



NOTICE OF RIGHTS

STUDENT OR EMPLOYEE VICTIMS OF SEXUAL HARASSMENT OR VIOLENCE

The University is committed to promoting a safe and nondiscriminatory environment for its students and employees, an environment that is free from sexual harassment, sexual assault, dating violence, domestic violence, stalking, and other forms of sexual violence (referred to herein as “sexual misconduct”).

If you, as a University student or employee, report an incident of sexual misconduct, whether occurring on or off campus, you have certain rights under federal law, and the University has certain correlative duties. These rights and duties are outlined below.

University policy and federal law prohibit retaliation against anyone bringing a complaint of sexual misconduct or otherwise participating in a proceeding brought to address such a complaint. The University will take reasonable steps to prevent retaliation and will respond if it occurs. If you experience retaliatory action from anyone after bringing a sexual misconduct complaint or after participating in a proceeding brought to address such a complaint, you should contact the appropriate Equal Opportunity Coordinator identified below.

The University encourages prompt reporting of all types of sexual misconduct. You should report such an incident to the Dean of Students (the Deputy Equal Opportunity (EO) Coordinator/ Students), if you are a student; or to the Associate Vice President for Human Resources (the Deputy EO/Staff and Third Parties) or the Vice President for Diversity (Senior EO Coordinator/Faculty), if you are a staff or faculty employee, respectively. Contact with the appropriate official should be made even if you decide not to pursue disciplinary or criminal charges against the alleged perpetrator.

You may also report an incident of sexual misconduct to any “responsible employee” at the University. A “responsible employee” is any manager or administrator who has overall responsibility for the daily operations of an academic, support, or operational unit. When such a report is made, you should understand that this employee has a duty to inform the appropriate EO Coordinator about the incident and provide the names of the individuals involved; the time, place, and location; etc.

You have the right to file a police report and a criminal complaint concerning the sexual misconduct. You are encouraged to make a report to campus police, and you may report it as well to local police authorities, with the assistance of University officials, if requested. You have the right, however, to decline to file a police report.

You should try to preserve any physical evidence of sexual harassment/violence. This will help police authorities with their investigation and may also facilitate your receipt of any needed medical and/or psychological attention.

If you report an incident of sexual misconduct to the University, you have the option to request that your name or other identifying information not be disclosed to the alleged perpetrator or others and/or to request that a complaint not be pursued. This will, of course, limit the University’s ability to respond to the incident of sexual misconduct you have reported. When you make such a request, the University will determine whether it can honor it consistent with its duty to provide a safe, nondiscriminatory campus for you and for all students and employees. The determination will be made by the EO Coordinator most closely related to the case (and, in the case involving a faculty member, the Associate Provost), upon consultation with other EO Coordinators and the Chief University Counsel. All relevant factors will be considered, including credible evidence of the alleged perpetrator’s prior sexual misconduct, any risk of additional sexual misconduct by the alleged perpetrator, the use of a weapon in the incident, etc. If the University determines that it should proceed and that disclosure of your name may occur, you will be informed. The alleged perpetrator will also be told about any request you made for the University not to proceed with the matter. If the University does decide to honor your confidentiality request, it will still take steps, to the extent reasonable under the circumstances and consistent with your request, to investigate and address any sexual misconduct.

Disclosure of information about a sexual misconduct case will be limited, to the extent reasonably possible, to the parties and to University officials involved in the proceeding. If you are a student and are either the accuser or the accused in such a case, disclosure of information is also subject to limitations under the federal Family Educational Rights and Privacy Act designed to protect student privacy rights. Additionally, any accommodations or protective measures provided to you will be kept confidential, and your identity will not be disclosed in any required reporting of campus crime to governmental agencies.

In an appropriate case and where feasible, you may request and receive assistance from University officials regarding a change in

arrangements involving your classes, campus housing, transportation, and campus work situation. Such accommodations may be available whether or not a report has been made to police authorities (campus or local).

Additional protective remedies, such as “no contact” and/or restraining orders, may be available through a legal proceeding initiated in a local court by you. The University may also impose interim protective measures for your benefit if you are deemed to be at risk of imminent, serious harm from the accused person.

The University’s disciplinary procedure provides for a prompt, fair, and impartial investigation and resolution of complaints, conducted by officials who receive training at least annually on issues pertinent to sexual misconduct as well as on effective investigation and hearing procedures.

If the accused is a student, the Student Code of Conduct disciplinary procedure is utilized, while faculty and staff disciplinary procedures are used in the situation where the accused is a faculty or staff employee, respectively. The procedures all involve a preliminary review phase, generally carried out by an EO Coordinator; a phase at which an upper level University official may impose a sanction less severe than suspension or expulsion/- termination; and a formal hearing phase before a hearing panel or official. A standard of “more likely than not” (“preponderance of the evidence”) will be used at the hearing in determining whether the accused has committed the acts charged. Review and/or the final decision regarding the findings and recommendation of the hearing panel or official take place at the level of the University president or vice president. The target completion deadline for the preliminary phase is 21 calendar days and an additional 56 days for the remaining parts of the process (not including an appeal). Extensions may be granted for good cause.

Resolution of a complaint may occur informally during the disciplinary process by voluntary agreement of the parties and the University. However, in a case alleging sexual misconduct, you will not be required to deal directly with the accused, and you have the right to end such a process at any time and seek to have the charges addressed in a more formal proceeding. This informal resolution process will not be used for a complaint of sexual violence.

Under the University’s disciplinary procedures, both the accuser and the accused are entitled to select an advisor and have the advisor present at any meeting or proceeding. An attorney may serve as an advisor for either party and may offer advice to the party during a meeting or proceeding but may not participate directly. Both parties are entitled to simultaneous written notification of meetings at which either or both may be present, the outcome of the disciplinary proceeding, appeal rights, any changes in the outcome occurring during the appeal, and the time the determination is final. Both parties shall also be entitled to timely access to information that will be considered in the proceeding.

Sanctions that may be imposed upon a determination, in an institutional disciplinary procedure, that sexual misconduct was committed may include, for an employee perpetrator, termination or suspension of employment, probation, and warnings (oral or written); or, for a student perpetrator, expulsion or suspension, a “no contact” order, loss of privilege, probation, educational sanction, or warning.

A victim of sexual harassment/assault/violence may seek confidential assistance at the University from its Counseling Center, Student Health Center, Employee Health Clinic, and Employee Assistance Program. Community resources include the Crisis Services of North Alabama. Telephone numbers for these and other offices or resources that may be of help to you are as follows:

Law Enforcement

University Police 824-6911
Huntsville Police 911

Coordinators

Office of Diversity 824-4600
Dean of Students 824-6700
Human Resources 824-6545

Other Resources

Counseling Center 824-6203
Student Health Center 824-6775
Employee Health Clinic 824-2100
Employee Assistance Program 800-925-5327
Crisis Services of North Alabama 716-1000

Complainant Signature

Received on date