6-64  A person commits the crime of sodomy in the second degree if, being 16 years old or older, he or she engages in sodomy with another person 12 years old or older, but less than 16 years old; provided however, the actor is at least 2 years older than the other person.</p> <p><b>Sexual Torture</b> – ALA. CODE § 13A-6-65.1  A person commits the crime of sexual torture if he or she does any of the following:  (1) Penetrates the vagina, anus, or mouth of another person with an inanimate object, by forcible compulsion, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.  (2) Penetrates the vagina, anus or mouth of a person who is incapable of consent by reason of being incapacitated, with an inanimate object, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.  (3) Penetrates the vagina, anus or mouth of a person who is less than 12 years old, with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.  (4) By inflicting physical injury, including, but not limited to, burning, crushing, wounding, mutilating, or assaulting the sex organs or intimate parts of another person, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.</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 herself, or of any person other than his or her spouse, he or she exposes his or her genitals under circumstances in which he or she knows his or her conduct is likely to cause affront or alarm.</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 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 with a student under the age of 19 years if he or she is a school employee and engages in sexual intercourse or sodomy as defined in Section 13A-6-60, with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section.</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 sexual contact with a student under the age of 19 years if he or she is a school employee and engages in sexual contact, as defined by Section 13A-6-</p>
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	<p>60, with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. The crime of a school employee having sexual contact with a student is a Class C felony.</p> <p>(b) A person commits the crime of a school employee soliciting a sex act with a student under the age of 19 years if he or she is a school employee and solicits, persuades, encourages, harasses, or entices a student to engage in a sex act including, but not limited to, sexual intercourse, sodomy, or sexual contact, as defined in Section 30-6-60. The crime of soliciting a student to perform a sex act is a Class A misdemeanor.</p>
<b>FONDLING</b>	
FEDERAL	The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. 34 C.F.R. § 668.46 Appendix A
ALABAMA	See Alabama definition of sexual abuse
<b>INCEST</b>	
FEDERAL	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
ALABAMA	<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 testimony of the person with whom the offense is alleged to have been committed. Ala. Code § 13A-13-3</p>
<b>RAPE</b>	
FEDERAL	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. 34 C.F.R. § 668.46 Appendix A
ALABAMA	<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> <ol style="list-style-type: none"> <li>(1) engages in sexual intercourse with another person by forcible compulsion</li> <li>(2) engages in sexual intercourse with another person who is incapable of consent by reason of being incapacitated</li> <li>(3) being 16 years or older, engages in sexual intercourse with a another person who is less than 12 years old.</li> </ol> <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 being 16 years old or older, he or she engages in sexual intercourse with another person who is 12 years old or older, but less than 16 years old; provided, however, the actor is at least two years older than the other person..</p>
<b>STATUTORY RAPE</b>	
FEDERAL	Sexual intercourse with a person who is under the statutory age of consent. 34 C.F.R. § 668.46 Appendix A
ALABAMA	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 &amp; SEXUAL EXPLOITATION</b>	
	<p>Sexual harassment prohibited by this Policy is defined as conduct based on gender, sexual orientation, gender identity or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, that satisfy one or more of the following:</p> <p>(1) A University employee makes submission to or rejection of unwelcome sexual conduct, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in</p>

UAB	<p>any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as “quid pro quo” harassment); or</p> <p>(2) Unwelcome conduct based on sex, gender, sexual orientation, gender identity or gender expression that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s educational programs or activities or creates a hostile working environment 1 ; or</p> <p>(3) Sexual assault, dating violence, domestic violence, or stalking as those terms are defined below. Sexual Violence (which also constitutes sexual harassment under this Policy) is defined to include sexual assault, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, intimate partner violence (composed of dating violence and domestic violence), and stalking.</p> <p>(1) Non-consensual sexual intercourse: Any sexual intercourse whether anal, oral, or vaginal (or an attempt to commit the same), no matter 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>(2) Non-consensual sexual contact: 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>(3) Sexual exploitation: 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;</li> <li>Exceeding the boundaries of explicit consent, such as allowing others to hide in a closet to surveil one’s consensual sexual activity;</li> <li>Engaging in voyeurism (“Peeping Tom”) or facilitating voyeurism by others;</li> <li>Non-consensual video or audio recording of sexual activity;</li> <li>Prostituting another student or employee; and/or</li> <li>Knowingly transmitting a sexually transmitted disease/infection to another individual.</li> </ul>
FEDERAL	<p>Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature, is also prohibited. When a student sexually harasses another student, the harassing conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student’s ability to participate in or benefit from the school’s program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe.</p> <p>See April 4, 2011 Dear Colleague Letter, <a href="http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf">http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf</a>; and Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties (January 2001), <a href="https://www2.ed.gov/offices/OCR/archives/pdf/shguide.pdf">https://www2.ed.gov/offices/OCR/archives/pdf/shguide.pdf</a>.</p>
AL	n/a

## **OTHER DEFINITIONS**

1. Actual Knowledge: UAB obtains “actual knowledge” of Prohibited Conduct when the Title IX Coordinator or a Deputy Title IX Coordinator receives a Report of Prohibited Conduct. For purposes of this Policy and its related procedures, the Title IX Coordinator and Deputy Title IX Coordinators are the only University officials who have authority to institute corrective measures under this Policy.
2. Complainant: An individual who is alleged to be the victim of Prohibited Conduct and is participating in, or attempting to participate in UAB’s education programs or activities or is employed by UAB.
3. Confidential Employee: (1) Any University employee who is a licensed medical, clinical, or mental health professional (e.g., physicians, nurses, nurse practitioners, physician’s assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient (“health care provider”), and (2) any University employee providing administrative, operational, and/or related support to such health care providers in the performance of such services. Confidential Employees may not report any information about an incident to the Title IX Coordinator without obtaining written permission to do so by the person who disclosed the information. Confidential Employees may have reporting obligations under state or federal law. For instance, healthcare providers are required to notify law enforcement when a victim seeks treatment for injuries related to a violent crime, including sexual assault. Similarly, all University employees are required to notify law enforcement when they receive a report of sexual abuse of a minor.
4. Deputy Title IX Coordinators: The University has designated Deputy Title IX Coordinators who are trained to work with the Title IX Coordinator in assisting students and employees with concerns, Reports, and/or Formal Complaints of Prohibited Conduct, and directing them to needed resources. They notify the Title IX Coordinator of all concerns, Reports, and/or Formal Complaints of Prohibited Conduct they receive, and work closely with the Title IX Coordinator in investigating and promptly responding to all such concerns, Reports, and/or Formal Complaints. The Deputy Title IX Coordinators assist with identifying and providing Supportive Measures that a party may need during the investigation of a Report or Formal Complaint. The Deputy Title IX Coordinators may serve as a designee for the Title IX Coordinator in any case where a conflict of interest exists that may prohibit the Title IX Coordinator from providing fair and impartial oversight.
5. Formal Complaint: An official document filed by a Complainant with the Title IX Coordinator or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University investigate and resolve the alleged Prohibited Conduct. To file a Formal Complaint, a Complainant must be participating in, or attempting to participate in UAB’s education programs or activities or employed by UAB. Formal Complaints cannot be made anonymously except for Formal Complaints filed by the Title IX Coordinator when the Title IX Coordinator believes that with or without the Complainant’s willingness to participate in a grievance process, it would be clearly unreasonable in light of known circumstances not to address the Formal Complaint.
6. Preponderance of the Evidence Standard: The standard of proof used to investigate and adjudicate Formal Complaints of Prohibited Conduct. This standard requires that “it is more likely than not” that the Prohibited Conduct occurred.
7. Prohibited Conduct - gender-based assault, harassment, exploitation, dating and domestic violence, and stalking, as well as discrimination based on sex, gender, sexual orientation, gender identity, gender expression, pregnancy, and related retaliation.
8. Report of Prohibited Conduct: An allegation made verbally or in writing by any person alleging Prohibited Conduct against a Respondent. The person making a Report of Prohibited Conduct need not

be the alleged victim of the Prohibited Conduct. Reports may be made anonymously as outlined in Section VI of this Policy.

9. Respondent: An individual who has been reported to be the perpetrator of Prohibited Conduct.

10. Responsible Reporting Officials: Designated employees who are required to notify Title IX Coordinator if, in the course of their employment, they receive a Report of Prohibited Conduct.

Responsible Reporting Officials include the following:

- Division of Student Affairs
  - VPs, AVPS, and Directors
  - Resident Life Coordinators
- UAB Police and Public Safety Department
- UAB Human Resources
- Office of Diversity, Equity and Inclusion
- Department of Athletics:
  - Director of Athletics
  - Senior Associate Athletic Directors
  - Head Coaches
  - Assistant/Associate Coaches
- Deans, Assistant Deans, Department Chairs, Vice-Chairs, and Division Directors
- The Director of Graduate Medical Education

11. Responsible Reporting Officials do not have official authority to receive Formal Complaints of Prohibited Conduct or official authority to take corrective action on behalf of the University under this policy.

12. Student: Any person who has applied for admission to, been admitted to, or is enrolled at the University, and is pursuing undergraduate, graduate, or professional studies, whether in a full-time or part-time status, as well as any person attending classes on campus, online, or off campus. A student is also:

- Any person who is not officially enrolled for a particular term, but has a continuing relationship with the University;
- Any person who is admitted and participating in orientation;
- Any person who has completed an academic term and can be reasonably expected to enroll the following term; and/or
- Any person who attended the University during a previous academic term and who committed an alleged violation of the Code during the time of enrollment.

13. Student organization: Any group of students that has complied with the University's requirements for registration as a student organization.

14. Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint of Prohibited Conduct or where a Report has been made but no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to UAB's educational programs or activities for a Complainant or a Respondent without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UAB's educational or employment environment or deter Prohibited Conduct. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class scheduled, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus and other similar measures.

15. Title IX Coordinator: The University has a designated Title IX Coordinator who oversees the implementation and enforcement of this Policy, including the implementation of Supportive Measures, compliance with applicable rules and regulations, and coordination of communications between campus and community partners.

The Title IX Coordinator will meet with any person, including a Complainant, Respondent, or third party, to discuss Supportive Measures, available resources, and procedural options for on-campus and off-campus reporting. Any student, faculty, or staff member who has concerns about Prohibited Conduct is encouraged to seek the assistance of the Title IX Coordinator.

16. Title IX Investigator: A Title IX investigator is the Title IX Coordinator, a Deputy Title IX Coordinator, or other individual designated by the Title IX Coordinator who conducts the investigation of a Formal Complaint involving a potential violation of this Policy. One or more investigators may be assigned to conduct the investigation. Investigations involving students may include assistance from the Office of Student Conduct. Investigations involving employees may include assistance from UAB Human Resources.

## **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 by calling Huntsville Police Department at 911 and/or the Crisis Center of North Alabama (CSNA) Rape Response Program, 256-716-1000. In Alabama, evidence may be collected even if you chose not to make a report to law enforcement. 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.

In Huntsville, you may also contact CSNA Rape Response program directly at (256) 716-1000 (toll-free 800-691-8426). This is a 24-hour confidential hotline. At CSNA Rape Response, 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 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 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 Conduct will assist any victim with notifying local police (if they so desire). The Huntsville Police Department may also be reached directly by calling (256) 722-7100 or in person at 815 Wheeler Avenue, NW, Huntsville, AL or the nearest police precinct. More information about the Huntsville Police Department can be found online at [www.huntsvilleal.gov](http://www.huntsvilleal.gov).

## **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 HRMC Deputy Title IX Coordinator, by phone (256) 539-7757, or to the UAB Title IX Coordinator, Kasey M. Robinson by phone (205) 996-1340, in writing [kaseyr@uab.edu](mailto:kaseyr@uab.edu) or in person at Hill Student Center, Suite 303, 1400 University Blvd. The victim in Huntsville may choose to report to HPD at 911 or (256) 722-7100 if they wish. Reports of all domestic violence, dating violence, sexual assault and stalking made to a Huntsville Campus Administrator, the Huntsville Director of Medical Student Services, or 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), Huntsville Police Department, or other local law enforcement.

In addition to reporting to law enforcement, any person may also make a report, including anonymously, of domestic violence, dating violence, sexual assault, and stalking to the Title IX Coordinator, Human Resources, or the Office of Diversity, Equity and Inclusion at the UAB Main Campus:

**Title IX Coordinator:** Kasey M. Robinson, Title IX Coordinator  
Hill Student Center, Suite 405, 1400 University Blvd.  
(205) 996-1340; [kaseyr@uab.edu](mailto:kaseyr@uab.edu)

**Student Experience:** Mary Wallace, PhD, Deputy Title IX Coordinator  
Hill Student Center, Suite 401, 1400 University Blvd.  
(205) 934-4175; [marywell@uab.edu](mailto:marywell@uab.edu)

**Student Conduct & Outreach:** Jonathan Adams, Deputy Title IX Coordinator  
Hill Student Center, Suite 303  
(205) 975-9509; [adamsj@uab.edu](mailto:adamsj@uab.edu)

Human Resources: Chris Driskill, Deputy Title IX Coordinator  
Administration Building, Room 215, 701 20th Street South  
(205) 934-4452; [cdriskill@uab.edu](mailto:cdriskill@uab.edu)

Office of Diversity, Equity and Inclusion:

Anita Clemon, Deputy Title IX Coordinator  
Administration Building, Suite 336, 701 20th Street South  
(205) 975-8258; [aclemon@uab.edu](mailto:aclemon@uab.edu)

At the UAB Huntsville Regional Medical Campus, additional reporting, including anonymously, may include the following:

Dr. Lanita Carter, Huntsville Director of Medical Student Services  
HRMC 313A1, 301 Governors Drive SW  
(256) 551-4432; [carterl@uab.edu](mailto:carterl@uab.edu)

W. Scott Bence, Executive Administrator  
HRMC 313F1, 301 Governors Drive, SW  
(256) 539-7757; [bencew@uab.edu](mailto:bencew@uab.edu)

## **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. When the student is assigned to the Huntsville Regional Medical Campus, the University and UAB Police will work with the Huntsville Security Engineers, Inc. (SEI) to formulate such a plan. This plan may include, but is not limited to: imposing a no contact order on the Responding party;; 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/Supportive Measures Available for Victims**

The term "Supportive Measures" refers to non-disciplinary, non-punitive individualized services offered by the University as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the

safety of all parties or the University's educational environment, or deter Prohibited Conduct. Supportive measures cannot punish or discipline the Respondent.

Supportive Measures are available to involved parties including Complainant(s), Respondent(s), and witnesses while the University is addressing, investigating, adjudicating, and responding to an allegation of Prohibited Conduct. Requests for Supportive Measures should be made to the Title IX Coordinator or a Deputy Title IX Coordinator, who serves as the point of contact for Supportive Measures and will work with the appropriate office(s) to ensure that any necessary Supportive Measures are provided.

When a Complainant makes a Report of Prohibited Conduct, the Title IX Coordinator and/or a Deputy Title IX Coordinator will contact the Complainant, if the Complainant's identity is known, to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

The Title IX Coordinator and/or a Deputy Title IX Coordinator will discuss with the Complainant which Supportive Measures may restore or preserve equal access to UAB's educational program or activity or employment without unreasonably burdening the Respondent, including measures designed to protect the safety of all parties or UAB's educational and employment environment or deter Prohibited Conduct.

If a Complainant desires Supportive Measures, UAB will make reasonable efforts to protect the Complainant's identity (including from the Respondent) unless disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant.

The range of potential Supportive Measures includes:

- Imposition of a "No-Contact Order";
- Extensions of deadlines;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Modification or change in class schedule, including the ability to drop a course without penalty or to transfer;
- Change in work schedule or job assignment;
- Change in student's campus housing;
- Leaves of absence;
- Assistance from University support staff in completing housing relocation;
- Limiting access to certain University facilities or activities pending resolution of the matter voluntary leave of absence;
- Providing academic support services, such as tutoring;
- Institutional resources pertaining to visa/immigrant status;
- Escort services;
- Increased security and monitoring of certain areas of the campus or similar measures;
- University-imposed leave, emergency removal, or separation for the Respondent; and
- Any other measure that can be tailored to the involved individuals to achieve the goals of this Policy.

Additional resources the University may offer include:

- Referral to counseling services both on and off campus;
- Resources on and off campus for trained advocates who can provide crisis response;
- Assistance in identifying advocacy support to obtain orders of protection within the criminal justice system;

- Emergency numbers for on and off campus law enforcement, and, if desired, assistance with notifying law enforcement;
- Seeking care for injuries, STI testing, etc.;
- Importance of and explanation of how to preserve evidence in case the alleged Prohibited Conduct is also a potential criminal act;
- Information about where to get a rape kit/SANE exam; and
- Encouragement of prompt reporting of all crimes to the appropriate law enforcement agency, paired with a commitment from UAB that appropriate support will be offered in every case.

Upon the receipt of a Report of Prohibited Conduct, the University may provide reasonable Supportive Measures as appropriate to provide a safe educational and work environment and to prevent additional acts of Prohibited Conduct, even when there is no specific request for such Supportive Measures. The University may impose any measure that can be tailored to the individuals involved to achieve the goals of this Policy.

An individual's failure to comply with restrictions imposed by Supportive Measures is a violation of this Policy and basis for disciplinary action.

The Title IX Coordinator will document the basis for the decision that the University's response to a Report of Prohibited Conduct was not unreasonable in light of known circumstances and document that the University has taken measures to restore or preserve equal access to UAB's educational program or activity or employment. If Supportive Measures are not provided, the Title IX Coordinator will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **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:

#### **In Huntsville**

<b>Name</b>	<b>Address</b>	<b>Phone Number</b>
<b>Huntsville Police</b>	2110 Clinton Avenue, W	256-722-7100/911 or 256-427-5461
<b>Madison Police</b>	100 Hughes Road	256-722-7190/911
<b>Crisis Services of North Alabama/HelpLine/HOPE Place</b>		256-716-1000/211
<b>Family Service Center</b>		256-551-1610
<b>Huntsville Hospital</b>	201 Sivley Road	256-265-1000
<b>National Children's Advocacy Center</b>	210 Parrett Ct, NW	256-533-5437/1-800-422-4453
<b>UAB Huntsville Office of Medical Student Services</b>	301 Governors Drive, Room 313A	256-551-4432 or after hours service at 256-536-5511

## On Birmingham 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 Outreach	Hill Student Center, Room 303	205-975-9509
Office of Student Conduct	Hill Student Center	205-975-9509
Employee Assistance and Counseling Center	Magnolia Office Park, Suite 330, 2112 11 <sup>th</sup> Avenue, S.	205-934-2281
Office of Diversity, Equity, Inclusion	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, Kasey M. Robinson	Hill Student Center, Rm 303, 1400 University Blvd	205-996-1340
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
Domestic Violence Services YWCA	309 23 <sup>rd</sup> Street N	205-322-9922
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. This is the same method to be used by medical students at the Huntsville Regional Medical Campus because this service is handled centrally for ALL students at UAB.

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 and in Huntsville the Crisis Services of North Alabama (CSNA) at 256-716-1000 (toll free 800-691-8426). These counselors are not required to report any information about an incident to the Title IX coordinator without the victim's permission.

### **Confidential Reporting to Pastoral and Professional Counselors/Voluntary Confidential Reporting**

Under the law, campus pastoral and professional counselors, when acting as such, are not considered a campus security authority and are not required to report crimes for inclusion in the annual disclosure of campus crime statistics. The University of Alabama at Birmingham encourages its counselors at Student Counseling Services and Employee Assistance and Counseling Center; if and when they deem it appropriate, to inform the persons they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. All verified and unverified confidential reports of offenses that meet the reporting criteria as determined by UABPD and that are made to Student Counseling Services and Employee Assistance and Counseling Center staff are included in UABPD campus crime statistics. Crimes reported to campus pastoral and other professional counselors, including but not limited to those at the Student Counseling Services and Employee Assistance and Counseling Center are not included unless the victim chooses to report to other campus security.

### **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. The University will seek to conclude the investigation of domestic violence, dating violence, sexual assault, and stalking complaints within sixty (60) business days from the issuance of the Notice of Investigation. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

In addition to the above, the Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints Policy allows both the complainant and respondent to have the following rights:

- To receive information about available Supportive Measures and community support resources (including, but not limited to, a no-contact order, academic modifications, living, transportation, or working arrangements to avoid a hostile environment; and available health and mental health counseling, victim advocacy, safety planning, information about possible legal assistance, visa and immigration assistance, student financial aid, and, if applicable, disability accommodations);
- To receive Supportive Measures;
- To a thorough and impartial investigation if and when one is initiated;
- To written notice of the date, time, location, participants and purposes of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate;
- To receive an objective evaluation of all relevant evidence – including both inculpatory evidence (evidence that may support a finding or conclusion that Respondent engaged in Prohibited Conduct) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Prohibited Conduct);
- To an opportunity to inspect and review and receive a copy of any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source; and a right to respond to this evidence;
- To review and receive a copy of the draft and final investigative report that summarizes relevant evidence;
- To participate in a live grievance hearing except as outlined herein;
- To be accompanied by an advisor person at all University proceedings relevant to the investigation and hearing process, subject to the limitations outlined herein;
- If a party does not have an advisor, to receive an advisor (to conduct cross-examination at a live hearing) of the University's choice provided without fee or charge;
- To inspect and review the transcript of the live grievance hearing;
- To be notified of the appeal process and whether an appeal is available;
- To receive a statement of, and rationale for, the Hearing Officer's decision as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant;
- To have access to published policies regarding Prohibited Conduct and University disciplinary procedures, including the possible range of sanctions;
- To be notified that information and materials the University obtains during its investigation into allegations of Prohibited Conduct may be disclosed to law enforcement or others in response to a valid subpoena; and
- To be notified that he or she is not required to make a statement or otherwise provide information relevant to the investigation. However, the investigation may continue and a decision regarding responsibility will be made based on the available statements and evidence.

#### Additional Rights of Complainants

- To be informed of available options for making a report;
- To an explanation of the grievance process, including any informal resolution process, for resolving complaints of sexual harassment;

- To be advised of the right to simultaneously file a criminal complaint and a Title IX complaint with UAB and to be advised of the University's prohibition on retaliation against an individual who exercises their rights under Title IX, Title VII, the Campus SaVE Act, or the Title IX Policy;
- To decline to notify law enforcement authorities in cases of domestic violence, dating violence, sexual assault, and stalking cases; and
- To be assisted by campus authorities, if requested, when reporting a crime to law enforcement.

#### Additional Rights of Respondents

- Upon receipt of a Formal Complaint, to receive written notice of the Title IX grievance process including any informal resolution process, and notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview; and
- To a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

For a complete copy of UAB's policies governing Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints, visit [https://www.uab.edu/policies/content/Pages/Procedures for the Resolution of Sexual Harassment Complaints.html# rights of complainants and respondents](https://www.uab.edu/policies/content/Pages/Procedures%20for%20the%20Resolution%20of%20Sexual%20Harassment%20Complaints.html#rights%20of%20complainants%20and%20respondents).

## **TYPES OF DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING**

### **Faculty, Staff, and Students**

#### **Title IX Sex Discrimination, Sexual Harassment, and Sexual Violence Policy Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints**

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

Any person should immediately report domestic violence, dating violence, sexual assault, and stalking to the UAB Police Department (UABPD) at (205) 034-3535 or when in Huntsville to the Huntsville Police Department (HPD) at (256) 722-7100. 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. Any person (whether the person reporting is the person alleged to the persons below in person (during business hours) or by mail, by telephone, or by email using the contact information below at any time, including non-business hours

**Title IX Coordinator:** Kasey M. Robinson, Title IX Coordinator  
Hill Student Center, Suite 405 1400 University Blvd.  
(205) 996-1340; [kaseyr@uab.edu](mailto:kaseyr@uab.edu)

**Student Experience:** Mary Wallace, PhD, Deputy Title IX Coordinator  
Hill Student Center, Suite 401, 1400 University Blvd.  
(205) 934-4175; [marywell@uab.edu](mailto:marywell@uab.edu)

Student Conduct & Outreach: Jonathan Adams, Deputy Title IX Coordinator  
Hill Student Center, Suite 303  
(205) 975-9509; [adamsj@uab.edu](mailto:adamsj@uab.edu)

Human Resources: Chris Driskill, Deputy Title IX Coordinator  
Administration Building, Room 215, 701 20th Street South  
(205) 934-4452; [cdriskill@uab.edu](mailto:cdriskill@uab.edu)

Office of Diversity, Equity and Inclusion:

Anita Clemon, Assistant Vice President for Institutional Equity  
Administration Building, Suite 336, 701 20th Street South  
(205) 975-8258; [aclemon@uab.edu](mailto:aclemon@uab.edu)

At the UAB Huntsville Regional Medical Campus, additional reporting, including anonymously, may include the following:

Dr. Lanita Carter, Huntsville Director of Medical Student Services  
HRMC 313A1, 301 Governors Drive SW  
(256) 551-4432; [carterl@uab.edu](mailto:carterl@uab.edu)

W. Scott Bence, Executive Administrator  
HRMC 313F1, 301 Governors Drive, SW  
(256) 539-7757; [bencew@uab.edu](mailto:bencew@uab.edu)

The University encourages Complainants to pursue criminal action for incidents of Prohibited Conduct that may also be crimes under applicable federal or state laws. The University will assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The filing and processing of a Formal Complaint of Prohibited Conduct is separate from and independent of any criminal investigation or proceeding. The University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether Prohibited Conduct occurred under the University's Policy.

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

The University has jurisdiction to address, investigate and adjudicate Reports and Formal Complaints of Prohibited Conduct when the University has control over the Respondent and the conduct occurs in the course of a UAB educational program or activity. This Policy applies to all UAB students, residents, employees, and post-doctoral researchers, and to others, as appropriate, with respect to education programs and activities occurring on University premises or property and/or in University-related activities occurring off-campus (but does not apply to University programs or conduct occurring outside the United States). This Policy also applies to the activities of University-recognized student organizations, including, but not limited to, fraternities, sororities, social clubs, and organizations including any building owned or controlled by a recognized student organization. It also

applies to persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

This Policy applies to acts of Prohibited Conduct committed by or against students, employees, and third parties of which the University has Actual Knowledge and when:

- The conduct occurs on campus or property owned or controlled by the University;
- The conduct occurs in the context of the University's employment or education programs or activities, including, but not limited to, research, on-line, academic or professional conferences, or internship programs; or
- The conduct occurs outside the context of the University's employment or education programs or activities, but the Complainant has to interact with the Respondent while on campus or property owned or controlled by the University or in any employment or education program or activity or where the effects of the underlying Prohibited Conduct creates a hostile environment in the Complainant's workplace or educational environment.

Even if this Policy does not apply to the Prohibited Conduct because of its location, the University will provide Supportive Measures and when possible take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

The University recognizes Prohibited Conduct under this Policy may also involve discrimination and/or harassment related to an individual's race, color, ethnicity, national origin, religion, age, disability, or other protected class. Such discrimination or harassment, while not encompassed within this Policy, may violate state and federal laws other than Title IX, as well as University policy. Under these circumstances, the University will endeavor to coordinate the investigation and resolution of the Prohibited Conduct complaint with the investigation and resolution of the complaint of discrimination or harassment based on other protected classes.

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

#### **1. Initial Assessment and Dismissal Process**

##### **Responses to a Report of Prohibited Conduct**

When a report of Prohibited Conduct is made, the Title IX Coordinator and/or a Deputy Title IX Coordinator will contact the Complainant for a preliminary discussion of the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain the process for filing a Formal Complaint.

During the preliminary discussion with the Complainant, the Title IX Coordinator and/or Deputy Title IX Coordinator will gather facts that will enable the Title IX Investigator(s) in consultation with other offices as appropriate to:

- Assess the nature and circumstances of the allegation(s);
- Address any immediate concerns about the physical safety and emotional well-being of the parties;

- If the conduct is criminal in nature, notify the Complainant of the option to notify law enforcement and to be assisted in doing so, as well as the option to decline to notify law enforcement;
- Notify the Complainant of the availability of medical treatment to address any physical and mental health concerns and to preserve evidence;
- Provide the Complainant with written information about:
  - On and off campus resources
  - The available range of Supportive Measures
  - An explanation of the procedural options, including informal voluntary resolution and investigation and adjudication
  - The Complainant's Rights during the process;
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding;
- Explain the University's policy prohibiting Retaliation;
- Explain the right and role of an advisor; and
- Assess the reported conduct for the need for a timely warning or entry in the crime log under federal law.

If a Complainant wants to maintain anonymity and/or request that no investigative or disciplinary measures be taken, the Title IX Coordinator and/or Deputy Title IX Coordinator will advise the Complainant that the University will consider the request but cannot guarantee that the University will be able to honor the request if the Title IX Coordinator determines it would be clearly unreasonable in light of known circumstances not to investigate the allegations. The University will conduct a thoughtful and intentional assessment and will weigh such a request in light of the University's obligation to provide a safe, non-discriminatory environment. In determining whether it can honor a request for confidentiality, the following factors will be considered:

- The nature and scope of the alleged conduct, including whether the reported misconduct involves the use of a weapon;
- The respective ages and roles of the Complainant and Respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of violence;
- Whether there have been other reports of misconduct involving the Respondent;
- Whether the report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- The Complainant's wish to pursue disciplinary action;
- Whether the University possesses other means to pursue the investigation and obtain relevant evidence without participation from the Complainant; and
- Considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent.

The University's ability to fully investigate and respond to a report may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an investigation.

## 2. The Initial Assessment

An investigation and initial assessment will not be initiated unless and until a Formal Complaint is filed. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the recipient investigate the allegation of Prohibited Conduct. To file a Formal Complaint, a Complainant must be participating in, or attempting to participate in UAB's education programs or activities or employed by UAB. Formal Complaints cannot be anonymous except for Formal Complaints filed by the Title IX Coordinator when the Title IX Coordinator believes that with or without the Complainant's desire to participate in a grievance process, it would be clearly unreasonable in light of known circumstances not to investigate the allegations.

The assessment will determine whether the alleged conduct could present a potential violation of the Title IX Policy and whether further action is warranted based on the alleged conduct, including whether the Formal Complaint must be or may be dismissed.

## 3. Filing a Formal Complaint

Where a Complainant desires to file a Formal Complaint to initiate a grievance process, the Complainant cannot remain anonymous or prevent their identity from being disclosed to the Respondent. The Complainant may request to withdraw a Formal Complaint at any time. The University reserves the right to make a determination whether to approve or deny this request, but will strongly consider the Complainant's wishes.

The Title IX Coordinator may consolidate Formal Complaints against more than one Respondent or by more than one Complainant against one or more Respondents or by one party against the other party where the allegations of Prohibited Conduct arise out of the same facts or circumstances. Arising out of the same fact and circumstances means that the multiple Complainants' allegations are so intertwined that their allegations directly relate to all the parties.

### a. Mandatory Dismissal of Formal Complaints

The Title IX Coordinator must dismiss a Formal Complaint based on the following grounds:

- i. The prohibited conduct would not constitute sexual harassment even if proved;
- ii. The prohibited conduct did not occur in UAB's educational program or activity (as defined in Section IV (Jurisdiction) of the Title IX Policy; or
- iii. The prohibited conduct did not occur against a person in the United States.

### b. Permissive Dismissal of Formal Complaints

The Title IX Coordinator may dismiss a Formal Complaint based on the following grounds:

- i. If at any time during the investigation or hearing, a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- ii. The Respondent is no longer enrolled or employed by UAB; or
- iii. Specific circumstances prevent UAB from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon a mandatory or permissive dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties. A mandatory or permissive dismissal does not preclude UAB from investigating and addressing the alleged conduct pursuant to other applicable policies, including but not limited to, UAB's Equal Opportunity & Discriminatory Harassment Policy, Student Conduct Code and Enterprise Code of Conduct.

#### 4. Informal Voluntary Resolution

Informal Voluntary Resolution is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the Complainant and preserves the safety and welfare of the campus community. Informal Voluntary Resolution does not involve an investigation, adjudication hearing, or disciplinary action against a Respondent and is not appropriate for all forms of conduct under the Title IX Policy. Informal Voluntary Resolution is available only if a Formal Complaint is filed and both parties voluntarily agree in writing to participate. The University retains the discretion to determine, when selected by the Complainant, which cases are appropriate for Voluntary Resolution.

Refer to the Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints, visit

[https://www.uab.edu/policies/content/Pages/Procedures\\_for\\_the\\_Resolution\\_of\\_Sexual\\_Harassment\\_Complaints.html#\\_rights\\_of\\_complainants\\_and\\_respondents](https://www.uab.edu/policies/content/Pages/Procedures_for_the_Resolution_of_Sexual_Harassment_Complaints.html#_rights_of_complainants_and_respondents).

#### 5. Notification

a. The Title IX Coordinator or Deputy Title IX Coordinator will send the Complainant and the Respondent and, if applicable, the Respondent's appropriate supervisor, a written Notice of Investigation, which constitutes the formal charge.

b. The Notice of Investigation will contain the following information: Summary of the allegation or conduct at issue

- i. Notice of the alleged conduct at issue, including the identities of the parties involved when a Formal Complaint is filed by a Complainant and the identities of the parties (if known) when the Formal Complaint is filed by the Title IX Coordinator;
- ii. Notice of the specific section(s) of the Title IX Policy allegedly violated, and the date and location of the incident(s);
- iii. Notice of the grievance process, including information about Voluntary Informal Resolution;
- iv. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- v. Notification of the provision of the Title IX policy prohibiting knowingly making false statements or knowingly submitting false information during the grievance process;

- vi. Range of potential violations under the Title IX Policy;
  - vii. On and off campus resources;
  - viii. Rights of the Respondent, including the right to an advisor of their choice who may be an attorney;
  - ix. Range of potential sanctions; and
  - x. Notification that expulsion is a potential sanction and that expulsion precludes matriculation (where appropriate).
- c. The Notice of Investigation must allow the Respondent sufficient time to prepare a response before any initial interview. Upon receipt of the Notice of Investigation, or at any stage in the process, the Respondent may choose to accept responsibility for the Title IX Policy violation(s). Once the Notice of Investigation has been delivered to the parties, the investigation phase begins.
6. Conducting the Investigation
- a. The University will initiate a prompt, thorough, and impartial Investigation of conduct that is a potential violation of the Title IX Policy.
  - b. The Title IX Coordinator and/or Deputy Title IX Coordinator will oversee the investigation. The investigation is designed to provide a fair and reliable gathering of the facts by a trained and impartial Investigator(s).
  - c. During the investigation, the Complainant and Respondent will have an opportunity to be heard, to submit information, and to identify witnesses who may have relevant information, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The Investigator(s) will speak separately with the Complainant, the Respondent, and any other individuals who are willing to participate and have information relevant to the determination of responsibility.
  - d. The Investigator(s) will also endeavor to gather any available physical or documentary evidence, including prior statements by the parties or witnesses, any communications between the parties, email messages, social media materials, text messages, and other records as appropriate, available, and feasible.
  - e. The parties will have the right to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence upon which the Investigator(s) does not intend to rely and inculpatory or exculpatory evidence whether obtained from a party or other source.
  - f. The filing and processing of a Formal Complaint is separate from and independent of any criminal investigation or proceeding. Where the University is made aware that there is a concurrent criminal investigation, the Title IX Coordinator or Deputy Title IX Coordinator will coordinate with law enforcement so that any University processes do not interfere with the integrity or the timing of the law enforcement investigation.

- g. At the conclusion of the investigation, the Investigator(s) will provide the Complainant and Respondent and their advisors, if any, a copy of the evidence that has been obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including inculpatory and exculpatory evidence whether obtained from a party or another source, and evidence that the University do not intend to rely in reaching a determination of responsibility. The evidence will be provided with any redactions if required by applicable federal and/or state law and/or information that is not directly related to the allegations. The parties will receive a copy of the evidence electronically but as a precondition of receiving a copy of the evidence, all parties, and their respective advisors (if any) must sign and agree to abide by a non-disclosure agreement.
- h. A Complainant and Respondent may submit any additional evidence, comment, or information to the Investigator(s) within ten (10) business days of the date of receipt of the evidence.
- i. The parties and their advisors will simultaneously receive a copy of the Final Investigation Report (which is also subject to the non-disclosure agreement) at least ten (10) business days prior to an adjudication hearing.

## 7. Prohibited Conduct Involving Hospital Employees

- a. For investigations of Prohibited Conduct involving hospital employees and/or occurring in a non-educational hospital or clinical setting, the adjudication procedures outlined below do not apply. In these instances, after the Investigator(s) sends the final investigative report to the parties, the Hearing Officer must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- b. The initial written questions must be submitted to the Hearing Officer within ten (10) business days after receipt of the final investigative report. Each party will have seven (7) business days to submit answers. The parties must submit any limited follow-up questions within three (3) business days and answers are due three (3) business days later. The Hearing Officer must explain to the party proposing the questions any decision to exclude a question as not relevant. The Hearing Officer's relevancy decision may not be challenged by the parties or their advisors.
- c. The Hearing Officer will make a determination, by a preponderance of the evidence standard, regarding whether a Title IX Policy violation occurred. The Hearing Officer will provide the Final Outcome Decision, including the basis for the determination, in writing to the Complainant and the Respondent and their advisors simultaneously.

## 8. Adjudication by a Hearing Officer

- a. Initiation of the Hearing - The Title IX Coordinator (or designee) will appoint a Hearing Officer who has received appropriate training.

## b. Hearing Requirements

i. The Hearing Officer's role is to conduct an independent and objective review of all of the evidence, including inculpatory and exculpatory evidence, directly related to the allegations, and determine if the Respondent violated the Title IX policy based on a preponderance of the evidence standard (and, if yes, to determine an appropriate sanction).

ii. The hearing will be scheduled and will proceed according to the guidelines set forth below:

- Notice and Timing of Hearing

The Title IX Coordinator (or designee) will issue a written Notice of Hearing to the parties and their advisors with information regarding the hearing including the date, time, and location of the hearing; the name of the Hearing Officer; and how to challenge the Hearing Officer for bias or conflict of interest. The Title IX Coordinator (or designee) will have sole discretion to determine whether the Hearing Officer has bias or conflict of interest, and if so, the responsibility to appoint another Hearing Officer.

The hearing will usually be scheduled within twenty five (25) business days from the date of the Notice of Hearing, subject to extension for good cause at the discretion of the Hearing Officer. Good cause for extension may include the unavailability of the parties, the schedule of the Hearing Officer, the timing of semester breaks or University holidays, concurrent law enforcement activity, or other extenuating circumstances. Any extension, including the reason for the extension, will be shared with the Complainant and Respondent and their advisors in writing.

If, despite being notified of the date, time, and location of the Hearing, either party is not in attendance, the hearing may proceed subject to the limitations set forth herein.

- Administration of the Hearing Process

The Hearing Officer is responsible for the administration of the hearing process, including procedural matters and decisions leading up to the hearing, determinations about information that will be considered or not, appropriate and inappropriate lines of questioning, and the overall decorum and conduct of the proceedings. The Hearing Officer is not bound by strict rules of legal evidence and may admit evidence that is of probative value (evidence that is useful in proving or disproving a fact) in determining the issues involved.

The Hearing Officer will apply the preponderance of the evidence standard (more likely than not) when determining whether the Title IX policy has been violated.

- Hearing Format

The Hearing is an opportunity for the Complainant and Respondent to address the Hearing Officer in person. The parties may address any information in the Final Investigation Report and supplemental statements submitted in response to the Final Investigation Report. The Complainant and the Respondent have the right to make an opening and a closing statement. The Complainant shall give the first opening statement.

The Respondent shall give the final closing statement. The Complainant and the Respondent may each include a statement of the impact of the alleged offense as part of their respective closing statements.

Each party must notify the Title IX Coordinator (or designee) at least ten (10) business days prior to the hearing if they will be accompanied by an advisor. If a party does not have an advisor, UAB will assign the party an advisor of the University's choice provided without fee or charge. Each party has the opportunity to be heard and to identify and secure witnesses, including expert witnesses, for the Hearing Officer's consideration. Each party must provide a list of potential hearing witnesses and to the Title IX Coordinator (or designee) at least four (4) business days prior to the hearing.

All materials that the Complainant or Respondent want the Hearing Officer to consider must be submitted to the Title IX Coordinator (or designee) at least four (4) business days prior to the hearing. All evidence each party wishes to be considered by the Hearing Officer should be presented to the Investigator(s) during the investigation process. If a party does not provide some piece of evidence to the Investigator during the investigation process, that party may only present such evidence during the hearing if the Hearing Officer permits the party to do so in the Hearing Officer's sole discretion. Generally, evidence not presented during the investigation process will only be allowed in the hearing if it is new information not known and not available during the investigation process.

The Title IX Coordinator (or designee) will provide the witness lists and submitted materials to the Hearing Officer and make copies available to the Complainant and Respondent at least three (3) business days prior to the hearing, consistent with FERPA or other laws and regulations governing the disclosure of education records. Any materials submitted and/or discovered fewer than four (4) business days before the hearing may only be considered at the sole discretion of the Hearing Officer.

All participants in the hearing are expected to behave with decorum and may be asked to leave if they do not.

At the request of either party, the University will conduct the entire hearing (including cross-examination) with the parties located in separate rooms, utilizing technology enabling the parties to see and hear each other.

- Questioning of Parties/Witnesses and Relevancy Determinations

With the exception of cross-examination, all questioning of parties is conducted through the Hearing Officer. A party may recommend direct questions to be asked of a party's own witness or non-party witnesses by submitting them in writing to the Hearing Officer prior to the hearing. During the hearing, a party may also suggest questions for direct examination of the party's witness to the Hearing Panel based on information presented during the hearing.

The party's advisor may otherwise not make statements, challenge relevancy determinations, or otherwise directly participate in the proceedings. The Hearing Officer

may remove or dismiss an advisor who becomes disruptive or who does not abide by the limitations on their participation and require the party to use a different advisor.

A party's advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Similarly, where one party does not appear and that party's advisor of choice does not appear, a UAB-provided advisor must still cross-examine the other, appearing party "on behalf of" the non-appearing party, resulting in consideration of the appearing party's statements but not the non-appearing party's statements (without any inference being drawn based on the non-appearance).

Refer to the Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints for more information on this process,  
[https://www.uab.edu/policies/content/Pages/Procedures\\_for\\_the\\_Resolution\\_of\\_Sexual\\_Harassment\\_Complaints.html#\\_rights\\_of\\_complainants\\_and\\_respondents](https://www.uab.edu/policies/content/Pages/Procedures_for_the_Resolution_of_Sexual_Harassment_Complaints.html#_rights_of_complainants_and_respondents).

c. Notice of Hearing Outcome

- i. The Hearing Officer will provide the parties with the final hearing decision ("Hearing Outcome Letter") no later than seven (7) business days after the conclusion of the hearing. The Hearing Outcome Letter must include the following information:
  - Identification of the allegations potentially constituting sexual harassment as defined in the Title IX Policy;
  - A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - Findings of fact supporting the determination;
  - Conclusions regarding the application of UAB's Title IX Policy to the facts;
  - A statement of and rationale for the result as to each allegation in the Formal Complaint, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
  - UAB's procedures for the Complainant and Respondent to appeal.
- ii. The Hearing Officer will simultaneously issue the "Hearing Outcome Letter" to both the Complainant and the Respondent within seven (7) business days following the hearing (or such longer time as the Title IX Coordinator (or designee) may for good cause determine). The Hearing Outcome Letter may also identify protective measures implemented with respect to the Respondent or the broader University community. The Hearing Outcome Letter will not disclose any remedial measures provided to the Complainant.
- iii. The hearing decision will not be final and, if the Respondent is found responsible, sanctions will not be imposed until the appeal process is completed or the deadline to file an appeal has passed and no appeal was filed.

d. Appeal Process

- i. Appeal of Sanctions when Respondent Accepts Responsibility - For cases of Acceptance of Responsibility, the Complainant and/or Respondent can only appeal based on the grounds that the sanction(s) imposed are either too severe or too lenient.
- ii. Appeal of Hearing Officer's Decision

Both the Complainant and Respondent have a right to seek a review of the Hearing Officer's decision with regard to a finding of responsibility or non-responsibility and/or the imposed sanctions. Appeals must be submitted to the appropriate Appeals Officer as outlined below:

- Student appeals are submitted to the VP of Student Affairs or his or her designee.
- Staff appeals are submitted to the Chief Human Resources Officer or his or her designee.
- Faculty appeals are submitted to the Provost or his or her designee.

The Complainant and Respondent have the right to appeal the Hearing Officer's final determination of responsibility and/or the resulting disciplinary sanction(s) solely on the following grounds:

- The existence of a procedural irregularity that materially affected the Hearing Officer's decision and/or recommended sanctions;
- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome;
- The Title IX Coordinator, investigator, or Hearing Officer had a conflict of interest or bias that affected the outcome; and/or
- The recommended sanction(s) is too severe or too lenient.

Written requests for appeal must be submitted within three (3) business days following delivery of the notice of the outcome. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

If an appeal is granted, the Appeals Officer may remand the case to the Hearing Officer and provide instructions regarding the nature and extent of its reconsideration. The Hearing Officer will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding of the Hearing Officer or the sanction imposed by the Hearing Officer will be final and not subject to further appeal under the Title IX policy.

Alternatively, the Appeals Officer may modify the Hearing Officer's decision and/or sanction in accordance with the Title IX Policy and these procedures.

If the appeal is denied, the matter is closed, and the Hearing Officer's decision stands as final. The Appeals Officer will issue a written decision describing the result of the appeal

and the rationale for the result. The appeal decision will be provided simultaneously to both parties no later than fifteen (15) business days after all written responses are received.

In the event of a determination that the Title IX Policy was violated by an employee, the Hearing Outcome Letter and Appeal decision will be provided to the Dean of the Respondent's School or College and/or Department Chair (if the Respondent is a faculty member), the Provost (if the Respondent is a Dean), or relevant Vice President and/or appropriate Supervisor (if the Respondent is a staff member or third-party).

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

The University will seek to conclude the investigation within sixty (60) business days from the issuance of the Notice of Investigation. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

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

- The Complainant and Respondent have the right to discuss or write about the allegations under investigation and to gather and present evidence. While a party has a right to communicate with witnesses or potential witnesses, witness tampering and intimidation is prohibited. If a Respondent reacts to a written notice of allegations by intimidating witnesses, such conduct constitutes Retaliation and will be investigated and adjudicated pursuant to these procedures. At the conclusion of the Investigation, the investigator will prepare a written report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between the parties with any supporting information or accounts, and includes an Investigative Finding regarding whether a Title IX Policy violation occurred. However, before the report is finalized, the Complainant and Respondent will be given the opportunity to review a draft Investigation Report, which will not include the Investigative Finding, and may be presented in redacted format. The parties will not receive an electronic or written copy, nor may they photograph or copy the draft Investigation Report, but they will be permitted to take notes on the content.
- The Complainant and Respondent will be provided the opportunity to submit a written Impact Statement. These written Impact Statements will not be considered in the determination of responsibility, but will be considered in the determination of potential sanctions and/or remedies. The Impact Statement may be submitted at any time in the process, provided that it is received no later than five (5) business days after the parties have received a copy of the Final Investigative Report. The Impact Statement(s) will be shared with the parties, but may be redacted at the discretion of the Title IX Coordinator or Deputy Title IX Coordinator, or in accordance with FERPA.

- At the conclusion of the investigation, the Investigator(s) will provide the Complainant and Respondent and their advisors, if any, a copy of the evidence that has been obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including inculpatory and exculpatory evidence whether obtained from a party or another source, and evidence that the University do not intend to rely in reaching a determination of responsibility. The evidence will be provided with any redactions if required by applicable federal and/or state law and/or information that is not directly related to the allegations. The parties will receive a copy of the evidence electronically but as a precondition of receiving a copy of the evidence, all parties, and their respective advisors (if any) must sign and agree to abide by a non-disclosure agreement.
- A Complainant and Respondent may submit any additional evidence, comment, or information to the Investigator(s) within ten (10) business days of the date of receipt of the evidence. This is the final opportunity for the parties to identify any additional information or witnesses. In the absence of good cause shown, information discoverable through the exercise of due diligence that is not provided to the Investigator within ten (10) business days of receipt of the evidence will not be considered by the Investigator(s) or Hearing Officer.
- Upon receipt and consideration of any additional information from the Complainant or Respondent, or after the ten (10) business days comment period has lapsed without comment, the Investigator(s) will complete a Final Investigation Report that objectively summarizes the relevant evidence based on a preponderance of the evidence standard. The parties and their advisors will simultaneously receive a copy of the Final Investigation Report (which is also subject to the non-disclosure agreement) at least ten (10) business days prior to an adjudication hearing.

## 6. *Standard of Evidence*

Preponderance of the Evidence

## 7. *Possible Sanctions*

### **Student Respondent Sanctions**

One or more of the following sanctions actions may be imposed on a student Respondent found responsible for a violation(s) of the Title IX Policy:

- **Formal Written Warning** – Formal written warning that the student’s behavior violated Title IX.
- **Probation** – A status in which the student is deemed not to be in good conduct standing with the University for a specified period of time. Probation does not affect the student’s academic standing (i.e., the student may continue attending the University), is not shared with instructors, and is not notated on the student’s permanent academic record. If the student is subsequently found responsible for a violation(s) of the Title IX policy while on Probation, more severe sanctions, including Suspension or Expulsion, may result. Conditions restricting the student’s participation in University activities may also be imposed.
- **Suspension** – Separation of the student from the University for a specified period of time. During the suspension period, the student is administratively banned from the University and

may not be present on University premises (excluding UAB Medicine and UAB Health System Foundation facilities unless otherwise specified); attend or participate in classes; access various University electronic systems; or participate in Student Organizations or any University-sponsored activity. Violation of the terms of Suspension may subject the student to additional sanctions or criminal action. The student will be automatically withdrawn from registered courses based upon the effective date of the suspension. The student will be responsible for any financial obligations to the University but may be eligible for a refund of tuition and fees based upon the effective date of the Suspension and the University's Institutional Refund Policy. Notation of the Suspension will appear on the Student's permanent academic record and will remain until the end of the Suspension period.

- **Expulsion** – Permanent separation of the student from the University. The student is administratively banned from the University and may not be present on University premises (excluding UAB Medicine and UAB Health System Foundation facilities unless otherwise specified); attend or participate in classes; access various University electronic systems; or participate in Student Organizations or any University-sponsored activity. Violation of the terms of Expulsion may subject the student to criminal action. The student will be automatically withdrawn from registered courses based upon the effective date of the Expulsion. The student will be responsible for any financial obligations to the University but may be eligible for a refund of tuition and fees based upon the effective date of the Suspension and the University's Institutional Refund Policy. Notation of the Expulsion will appear on the student's permanent academic record.
- **Housing Reassignment or Removal from University Housing** – Reassignment to another University housing facility and/or loss of the privilege of living in University housing. Removal may be for a definite period of time not less than the remainder of the semester in which the removal is imposed or for an indefinite period of time. If the removal is for an indefinite period, the student may petition the Director of Residence Life and the Title IX Coordinator in writing for restoration of University housing privileges, but not earlier than one (1) calendar year from the effective date of the removal. The student will be responsible for any financial obligations to the University as set forth in the student housing contract between the University and the student.
- **Additional Sanctions** – The following sanctions may also be imposed: exclusion and/or administrative ban from all or a portion of any University Premises or any University-sponsored activity, as specified in the sanction, for a definite or indefinite period of time; an administrative no contact order with an individual(s); alcohol/substance use assessment and education; anger management assessment and education; essay/reflection or research paper; mandatory assessment with a licensed counselor; community service and/or participation in educational programs; removal from intercollege athletic team and loss of athletic scholarship.

#### **Faculty, Staff, Affiliates, and Non-Affiliates (non-students) Respondents Sanctions**

Sanctions for non-student Respondents may include formal written warning, suspension without pay (vacation, holiday, or sick time benefits will be paid by UAB during suspension), imposed Probation, reassignment of job responsibilities or duties, mandatory counseling, mandatory attendance at the Employee Assistance Program, demotion, ineligibility to receive raise or promotion, suspension of annual merit increase, decrease in salary, transfer, campus ban/no trespass warning from UABPD, prohibition on further employment at the University, loss of University benefits for retirees, and referral to proper law enforcement authorities for prosecution.

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

Supportive Measures are available to involved parties including Complainant(s), Respondent(s), and witnesses while the University is addressing, investigating, adjudicating, and responding to an allegation of Prohibited Conduct. Requests for Supportive Measures should be made to the Title IX Coordinator or a Deputy Title IX Coordinator, who serves as the point of contact for Supportive Measures and will work with the appropriate office(s) to ensure that any necessary Supportive Measures are provided.

Supportive Measures including, but not limited to, a no-contact order, academic modifications, living, transportation, or working arrangements to avoid a hostile environment; and available health and mental health counseling, victim advocacy, safety planning, information about possible legal assistance, visa and immigration assistance, student financial aid, and, if applicable, disability accommodations. For more information about supportive/protective measures, refer to the Title IX Sex Discrimination, Sexual Harassment, and Sexual Violence Policy  
<http://www.uab.edu/policies/content/Pages/UAB-UC-POL-0000777.aspx>.

## **STUDENT RIGHTS IN THE STUDENT CONDUCT PROCESS (DUE PROCESS)**

In all University conduct proceedings under the Student Conduct Code, students have the following rights to confidentiality and due process.

### **Rights to Due Process**

Responding Party: A student accused of violating the Student Conduct Code (the “responding party”) has certain rights. These include the rights:

- To be provided a fair, impartial, and efficient process;
- To be presumed not responsible until determined otherwise through the Conduct Procedures;
- To be given written notice of any alleged violation(s) of the Code;
- To present relevant information on their behalf, including witnesses and documentary information;
- To respond to information presented against them;
- To accept responsibility for any or all alleged violation(s) of the Code;
- To decline to make statements against themselves;
- To have a Support Individual present during the Conduct Procedures;
- To receive reasonable accommodations as a qualified student with a disability under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act;
- To examine the documentary information that will be presented in the Conduct Procedures, provided that the information may be available only in a redacted format;
- To have a reasonable period of time to prepare for a Hearing;

- To obtain the list of witnesses who have been called to present information at a Hearing;
- To request a delay of a Hearing due to extenuating circumstances, provided that the granting of such request is in the discretion of the Director or designee pursuant to Section VII.G. of the Code;
- To challenge the objectivity of a University Conduct Board member or an Administrative Hearing Officer if they believe that a bias or conflict of interest may exist pursuant to Section VII.G.2.c. of the Code;
- To hear and pose relevant questions to any witness appearing at a Hearing in a manner consistent with the Code;
- To present an Impact Statement as part of the sanctioning phase of a Hearing;
- To be notified in writing of the outcome of the Conduct Procedures;
- To appeal the determination of a Hearing within the time limits and conditions specified in Section VII.G.3. of the Code; and
- To have any conduct records protected to the extent permitted under Section VIII. of the Code, the University's Student Records Policy, and applicable privacy laws.

See the entire Student Conduct Policy at <http://www.uab.edu/policies/content/Pages/UAB-UC-POL-0000781.aspx>.

The University of Alabama at Birmingham student records policy complies with the Family Educational Rights and Privacy Act of 1974, as amended. All students enrolled or previously enrolled at UAB have certain rights with regard to information included in their education records. These rights are the subject of this policy. See the entire Student Records Policy at <https://www.uab.edu/students/one-stop/policies/student-records-policy>.

### **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.

### **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 Law Enforcement Agency's website: <http://www.alea.gov/node/270>, located under the Sexual Offenders link.

## **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://www.alea.gov/node/270>, located under the Sexual Offenders link.

## **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.

In Huntsville, students and employees are alerted to timely warnings via the Call One system. By registering their contact information, students and employees will receive communications through voice calls, SMS text messages, and/or emails to the entire HRMC community at the same time. Timely warnings are issued to alert the HRMC community about certain crimes and emergency conditions that are timely and will aid in the prevention of harm to others and similar crimes. Once the Regional Dean's Office determines that an alert will be issued, the Executive Administrator or designee initiates the announcement. The Huntsville Information Technology Department is contacted to email and post the announcement on the Huntsville Intranet and to its internal distribution lists.

## **DAILY CRIME LOG**

For the Huntsville Regional Medical Campus, SEI assist in maintaining a Daily Crime Log that records, by the date the incident was reported, all crimes and other serious incidents that occur on the HRMC campus, on public property, or within the department's patrol jurisdiction. Copies of the Daily Crime Log will be provided to the HRMC Executive Administrator on the day that the crime or serious incident occurs, or the following business day if the crime or serious incident occurs during a holiday or weekend hours. It is our policy to prepare a disclosure of crime statistics via our Annual Security Report, our Daily Crime Log, and on the HRMC intranet and website. The Daily Crime Log will be available for public inspection upon request at the HRMC Regional Dean's Office. The Daily Crime Log will include the nature, date, time, and general location of each crime reported to the SEI security officer, as well as the disposition of the complaint, if this information is known at the time the log is created. All incidents occurring on the HRMC as posted in the Daily Crime Log will be recorded on the Huntsville intranet. HRMC and SEI reserve the right to exclude reports from the log in certain circumstances.

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

The HRMC recognizes the need to be prepared for critical incidents. In conjunction with local first responders, such as the HPD and Huntsville Fire and Rescue, the HRMC is prepared to respond. In the event of a major crime, fire, or other emergency/disaster, first report it by calling 911 from your cell phone or from a phone on the HRMC system. Then, notify the Executive Administrator or designee in the HRMC Dean's Office at 256-539-7757 from your cell phone or 7757 from an HRMC phone.

The HRMC has an emergency alert system, One Call Now, which can quickly notify all Huntsville constituents in the event of an emergency. Medical students and all employees are given an introduction to One Call Now during their orientation with instructions to set up their self-service account. They may register to receive notifications by phone, email, or text messaging. Instructions on registering for One Call Now are also located on TheWire, the HRMC intranet. The One Call Now system is monitored for compliance and tested at least annually; records are maintained by the HIT department at HRMC.



In addition, HRMC is supported by the UAB Office of Occupational Health and Safety (OH&S) and the University Police Department to ensure our emergency protocols and plan 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 that enhance preparedness.

However, if issuing a notification, in the professional judgment of responsible authorities, compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the HRMC may decide not to immediately issue the notification. Appropriate university administrators, including those

listed above and those at HRMC, will determine the necessary segment or segments of the campus community to receive an emergency notification; determine the content of the notification and initiate the notification system. The HRMC administrators responsible for carrying out the above actions are: The Regional Dean and the Leadership Team.

The UAB Office of Occupational Health and Safety (OH&S) and HRMC 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. HRMC will document each annual test, including a description of the exercise, the date, time, and whether it was announced or unannounced.

The larger community is highly encouraged to go to the University's emergency planning website at [www.uab.edu/emergency](http://www.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**

This report is prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. It is prepared in cooperation with local law enforcement agencies in Huntsville and with the UAB Police Department. 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 HPD, SEI, designated campus officials (including but not limited to directors, deans, department heads, student affairs, advisors to students/student organizations), and local law enforcement agencies. Each year, an email link is made available via the Huntsville Intranet in reference to the web site to access the Annual Security Report. Copies of the report may also be obtained at the Huntsville Regional Dean's Office, located in Suite 313 or by calling 256-539-7757.

### **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.

### **CRIME STATISTICS**

Major crimes reported to the Huntsville Police Department for January through December of the most recent three-year period are included in the table that follows.

Huntsville Police 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 UAB Office of Student Advocacy, Rights and Conduct by individuals or campus organizations other than the SEI or HPD.

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 Huntsville Regional Medical Campus\***  
**301 Governors Drive SW, Huntsville, Alabama 35801**

<b>Crime Incidents</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
ARSON	0	0	0
AGGRAVATED ASSAULT	0	0	0
BURGLARY	0	0	0
FONDLING	0	0	0
INCEST	0	0	0
MOTOR VEHICLE THEFT	0	0	0
MURDER/NON-NEGLIGENT MURDER	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0
RAPE	0	0	0
ROBBERY	0	0	0
STATUTORY RAPE	0	0	0
<b>Violence Against Women (VAWA)</b>			
DATING VIOLENCE	0	0	0
DOMESTIC VIOLENCE	0	0	0
STALKING	0	0	0
<b>Arrests</b>			
LIQUOR LAW VIOLATIONS	0	0	0
DRUG ABUSE VIOLATIONS	0	0	0
WEAPONS: CARRYING, POSSESSING, ETC.	0	0	0
<b>Disciplinary Actions/Judicial Referrals</b>			
LIQUOR LAW VIOLATIONS	0	0	0
DRUG ABUSE VIOLATIONS	0	0	0
WEAPONS: CARRYING, POSSESSING, ETC.	0	0	0
<b>Arrest-Weapon Possession</b>			
CARRYING GUN WITHOUT A PERMIT	0	0	0
CONCEALING ILLEGAL WEAPON	0	0	0
<b>Registered Sex Offenders in Vicinity**</b>			

\*These crime statistics were provided by the Huntsville Police Department for this campus.

\*\* Information on Registered Sex Offenders can be obtained on the Alabama Department of Public Safety Website ([www.dps.alabama.gov/Home/Default.aspx](http://www.dps.alabama.gov/Home/Default.aspx)) located under the Sexual Offender Link.

**ADDITIONAL SOURCE OF STATISTICAL INFORMATION** UABPD has developed, and periodically reviews, procedures to include in reported crime statistics and for the purpose of making timely crime alerts, reports of required crimes made to campus security authorities. Campus Security Authorities (CSAs) at UAB include employees of the UABPD; other individuals and third party vendors who are responsible for campus security; the University's Title IX Coordinator; Title IX Investigator; designated harassment resource persons; and any officials of the University who have significant responsibility for student and campus activities. A Clery Incident Reporting Form (<https://uab.edu/police/report-a-crime/campus-security-authority-incident-report-form>) is available to CSAs to assist in the collection of crime statistics.

## **IMPORTANT DEFINITIONS**

Crimes reported for the HRMC 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.

## **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**

The policies and guidelines for the following apply at the HRMC as stated in documentation at the UAB main campus. Programs based in Birmingham to assist the UAB community are also available to students, employees, and faculty at the HRMC.

### **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 the entire Use and Consumption of Alcoholic Beverages Policy at [www.uab.edu/policies/content/Pages/UAB-AD-POL-0000071.aspx](http://www.uab.edu/policies/content/Pages/UAB-AD-POL-0000071.aspx). See entire Non-Academic Student Conduct Policy at <http://www.uab.edu/policies/content/Pages/UAB-UC-POL-0000781.aspx>.

### **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 <http://www.uab.edu/policies/content/Pages/UAB-UC-POL-0000781.aspx>.

### **Substance Abuse Education**

UAB and HRMC are 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

For medical students, residents, and physician faculty with substance abuse problems and other counseling needs, assistance is also available from Dr. Sandra Frazier, the UAB Physician Health Officer at 1201 11<sup>th</sup> Avenue South, Suite 676 or by phone at (205) 930-7680. The Physician Resource Office has experienced professionals to assist medical professionals in need. Individual appointments are scheduled, and all information is kept strictly confidential.

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 of some ways to be an active bystander. Further information regarding bystander intervention may be found at <http://www.nsvrc.org/bystander-intervention-online-learning-opportunities>. 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))

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- **Stay alert.** When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

### Safety in social settings

- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). UAB Police Department can be reached at (205) 934-3535.** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

### **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 Huntsville's Security Engineers Inc (256-880-6334), and your local police and fire departments, near your phone at work and at home.
- 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:

#### **Huntsville Resources:**

- Crisis Services of North Alabama: 256-716-1000 or 800-691-8426
- Huntsville Medical Student Services: 256-551-4432
- Huntsville HELPLine or HOPEPlace: 256-716-1000

#### **Birmingham Resources**

- Student Health and Wellness Center (205) 934-3581
- Student Health and Wellness Counseling Services at (205) 934-5816
- Gateway Family Services (205) 510-2600
- Family Violence: (205) 322-4878
- Crisis Center (205) 323-7777
- Rape Response: (205) 323-7273
- Oasis Counseling Center: (205) 933-0338

### **FIRE SAFETY REPORT**

This section of the report is not applicable because the HRMC does not offer residential housing.



## **Huntsville Regional Medical Campus Map**

