

## UAB NOTICE OF COMPLAINANTS RIGHTS

### Complainants Rights

The University of Alabama at Birmingham does not discriminate on the basis of sex in its educational programs, and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited by UAB as well as federal law whether sexually based or not and include dating violence, domestic violence, and stalking. Because you are reporting a possible form of sex-based discrimination, UAB wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus as well as your rights and the University's responsibilities.

As a complainant of sexual assault, dating violence, domestic violence or stalking, you will receive a full copy of our institution's Title IX Sexual Violence and Sexual Misconduct Policy. The institution's Title IX Sexual Violence and Sexual Misconduct Policy has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include our right to inform you of your right to file criminal charges as well as the availability of medical, counseling and support services. We also offer additional remedies to prevent contact between a complainant and an accused party, such as temporary or permanent changes in housing, academic, transportation and working conditions, if reasonably available. The policy also addresses possible sanctions and interim and/or long-term protective measures that UAB may impose following a report through the final determination of our discipline process. If you would like more information than is contained in this handout regarding any process or procedure, or if you'd like to make a report, ask questions about the Title IX Sexual Violence and Sexual Misconduct Policy, or need to request an accommodation to your living or working arrangements regardless of whether or not you chose to report the crime to law enforcement, contact the following:

#### **Title IX Coordinator:**

Kasey M. Robinson  
Title IX Coordinator  
Hill Student Center, Suite 303  
1400 University Blvd.  
(205) 996-1340  
[Kaseyr@uab.edu](mailto:Kaseyr@uab.edu)

#### **Athletics:**

Bryant Carter (Deputy Title IX Coordinator)  
Associate Athletics Director/CFO  
Bartow Arena, East Tower 310-A  
617 13th Street South  
(205) 934-1900  
[bcarter@uab.edu](mailto:bcarter@uab.edu)

#### **The Office of Student Conduct:**

Emily Feinstein (Deputy Title IX Coordinator)  
Director of Student Conduct and Student Outreach  
Hill Student Center, Suite 303  
1400 University Blvd.  
(205) 975-9509  
[eufeinstein@uab.edu](mailto:eufeinstein@uab.edu)

#### **Office of Diversity, Equity and Inclusion:**

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

#### **Human Resources:**

Robert Barnes (Deputy Title IX Coordinator)  
Administration Building, Room 210  
701 20th Street South  
(205) 934-4458  
[rbarnes@uab.edu](mailto:rbarnes@uab.edu)

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### **Definitions**

The following definitions are helpful in understanding the University's policy prohibiting sex-based discrimination:

**Consent** is defined in Alabama under Section 13A-6-70 as (b) Lack of consent results from: (1) Forcible compulsion; or (2) Incapacity to consent; or (3) If the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. (c) A person is deemed incapable of consent if he is: (1) Less than 16 years old; or (2) Mentally defective; or (3) Mentally incapacitated; or (4) Physically helpless.

**Sexual Assault:** Means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. In Alabama a person commits the crime of rape in the first degree (Section 13A-6-61) if: (1) He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or (2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or (3) He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old. A person commits the crime of rape in the second degree (13A-6-62) if: (1) Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex. (2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, 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 Alabama, domestic violence includes felony and misdemeanor crimes of violence committed by 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 (Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees),

**Dating Violence:** Means violence committed by a person –

(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

In Alabama, dating violence is covered under Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees.

**Stalking:** Means 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. In Alabama, stalking is when a person 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 (13A-6-90 Stalking in the first degree) or 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 (Section 13A-6-91 Stalking in the second degree).

**Bystander Intervention:** A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting an RA, EMS, UAB Police, etc.), or intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, contacting others for help, like counseling center, RA, Dean).

### **What to do if you have been the victim of sexual assault, dating violence, domestic violence or stalking**

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at the Rape Response (SANE) Center, 205-323-7273. In Alabama, evidence may be collected even if you chose not to make a report to law enforcement. In Alabama, you may file a police report without providing your name. 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 as may be necessary to the proof of criminal activity may be preserved. 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. 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 or not to make such a report and victims have the right to decline involvement with the police. To report an incident involving a sexual assault, domestic violence, stalking, and dating violence, contact the UAB Police at (205) 934-4434. The Office of Student Outreach will assist any victim with notifying local police (if they so desire). UAB Police Department may also be reached directly by calling 934-4434, in person at 1117 14<sup>th</sup> Street South. Additional information about the UAB Police department may be found online at [uab.edu/police](http://uab.edu/police).

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:**

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

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

- 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
- necessary information regarding the appropriate agencies from which you may request information
- 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
- 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
- information regarding the return of any property taken
- be provided the date of conviction, acquittal or dismissal of charges against the defendant and the sentence imposed
- refuse an interview or other communication with the defendant, his attorney or anyone acting on his behalf
- the status and results of any post-conviction appeal
- be provided a waiting area separate from the defendant, his relatives, and defense witnesses if available and practical
- 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
- information regarding collection of restitution
- any release opinion by the Alabama Department of Mental Health
- be notified of any Pardon and Parole Board hearings and the right to be present and heard at such hearings

<http://www.ago.state.al.us/Page-Victims-Assistance-Crime-Victims-Rights>

Further, UAB complies with Alabama law in recognizing protection from abuse orders. Any person who obtains an order of protection from the State of Alabama or any other state should provide a copy to UAB Police and the Office of the Title IX Coordinator. A complainant may then meet with UAB Police to develop a Safety Action Plan, which is a plan for UAB Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: class and on-campus housing moves, ordering a respondent not to have contact with a complainant, excluding a respondent from parts of campus, or providing a complainant with an escort on campus. 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.

To the extent of the victim's cooperation and consent, university offices, including the Office of Student Conduct, the Office of Student Outreach, Title IX Coordinator, Human Resources (employees), and UAB Police will work cooperatively to ensure that the complainant's health, physical safety, work, and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, and assistance in notifying appropriate local law enforcement. The Office of Student Outreach, the Title IX Coordinator, and/or Human Resources (employees) can assist victims with these accommodations. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. The University does not publish the name of crime victims nor house identifiable information

regarding victims in the UAB Police Department's Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request through the UAB One Stop Student Services, (205)934-4300.

### **Resolution of Violations**

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

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

In addition to the above, the Procedures for the Resolution of Sexual Misconduct Complaints against Students Policy allows both the complainant and respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the University.
- Privacy to the extent possible, consistent with applicable law and University policy.
- Information about the University's Title IX Policy.
- The presence of an Adviser throughout the process.
- To participate or to decline to participate in the investigation or complaint resolution process. However, a decision not to participate in the process either in whole or in part will not prevent the University from proceeding with the information available.
- A prompt and thorough investigation of the allegations.
- Adequate time to review documents in the Title IX Coordinator's report following the investigation.
- To appeal the investigation decision or any sanctions imposed.
- To challenge a Hearing Panel member(s) for a possible conflict of interest.
- To refrain from making self-incriminating statements. A resolution, however, will be determined with the information made available by the parties.
- To appeal the decision made by the Hearing Panel to the VP for Student Affairs.
- Notification, in writing, of the case resolution, including the outcome of any appeals.
- For the Complainant, to report the incident to law enforcement (including the UABPD or with the police department in the jurisdiction in which the sexual misconduct occurred) at any time.

UAB will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit

either a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

In addition to the above, the Procedures for the Resolution of Sexual Misconduct Complaints against Faculty, Staff, Affiliates and Non-Affiliates Policy allows both the complainant and respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the University.
- The presence of an Adviser throughout the process
- Confidentiality to the extent possible, consistent with applicable law and University policy.
- Information about the University’s Title IX Policy.
- A prompt and thorough investigation of the allegations.
- To refrain from making self-incriminating statements. A resolution, however, will be determined with the information made available by the parties.
- Notification, in writing, of the case resolution, including the outcome of any appeals.
- For the Complainant, to report the incident to law enforcement (including the UABPD or with the police department in the jurisdiction in which the sexual misconduct occurred) at any time.

Whether or not criminal charges are filed, the University or a person may file a complaint under the UAB Title IX Sexual Violence and Sexual Misconduct Policy.

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

**On-campus**

Name	Address	Phone Number
UAB Police	1117 14th Street South	205-934-4434
Student Health and Wellness	1714 9th Avenue South	205-934-3581
Student Health and Wellness Counseling Services	1714 9th Avenue South	205-934-5816
The Office of Student Outreach	Hill Student Center, Room 303	205-975-9509
The Office of Student Conduct	Hill Student Center, Room 303	205-975-9509
Employee Assistance and Counseling Center	Magnolia Office Park, Ste. 330 2112 11th Ave. S.	205-934-2281
The Office of Diversity, Equity, and Inclusion	401 Campbell Hall, 1300 Univ. Blvd	205-934-8762
The Office of Employee Relations	1720 2nd Avenue South	205-934-4458
Title IX Coordinator, Kasey M. Robinson	Hill Student Center Suite 303, 1400 University Blvd	205-996-1340
UAB Hospital Emergency Department	1802 6th Avenue South	205-934-5105

**In the Birmingham Area**

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

**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 Twitter, use geolocation to share your location publicly. 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 backup 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 a 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. UAB Police Department can be reached at (205) 934-3535 (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).