

2017 Annual Security Report

From the Chief of Police

As we enter a new academic year with record enrollment numbers, the UAH Police Department continues to work hard to provide a campus that is reasonably safe and conducive to the goals of education and research. However, like most universities in America today, we share many of the same problems that exist in the surrounding community in which we reside. While it doesn't happen as often, crime is one such problem.

In compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*-20 USC § 1092(f), this report includes information about security related policies and programs along with statistics reflecting reported crimes from 2014 - 2016.

Each year, an e-mail notification is made to all enrolled students, faculty, and staff that provides the web site to access this report. Printed copies of the report may also be obtained at the University Police Department located inside the Intermodal Facility on John Wright Drive or by calling (256) 824-6596. All prospective students or employees may obtain a copy by accessing the UAHPD's Safety Information web page at <http://www.uah.edu/safety> or by calling UAHPD.

I hope you will join us in our efforts to make our campus as safe as possible by taking responsibility for your own personal security. One way to begin is by visiting our department's webpage at <http://www.uah.edu/police>. Our Facebook page can be viewed at <https://www.facebook.com/UAHPD>. We regularly update Facebook with current information about crime trends, security tips, and crime prevention programs we think you may find helpful. Please "Like" our page to stay on top of new information! I also invite you to install the new RAVE Guardian smart phone safety application. To download, search "Rave Guardian" in the App Store or Google Play Store and register using your UAH email address.

Best wishes for a safe and happy year!



Michael R. Snellgrove
Assistant Vice President for Public Safety and
Chief of Police

Security Policies and Procedures

University Campus and Facilities

The University of Alabama in Huntsville is a growing public university of moderate size. This year, the University set a new record with over 9,100 students enrolled and over 1,250 employees.

The UAH campus spans 432 acres located in the heart of Huntsville, adjacent to Cummings Research Park. There are more than 74 academic, residential, and recreational buildings situated on the campus. The University recently took ownership of Executive Plaza located directly west of the Bevill Center on the west side of Sparkman Drive. This property is situated on 53 acres of land and contains 13 separate buildings currently used by private businesses.

Security Considerations in the Maintenance of Campus Facilities

The University is committed to campus security. Exterior lighting and landscape control is a critical part of that commitment. Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. Police Department staff and staff from the Facilities and Operations Department conduct routine checks of lighting on campus. The Facilities and Operations Department maintains all buildings and grounds with a concern for safety and security. It inspects campus buildings regularly. If UAH police officers discover or receive a security related report such as a broken window, malfunctioning external door lock, or any issue with outdoor lights, the facilities maintenance unit is informed, and a priority work order for the necessary repairs is initiated. The UAHPD works closely with the Office of the Dean of Students, the University Housing staff, and other campus life personnel to the end that safety policies and procedures are uniformly executed and are conveyed in a clear and consistent manner to students, faculty, and staff. Members of the University community are encouraged to contact any of the above mentioned offices if they have safety concerns regarding a particular area on campus.

Access to Facilities

Except for student housing facilities, most University buildings are open to the public during the day and evening hours when classes are in session. During the times that the University is officially closed, University buildings are generally locked and only faculty, staff, and a few authorized students, with proper ID, are admitted. Students and staff who have keys to buildings for after-hours work must lock the doors behind them after they enter and are encouraged to follow personal safety precautions. A locked door to a building or residence hall should never be propped open. If anyone observes a propped open door, it's their responsibility to close it. UAH officers patrol buildings at night to ensure they are secure and to check for any signs of unauthorized entry, fires, or other irregular activity. Additionally, the campus roads, parking lots, and walkways are lighted during the evening hours for scheduled activities.

University Housing and Security

All first and second year full-time undergraduate students with a permanent legal residence beyond a 30 mile radius from campus are required to live in the campus residence halls. Any exemptions to this rule must be approved through University Housing. All other students may live on or off campus. Off-campus housing includes apartments, individual homes, and individual rooms in private homes. The University does not provide supervision for off-campus housing.

Students may reside on campus in the apartment-style Southeast Campus Housing residences or the more traditional Central Campus Residence Hall, Frank Franz Hall, North Campus Residence Hall, or Charger Village. These residential areas offer theme community living. Single student suites are assigned to students of the same gender. Floors within Southeast Campus Housing are coeducational, and entrances to units are off an open breezeway. Married student couples and student families are assigned to two buildings in this nine-building complex.

A Resident Director and Undergraduate Resident Advisors (RAs) live in the Central Campus Residence Hall, Frank Franz Hall, North Campus Residence Hall, and Charger Village. A Resident Director and Undergraduate Resident Advisors (RAs) also live in Southeast Campus Housing Apartments. A full-time Housing staff member is on call 24 hours a day, and RAs participate in an on call duty rotation in their respective areas whenever the Housing Office is closed (5:00 p.m. - 8:15 a.m. weekdays and 24 hours a day on weekends and University holidays). In the Central Campus Residence Hall, Frank Franz Hall, North Campus Residence Halls and Charger Village, student assistants are assigned to the desk in the main lobby 24 hours a day, seven days a week. All RAs and desk assistants receive training on topics relating to campus safety and security.

During the regular academic year, all exterior doors in the Central Campus Residence Hall, Frank Franz Hall, North Campus Residence Hall and Charger Village are locked 24 hours a day. During those hours, access to the buildings is by electronic cards only. University Housing manages issuance of the electronic cards and maintains the card control system for these facilities. Electronic cards are issued to students residing on campus and authorized staff only. Student front desk assistants monitor the front doors 24 hours a day, seven days a week, throughout the year. Electronic alarms on all doors warn desk assistants of unlocked or opened exit doors. Occasionally it becomes necessary, due to repairs or other unusual circumstances, for a door to be unlocked or disarmed for a limited period of time. In that case, residents are notified in advance. Visitors to the residence halls must sign in at the main desk and leave a photo ID while they are in the building. All Housing facilities offer 24 hour visitation. Each resident is responsible for his or her guests. Doors to student suites and to individual student rooms in the Central, Frank Franz, and North Campus Residence Halls have deadbolt locks. Doors to student suites and individual student rooms in Charger Village are controlled by card access and have deadbolt locks. All windows have locking devices.

During the summer, the Central Campus Residence Hall, Frank Franz Hall, North Campus Residence Hall, or Charger Village may be used by conference groups. Guests are granted building access by a key card issued upon arrival and collected upon departure.

The University Police Department

Staffing and Training

While the UAH Police Department is a subunit within the Office of Finance and Administration, it is a fully empowered state law enforcement agency dedicated to the University of Alabama in Huntsville. Each UAH police officer, like their state and municipal counterparts, must meet the strict standards established by the Alabama Peace Officers' Standards and Training Commission (APOSTC).

The University Police Department is located in the Intermodal Facility (parking garage) at 501 John Wright Drive. The office is open twenty four hours a day, seven days a week, including weekends and holidays, to serve the university community. The primary mission of the Department is to assist the University in achieving its educational mission by providing a safe and secure campus environment. The Department cadre' includes sworn police officers, communications officers, parking enforcement staff, administrative support personnel, and student employees.

Police officers receive mandated annual in-service training on topics ranging from legal updates, search and seizure, policy changes, use of force which includes firearms proficiency, and tactical skills from certified police trainers, the Madison County District Attorney's Office and various available law enforcement training sources. Officers also receive certification in First Aid, CPR, and use of the AED. The Department works closely with the UAH Office of Emergency Management, the UAH Office of Risk Management, Huntsville Emergency Medical Service, Inc. (HEMSI), and the Huntsville-Madison County Emergency Management Agency.

Law Enforcement Authority

All UAH police officers derive their authority from Alabama Code § 16-47-10. The University's police force consists of peace officers, licensed by the State of Alabama, appointed by the University President, and administered their oath of office by the University Chief of Police. Each officer is charged with all the duties and invested with all the powers of police officers. An officer may eject trespassers from the University buildings and grounds. An officer may, without warrant, arrest persons who commit disorderly conduct, or trespass on the property of the institution, or in any circumstance in which an arrest by a police officer without a warrant is authorized by law, and carry them before the nearest district court or municipal court charged with the trial of such offenders. Upon proper affidavit charging the offense, the person arrested may be tried by the court and convicted as in the case of persons brought before the court on a warrant.

Relationship with Local Law Enforcement

The UAH campus is located geographically within the City of Huntsville, Alabama. Huntsville Police have concurrent jurisdiction on campus. UAH Police are the first responders to reported criminal incidents on campus and it is understood via a *Memorandum of Understanding* that UAH officers shall have initial and primary jurisdiction to investigate crimes reported on campus.

However, because it has greater resources, the Huntsville Police Department can be called upon by the UAH Chief of Police to provide assistance for certain major crimes that often require specialized and trained units such as SWAT, K-9 patrols, narcotics units, and evidence gathering teams. They may also assume primary investigative responsibility for criminal incidents if deemed necessary.

The prosecution of all criminal offenses committed on campus is conducted in the federal district court of North Alabama, the state circuit or district court of Madison County, or the Huntsville municipal court, depending on the classification of the offense as a federal felony or misdemeanor, a state felony or misdemeanor, or a breach of a municipal ordinance. The UAHPD maintains a cooperative working relationship with other state and surrounding local agencies and participates in both state and national campus law enforcement associations.

The UAHPD prepares and submits reports regarding criminal offenses to the Federal Bureau of Investigation to which all authorized law enforcement agencies report statistical data. Additionally, "real-time" information is made available to other local, state, and federal law enforcement agencies on arrests and serious crime. Information regarding reported stolen vehicles, property, and wanted individuals are shared through the National Crime Information Center (NCIC) through which UAHPD maintains a 24 hour computerized link.

Criminal Activity off Campus

UAH did not operate any off-campus student housing in 2016 nor were there any recognized off-campus student organization facilities. The university owns a number of homes adjacent to the campus that are occupied by staff and faculty. Many students live in the neighborhoods adjacent to the campus or within a few blocks of the campus. While Huntsville Police have primary jurisdiction in areas off campus within the city limits, UAH Police officers do patrol and respond to criminal incidents reported in these neighborhoods especially when UAH affiliated students and employees are affected. If a UAH student or employee is involved in an off campus offense, UAH Police may assist with the investigation in cooperation with the Huntsville Police. UAH Police maintain direct radio communications with Huntsville Police whenever a response is requested to a nearby residence.

Other Services

The UAH Police also provides security related and general support services tailored to meet the needs of the UAH community. These services include the following:

- Assisting campus motorists with minor vehicle problems.
- Preparing reports on motor vehicle accidents.
- Patrolling campus streets and parking areas to enforce UAH parking regulations and state and local traffic laws.
- Coordinating security for University sponsored on-campus events.
- Providing crime prevention and security presentations.
- Maintaining a 'Lost and Found' repository.

- Offering fingerprinting service for individuals who must submit fingerprint cards for background checks, licenses, employment, etc. Individuals requiring this service must provide their own fingerprint cards and the fee is \$15.00 per card. Appointments are highly encouraged.
- Storage of firearms and other weapons for on-campus residents.
- Providing on-campus safety escorts.

Reporting Campus Crimes and Other Emergencies

University or Local Police

It is the policy of the University to strongly encourage students, employees, and visitors to promptly contact the UAHPD, or if they wish, the Huntsville Police Department, with an accurate and complete report of any criminal activities, accidents, or medical emergencies occurring on campus. Reporting a crime does not mean an individual must take legal action: it may, however, help law enforcement stop further incidents as well as help them keep the community informed about criminal activity.

To make a report in person, an individual should go to the UAH Police Department, which is located in the Intermodal Facility (parking garage), 501 John Wright Drive.

To make a report by phone, call **256-824-6596** and describe the situation to the police dispatcher. In emergency situations, including fires and medical emergencies, call **911** or UAHPD at **256-824-6911**. All 911 calls made from campus phones go directly to the UAHPD; all cell phone 911 calls are routed to UAHPD through the Madison County 911 center.

Emergency Call-Boxes (Blue Light Phones)

For the added security of the UAH community, emergency call stations are strategically located across campus and inside the IMF “parking garage”. These call boxes may be used to directly contact the UAH Police. For emergencies, press the red emergency button, which will connect you directly with the UAH Police Department. Your location will be automatically identified for the police dispatcher, and a UAH police officer will be dispatched to the area if necessary.

Campus Security Authorities

In addition to employees of the UAH Police Department, information about crimes may also be reported to certain University officials referred to in the Clery Act as “Campus Security Authorities” (CSAs). At UAH, CSAs include the following officials:

- The Provost and Vice President for Academic Affairs
- The Associate Provost
- The Vice President for Diversity and Multicultural Affairs
- The Associate Vice President for Human Resources
- The Vice President for Student Affairs
- The Associate Vice President for Student Affairs

- The Dean of Students
- The Director of Student Ethics and Education
- The Director of Housing and Residence Life
- The Director of Student Life
- The Assistant Director of Student Life and Campus Recreation
- The Associate Director of Conferences and Events
- The Assistant Director of Housing Operations
- The Assistant Director of Residence Life
- Any Resident Director or Assistant Resident Director
- Any Resident Assistant
- Any residence hall front desk monitor
- The Director of Athletics and any team head coach or assistant coach, student assistant coaches, volunteer coaches, and athletic trainers
- Nursing staff in the Student Health Center
- Other UAH officials with significant responsibility for student and campus activities

Upon request, these officials may assist the reporting individual in contacting UAHPD and/or Huntsville police about an incident. The University will allow a victim or witness of a crime to report it to a CSA on a voluntary, confidential basis. All such reports will help the University take steps to make the campus safer. They will be used, in particular, to determine whether there is a pattern of crime involving a particular location, offender, or method; to provide the basis for alerting the campus community about crimes posing a danger to students and/or employees; and to help a victim obtain medical or mental health care, if needed. Crime reports completed by CSAs are also important because they are used by UAHPD to compile crime statistics included in the annual report.

Campus Security Authorities who are non-law enforcement may download a copy of the required Crime Incident Report from: <http://146.229.145.249/ss/Clery2/CSA/CSA.asp>

Emergency Communication

Timely Warning Policy

When the occurrence of certain crimes, including those identified in the “Crime Statistics” portion of this report, are considered by the University to pose an ongoing or continuing threat to students and employees, the UAH Police, at the direction of the Chief of Police or his designee, will issue a *Timely Warning*, commonly referred to as a **Crime Alert**. This warning will typically be issued within 24 hours of the incident being brought to the attention of the UAH Police assuming the release will not compromise law enforcement efforts to locate a perpetrator. A Timely Warning may be disseminated using paper fliers posted at building entrances and on bulletin boards around the campus and by means of the Police Department web page, the Police Facebook page at <https://www.facebook.com/UAHPD>, the UAH e-mail system, and, when a more urgent emergency necessitates it, the institution’s U-Alert system. Use of the U-Alert system for a Timely Warning shall be at the direction of the UAH Chief of Police or his designee. Anyone with

information about a crime that may warrant a timely warning should immediately report the information to UAHPD by telephone at (256)824-6596, or in person at its office in the Intermodal Facility on John Wright Drive.

Emergency Notification and Evacuation Procedures

It is the policy of UAH to quickly inform the University community of conditions posing a threat to life, safety, security, and/or property (a “threat”) so appropriate precautionary measures may be taken. To carry out this policy, the University has developed procedures to facilitate notice to and, if appropriate, evacuation of members of the campus community in the event of a confirmed active emergency posing an immediate threat or a potential emergency posing a reasonably likely threat.

The University employs an emergency notification system commonly known as “U-Alert” to provide emergency warnings and follow-up information to the campus community. U-Alert includes the following primary modes of notification: text/short message service (SMS) to cellular phones, voice messages to non-University land line phones and cellular phones, voice messages to University telephones, e-mails to official University e-mail addresses, and e-mails to non-University e-mail addresses. Alternate modes of message delivery will be used as deemed appropriate by responsible University officials to a specific situation (such as, for example, the need to disseminate emergency information to the larger Huntsville/North Alabama community). These alternative modes include the University website, official University social media sites, local media, etc. Members of the University community may update their contact information via the web at <http://www.uah.edu/ualert>.

Certain University officials, referred to as “Responsible Authorizers,” have been granted authority by the University President to authorize emergency notifications. They include the following the UAHPD Chief of Police, Captain, Lieutenant, and Senior Officer on duty; the Director of Public Affairs/Public Information Officer; and an Incident Commander designated by University President. Other officials may be Responsible Authorizers if they are directly involved with and have situational awareness of the emergency situation, including the Provost and Executive Vice President for Academic Affairs, the Senior Vice President for Finance and Administration, the Associate Vice President for Facilities and Operations, and the Director of the Office of Environmental Health & Safety. Certain University officials may also be granted authority to activate the U-Alert System when directed to do so by a Responsible Authorizer.

The activation process is initiated when a report of an emergency posing an immediate or reasonably likely threat is made to the UAHPD or to another Responsible Authorizer. The Responsible Authorizer is to confirm that such a threat does exist and approve the wording and content of the message, taking into account pre-approved message templates, the nature of the impacted population on campus, and the actions the impacted population should take. Finally, the Responsible Authorizer is to direct that notification be provided through activation of the U-Alert system. These actions are to be taken without delay, unless issuing a notification will, in the professional judgment of the Responsible Authorizer, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The U-Alert System equipment is tested at least once each academic semester. Also, building fire evacuation drills and other evacuation exercises are held at least annually. Tests and drills may be announced to the campus community beforehand or may be unannounced. After-action reports are prepared to document the nature of the test or drill, its date/time, whether it was announced or unannounced, and evaluative observations regarding system and personnel performance. The emergency response and emergency response and evacuation procedures are publicized at least once annually in connection with a U-Alert System test.

Public Announcement System

The University has also incorporated an external “Giant Voice” alert system comprised of two outdoor arrays (one on top of Material Science Building and the other on top of Roberts Hall. Several facilities have had building mass notification systems (BMNS) installed throughout. Additional buildings in the north campus area will be coming online in the next one to two months (estimated).

This system allows for a mass verbal broadcast of instructions and information across campus.

Crime Prevention

With the exercise of due caution, students and employees can reduce their chances of becoming a victim of crime. The University’s crime prevention efforts are premised upon the dual concepts of eliminating or minimizing criminal opportunities, whenever possible, and encouraging individuals to be responsible for their own security and the security of others.

The cooperation and involvement of students and employees in a campus safety program is absolutely necessary. Students and employees must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. For example, although campus facilities and areas are lighted during normal class hours, it is always prudent for students, female or male, to be accompanied by a friend to their residence or vehicle on campus late at night. Bedroom doors in residence suites should be locked at night and when the room is unoccupied. Resident suites and apartment entrance doors should be locked at all times. Valuable items such as stereos, cameras, and televisions should be marked or engraved with the serial number or a personal code. This number should then be kept in a safe place so that it is available should the item be stolen. Bicycles should be registered with the Parking Management Office and should be secured with a sturdy lock. Students with cars must park them in the authorized parking areas and should keep them locked at all times. Valuable items like backpacks, books, and sporting equipment should be locked in the trunk. Students should report to the Housing Office or UAHPD any unusual incidents or suspicious individuals observed in and around University Housing. To make students and employees more aware of the importance of crime prevention, UAH carries out the following programs and projects:

- University Police participate in each new student orientation program. A representative talks with both students and their parents about guidelines for their personal security and responds to security related questions.

- A representative of the University Police meets with the RAs during their training, which usually takes place before the fall semester, to discuss security matters relating to student housing.
- A summary of criminal incidents, known as the Daily Crime and Fire Log is available on the university police web site at <http://www.uah.edu/police/daily-log>.
- If and when circumstances warrant, special printed Crime Alerts are prepared and distributed either selectively or throughout the campus. (See: Timely Warnings)
- The University Housing staff arranges one program each term on some aspect of campus safety and security. All housing residents are encouraged to attend.

UAH Police offers the following safety enhancement programs

- R.A.D. Rape Aggression Defense (Women's Self Defense) Classes offered periodically throughout the year.
- Fatal Vision: Alcohol Impairment Education through the use of "Beer Goggles" on an obstacle course setting. This program is offered at least once each fall and spring Semester.
- Operation ID: A nationally recognized program that allows UAH community members to discreetly mark personal property. The voluntary registration and recording of valuable items deters theft and increases the probability of recovering stolen property.
- Charger Watch: UAH campus version of Neighborhood Watch increases awareness and deters criminal activity.
- Department Newsletter: A monthly summary of UAHPD activities and advice published electronically.
- Table Top Tips: Monthly crime prevention tips distributed throughout campus on table tops, bulletin boards and electronically.
- Ripped-Off Cards: Friendly post-card reminders left when officers observe a potential security issue such as unlocked doors, unsupervised property, etc.
- Book-Mark: A simple and easy textbook theft deterrence system.
- Safe Vehicle Parking Initiative and Bicycle Safety Education Programs.

Student Affairs and University Housing Offer the Following Programs

- Safe-Ride Program: Safe-Rides provides a free cab ride for students Thursdays through Sundays from 11:00 pm through 3:00 pm. Three free rides provided to each student per semester, within a ten mile radius from campus.
- A Shot of Reality: Sponsored speakers who discuss responsible and healthy drinking choices.
- Rave Party: A sponsored non-alcoholic party that promotes and encourages parties without alcohol.
- Alcohol EDU: Modules for Alcohol Education that can be taken by any students or students groups voluntarily. These are also used for students referred for alcohol violations.
- TIPS (Training for Intervention Procedures): Annual training provided to all housing staff and student athletes to assist in preventing alcohol intoxication, underage drinking, and drunk driving.
- Save a Life Tour: A high impact video that highlights the tragic consequences of poor alcohol choices.

- Multiple poster/flyer events: Events held throughout the year that promote awareness on Sexual Violence, Prevention, and methods for reporting such violence.
- Highlight Bulletin Board: Each housing facility is provided with a bulletin board that highlights specific issues and provides information concerning sexual violence, alcohol and substance abuse, suicide prevention, and bullying.
- Ladies Self Defense Seminar offered by the Health Promotions Department twice per semester.

Rave Guardian (Smart Phone Application)

Rave Guardian was introduced to the UAH community at the beginning of the fall 2017 semester. It provides yet one more 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, UAH Police, and even the Madison County 911 Center in the event of an emergency. The app can be downloaded from the Apple App Store and Google Play Store and register using your UAH email address.

University Dangerous Weapons and Firearms Policy

Purpose

The University seeks to maintain a welcoming and safe educational environment for students, employees, and visitors, and adopts this policy for possession of dangerous weapons and firearms on campus and at events.

Definitions

“Campus” means all property owned, leased, or controlled by the University and any affiliated foundation or health care entity, including buildings and outdoor premises, such as parking lots and other outdoor property.

“Dangerous weapon” is defined to include:

Any device that shoots or delivers a bullet, BB, pellet, arrow, dart, flare, electrical charge, or other projectile, whether loaded or unloaded, including those devices powered by CO₂.

Any explosive device, including fireworks.

Any instruments/ devices that are designed or may be used as a weapon to injure or threaten another individual, including non-culinary knives with a blade greater than four (4) inches.

A firearm, as defined herein, is not included in this definition of dangerous weapon.

“Firearm” means a pistol, handgun, rifle, or shotgun and any ammunition.

Policy Statement, Application, and Enforcement

Except as otherwise stated in this policy or as otherwise allowed by law, the University prohibits the possession, transportation, and use of firearms and other dangerous weapons on campus. This policy applies to all persons on campus, including faculty, staff, students, contractors, and visitors. University students may not possess firearms at any time on campus (except as expressly authorized by the University of Alabama in Huntsville Police Department (“UAHPD”). UAHPD provides temporary storage for firearms lawfully possessed by students at its station, located in the Intermodal Facility.

Dangerous weapons are not allowed on campus at any time. Any dangerous weapons may be confiscated.

Faculty and staff may not possess firearms on campus or while otherwise engaged in duties associated with their employment, except for a firearm properly maintained in a personal vehicle in a manner consistent with Alabama state law.

Consistent with Alabama law, all persons (including concealed carry permits) are strictly prohibited from possessing firearms (1) at locations where guards and other security features are employed, such as athletic events.

This Policy will be published in staff, faculty, and student handbooks, and supersedes any contrary provisions.

Persons on campus and in violation of University policy are trespassers and may be dealt with accordingly, including, but not limited to, being removed from campus and receiving a written directive to remain off campus. Contractors and vendors are expected to comply with policy and contract terms. Violations of Alabama law may be dealt with by appropriate law enforcement. Student violations may be addressed in accordance with the Student Code of Conduct Policy as well as other applicable policies and may include sanctions up to and including expulsion. Employee violations may be resolved in accordance with employer policies, up to and including termination.

Exceptions

This policy does not prohibit the use or possession of dangerous weapons or firearms by (1) certified law enforcement officers acting within the scope of their employment; (2) private security, who with the express prior permission of UAHPD, possess firearms or dangerous weapons while in the employ of the University or for permitted events; and (3) members, coaches, and authorized staff of a recognized team or course who are acting within the scope of activities that UAHPD has pre-approved (e.g. ROTC members). The Policy also does not apply to law enforcement officers who are attending classes as students. If, however, law enforcement officers are not in uniform during class, they should keep their weapon concealed. Any other use of dangerous weapons or firearms on campus must be authorized by UAHPD. The policy statement can also be found at the following link:

http://www.uah.edu/images/administrative/police/weapons_policy2014.pdf

Sexual Misconduct Policy

University Commitment

The University is committed to fostering a safe and nondiscriminatory campus, one that is free from sexual misconduct. It encourages prompt reporting by victims of this kind of misconduct, and a student or employee charged with committing sexual misconduct will be subject to discipline if those charges are established under the University's disciplinary policies and procedures.

The University also provides ongoing prevention and educational efforts to inform the campus community about these issues.

Sexual Misconduct

This policy deals with a broad range of sexual misconduct behaviors. Where applicable, the full definitions in the Alabama Criminal Code of the offenses described below are attached to this policy.

Sexual Harassment is defined in the University's Equal Opportunity/Affirmative Action (EO/AA) policy, as follows: Sexual harassment . . . includes sexual advances, requests for sexual favors, and other conduct of a sexual nature that is unwelcome and is directed toward a person on the basis of that person's sex. It may take one of two generally recognized forms. First, the employee's or student's submission to such conduct is made a condition, explicitly or implicitly, of access to an employment or academic opportunity; or the employee's or student's submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting the individual, such as, for example, a salary or grade determination, respectively. . . Secondly, hostile environment harassment occurs when the conduct is so severe, persistent, or pervasive that it unreasonably interferes with an individual's performance as an employee or student or creates an intimidating, hostile, or offensive working/learning environment.

Sexual violence is a form of sexual harassment and is also defined in the University's EO/AA policy as referring "to physical sexual acts perpetrated against a person's will or carried out when the person is not able to give valid consent due to the use of drugs or alcohol, to physical or mental disability, or to legal incapacity." Some examples of sexual violence are rape and sexual abuse. It also includes *domestic violence* - assault, menacing, reckless endangerment, criminal coercion, harassment, or certain other criminal offenses committed by a current or former spouse or cohabitant or by one sharing a child with the victim; and *dating violence* - any of the acts described above as constituting domestic violence committed by one in a dating or engagement relationship with the victim.

A term closely related to sexual violence is *sexual assault*, which includes forcible sex offenses (rape, including sodomy and sexual assault with an object/sexual torture; and fondling/sexual abuse) and non-forcible sex offenses (incest and statutory rape).

A final behavior encompassed by this policy, *stalking*, which refers either to (a) intentionally and repeatedly following or harassing another person, coupled with the making of a threat intended to place that person in reasonable fear of death or serious bodily harm; or (b) after being told to stop, intentionally and repeatedly following, harassing, or communicating with another person, or a family member or acquaintance, causing the person mental/emotional harm or reasonable fear of harm to his/her business or employment. Stalking may, depending on the circumstances, amount to the hostile environment form of sexual harassment.

Consent is generally a defense to these offenses. Under Alabama law, “consent” in this context refers to a party’s acquiescence to the behavior of another. However, consent is not valid if obtained by forcible compulsion or if the victim is physically helpless at the time, is mentally incapable of consenting, or is not of sufficient age to provide legal consent.

Violation of University Policy and the Law - Sexual Misconduct. All of these types of conduct, referred to generally in this policy as “sexual misconduct,” are unacceptable and violate University policy. They may also violate federal and state law and subject the perpetrator to criminal prosecution.

Violation of University Policy and the Law - Retaliation. University policy and federal law also prohibit retaliation against anyone who reports or brings a complaint of sexual misconduct or otherwise participates in a proceeding to address such a complaint. The University is committed to taking reasonable steps to prevent retaliation and to respond if it does occur.

Reporting of Sexual Misconduct

Initial Reporting - University Authorities:

The University encourages prompt reporting of all types of sexual misconduct by anyone who has information (whether as a victim or otherwise) indicating that such misconduct may have occurred. A student who has been subjected to such misconduct should report the incident to the Dean of Students (the Deputy Title IX Coordinator/Students), and a staff or faculty employee should report it to the Associate Vice President for Human Resources (the Deputy Title IX Coordinator/Staff and Third Parties) or the Vice President for Diversity and Multicultural Affairs (the Deputy Title IX Coordinator/Faculty), respectively. This contact should be made even if the victim does not intend to pursue disciplinary or criminal action against the alleged perpetrator.

A report may also be made to a “responsible employee,” defined for the purpose of this policy as a manager or administrator who has overall responsibility for the daily operations of an academic, support, or operational unit. When such a report is made, the responsible employee shall make a reasonable effort to advise the victim or other reporting party about 1.) The employee’s duty to inform the appropriate Title IX Coordinator about the incident, e.g. the names of the individuals involved; the time, place, and location; etc., 2.)

The option of the victim or other reporting party to request confidentiality, and 3.) The fact that the victim or other reporting individual may share the information on a confidential basis with professional mental health counselors and health personnel on campus.

Reporting - Police Authorities: A victim of sexual misconduct also has the right to file a police report and a criminal complaint against the alleged perpetrator. Reporting to University police is encouraged. If desired, University officials will assist the victim in notifying local police authorities. The victim, however, has the right to decline to notify police authorities.

Professional and Non-professional University Personnel: A professional counselor who acquires information about an alleged incident of sexual harassment/violence is not required to report any information about the incident to University coordinators or other personnel. A professional counselor is an individual whose official responsibilities include providing mental health counseling services to the University's students and/or employees and who is acting within the scope of his/her professional license or certification at the time the information is acquired. University personnel who provide health services to students and/or employees under a professional license requiring confidentiality are not required to report, without the consent of the student/employee, information about an alleged incident of sexual misconduct in a way that identifies the victim. These University personnel should, however, inform students or employees about their right to file a complaint with the appropriate coordinator and with campus or local law enforcement authorities, with assistance if desired, and of the protection afforded by the University's non-retaliation policy.

Preserving Physical Evidence: It is important that any physical evidence of the sexual misconduct be preserved, which will almost always be important in the investigation of the incident and in any criminal prosecution of the alleged perpetrator.

Prompt Reporting: Prompt reporting will facilitate the collection and preservation of physical evidence and make possible the early and timely investigation of the incident by police authorities. It may prevent additional assaults on other individuals. Additionally, more timely medical and psychological attention may be made available to a victim who reports an incident without undue delay.

Notice of Rights: A student or employee who reports that he/she has been the victim of sexual misconduct, whether occurring on or off campus, shall be provided a written statement or summary of rights and options by the appropriate Title IX Coordinator. This statement shall also include information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available assistance for victims, both at the University and in the community.

Child Abuse: A University employee who knows or suspects that a child - defined as any individual under age 18 - has been the victim of sexual abuse is required under Alabama law to immediately report the matter. A freshman student, a "dual enrolled" high school student, or a summer camp participant may fall into the category of a "child." The Alabama law imposes the mandatory reporting duty on certain individuals, including nurses and other medical professionals, mental health professionals, and school teachers and officials. University policy implementing the law, however, broadens the reporting obligation to all University personnel and, further, directs that the report (orally and then in written form) be made to University police. Sexual abuse, which is one element of the more comprehensive term "abuse" under the Alabama law, includes rape, molestation, sexual exploitation, etc., actual or attempted. A more complete statement of University policy may be found at [http://www.uah.edu/images/administrative/policies/01.04.01-President Compliance Child Protection Policy.pdf](http://www.uah.edu/images/administrative/policies/01.04.01-President%20Compliance%20Child%20Protection%20Policy.pdf).

Confidentiality

Request for Confidentiality or No Action: A victim or other reporting party may request the nondisclosure of his/her name or other identifying information to the alleged perpetrator. Such a party may also indicate a reluctance for the University to pursue the matter against the accused and/or be hesitant or unwilling to cooperate. In these instances, the University shall inform the victim/reporting party that such limitations may prevent it from responding to the incident and that University policy offers protection against retaliation.

University Response: Confidentiality and related requests will be taken seriously. When the victim/reporting party persists in these requests, the University must determine whether it can honor them consistent with its duty to provide a safe, nondiscriminatory campus for all students and employees, including the victim/reporting party. The determination shall be made by the EO Coordinator most closely related to the case, upon consultation with other EO Coordinators (and, in the case involving a faculty member, the Provost or designee) and the Chief University Counsel. All relevant factors shall 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 the name of the victim/reporting party will likely occur, it shall so advise such party. It shall also inform the alleged perpetrator about any request from such party to the University not to go forward with the matter. If the University decides to honor a confidentiality request, it shall still take steps, to the extent reasonable under the circumstances and consistent with the request, to investigate and address any sexual misconduct.

Even if a victim/reporting party does not request confidentiality, the University's activities in responding to a complaint shall take place within the constraints of its policy of confidentiality set forth below.

Confidentiality/Limited Disclosure: Disclosure of information about a case involving charges of sexual misconduct is to be limited, to the extent reasonably possible, to the parties and the University officials who have a role in the procedure for addressing such charges. This includes information about any accommodations or protective measures provided to the victim. Information in a case in which a student is either the victim or the accused is subject to student privacy rights afforded by the federal Family Educational Rights and Privacy Act (FERPA), and disclosure beyond the foregoing parties and officials shall only be made in compliance with FERPA. Reporting of sexual offense crime data under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act by the University will not include personally identifying information about the victim or the accused.

Assistance for Victims

Medical and Counseling Resources:

Confidential professional counseling is available to a student who is the victim of sexual misconduct in the University Counseling Center (824-6203). Counseling resources for an employee may be obtained through the University's Employee Assistance Program (1-800-925-5327 for referral to a local professional counselor). For those individuals suffering from physical trauma, the on-campus Student Health Center (824-6775) is available to provide some ongoing care for students, and the Employee Health Clinic (824-2100) is an option for employees. Any of these offices may provide referrals for more extensive or specialized services in the community. Under University policy, the foregoing professional counselors and medical personnel are not obligated, when receiving information about an incident of sexual misconduct, to report it to a responsible employee or Deputy Title IX Coordinator in a way that identifies the victim without the party's consent.

The foregoing personnel are to inform a victim of the right to file a complaint of sexual misconduct with the appropriate Title IX Coordinator and also to file a criminal complaint with police authorities. They should offer assistance in the filing of these complaints, if desired.

Crisis Services of North Alabama (716-1000) also offers free, confidential assistance to victims of sexual violence, including rape examinations and group counseling.

Protective Accommodations and Orders:

A victim may request from University officials a change in class schedules, campus housing assignments, transportation, and work assignments as an accommodation to minimize contact and interaction with the alleged perpetrator. Such changes will be made, in an appropriate case and where feasible, on an interim basis pending the outcome of the University's resolution of charges of sexual misconduct brought by the victim. These accommodations are not dependent on the victim's filing of charges with police authorities.

Certain protective measures may be imposed by the University pursuant to its procedures where a student victim is subject to a significant risk of imminent or serious harm from an accused student. These measures include, with respect to the accused, interim suspension, interim suspension from housing, restriction from attending class, restriction from access to University facilities and property, a "no-contact" directive, etc., and they shall continue until completion of the disciplinary process. Protective measures, such as a suspension with or without pay, may also be implemented on an interim basis with respect to an accused employee and for the benefit of an employee victim at risk, where appropriate.

A victim may, if desired, seek judicial remedies, such as protective orders, restraining orders, “no contact” orders, etc. University officials will provide information, if requested, to a victim about obtaining these remedies.

Disciplinary Procedures

Discrimination Complaint/Grievance Procedures: Sexual Misconduct, as defined herein, violates University policy, and a charge of any form of sexual misconduct (including stalking of a nature that constitutes the hostile environment form of sexual harassment) will be addressed through the University’s Discrimination Complaint/Grievance Procedure.

Sanctions and Remedies: Following a determination, under the Discrimination Complaint/Grievance Procedure, that sexual misconduct occurred, the University may impose one or more disciplinary sanctions. The types of sanctions available are set forth in the University’s Discrimination Complaint/Grievance Procedure. Additional, non-disciplinary remedies to benefit the complainant and the broader student and/or employee populations may also be implemented by the University as part of its response to the misconduct and/or to prevent recurrence of the sexual misconduct.

Awareness and Prevention Programs

Educational Efforts

New Students and Employees: Incoming students and new employees are provided an educational program designed to increase their awareness of the risk of sexual misconduct incidents and the knowledge of how to prevent them. This program encompasses the following topics: the University’s policy prohibiting behavior that constitutes any form of sexual misconduct; the definitions of the forms of sexual misconduct; the definition of consent as it relates to sexual activity; options for bystander intervention; warning signs; and information about reducing the risk of being the victim of sexual misconduct. It also provides information relating to victim reporting, victim’s rights, University procedures for addressing charges of sexual misconduct (as set forth more fully in the University’s Discrimination Complaint/Grievance Procedure), resources available to victims, confidentiality, and other matters required by law or reflected in University policy. This information is presented to new faculty prior to the beginning of the fall semester each year and to new employees at various times throughout the year as they are hired.

Current Students and Employees: The University also conducts ongoing, periodic educational programs for current students and employees covering the topics mentioned immediately above.

Environmental Factors: The University community is encouraged to help detect and report areas of the campus that may be unsafe due to poor lighting, the presence of structural or landscaping features (such as overgrown bushes near a walkway) that could increase the risk of attack, etc. These reports should be made to the Facilities and Operations Department and will be used to

identify modifications that may help keep the campus safe. Such modifications will be a priority, consistent with considerations of cost, impact upon institutional operations, the extent of the risk, and other relevant factors.

Bystander Intervention Options: The University recognizes that there are preventive actions that can be taken by individuals on campus to reduce the potential for sexual violence generally. In specific situations, there are ways in which an individual who is aware that an incident of sexual violence may be imminent can intervene to stop it from occurring. There are also actions that may be taken to thwart or stop an incident that is taking place. These “bystander” options are described in the educational programs presented to new and current students and employees. More information about this effort is provided below.

The fundamental principle to be stressed is that prevention of sexual violence is the responsibility of each person on campus. Each person, both male and female, must play a positive role in stopping sexual violence and in changing the culture so that behavior leading to sexual violence is not acceptable on the campus.

Potential bystanders will be taught safe and positive ways to act in a situation posing a risk of sexual violence. For undergraduate and graduate students, this is accomplished through an online educational module.

The outcomes expected as a result of bystander training are to create an expectation for bystander intervention on campus and to facilitate that intervention by equipping students and employees to:

Increase awareness: Develop greater sensitivity to physical and social environments and individual behaviors in the context of the potential for a sexual violence incident.

Identify problems: Have the knowledge to evaluate a situation to determine if there is a risk of the occurrence of sexual violence and if preventive/intervention action is warranted.

Act: Select and implement an appropriate, safe, and effective preventive/intervention response, such as speaking up, attempting to remove the individual at risk from the situation, calling for help, etc.

Risk Reduction

The University is committed to identifying strategies to make less likely the perpetration of sexual violence on campus. The University is also concerned about ways to empower victims and address bystander inaction as a means of making its campus safer. Information about these

strategies is provided to new and current students and employees in the educational programs presented to them. These programs emphasize that risk reduction actions are not the sole responsibility of potential victims, and they focus both on strategies for individuals to reduce the likelihood of committing sexual violence and strategies for individuals to reduce the likelihood of being the victim of sexual violence. The following messages are included in the educational programs.

Reducing the risk of committing sexual violence:

Sexual violence is a crime. It is never acceptable to force or coerce sexual activity. Alcohol and drugs can alter one's thinking and behavior. However, an individual is always responsible for the consequences of his/her behavior, even while under the influence of alcohol and drugs. Having sex with someone who is mentally or physically incapable of giving consent - someone who is drugged, intoxicated, unconscious, or otherwise incapable of saying "no" or understanding what is happening - constitutes rape.

It is important to listen carefully and to take time to hear what the other person has to say. If the other person is not being direct or is giving a "mixed message," clarification should be requested, at the least, and it is always the better course to go no further with physical contact or activity.

The cliché that "the other person, even when saying 'no,' really mean 'yes,'" is false and will only lead to trouble. If a partner says "no" to sexual contact, the only wise course of action is to accept that statement and stop.

It can be foolish and dangerous to make assumptions about a person's behavior, such as assuming that he/she wants to engage in sexual activity because of any of the following: the way the person is dressed, whether or how much the person is drinking, the person's agreement to go to one's room, the fact that the person has engaged in sexual activity previously, or the fact that the person consents to kissing or other intimate activities.

Be careful in group situations. Pressure from friends to participate in sexual misconduct must be resisted.

Reducing the risk of being the victim of sexual misconduct:

Alcohol, if consumed, should be consumed in moderation. An open beverage should not be left unattended or a drink accepted from an unknown person.

It is important to know and make known one's sexual intentions and limits. A person has the absolute right to say "no" to any unwanted sexual contact and to insist that his/her partner respect that expression of intent and feelings.

Sexual conduct limits should be communicated firmly and directly. Mixed messages are to be avoided. Words should be communicated in a firm voice and tone (saying “no” with “meaning”), accompanied by clear body language. It is a mistake to assume that the other person will automatically know one’s feelings or will eventually “get the message” without anything being said.

Initially saying “yes” to sexual activity does not prevent a change of mind to “no,” even in a situation where sexual activity has previously occurred with this partner. Some individuals may conclude that drinking, dressing provocatively, or going to a date’s room indicates a willingness to engage in sexual activity. It is prudent to be explicit and clear up front about intentions and limits in such situations.

Feelings of discomfort or concerns about risks should be taken seriously and should prompt appropriate actions, such as leaving or withdrawing from the situation immediately and going to a safe place.

Attending large parties with trusted friends is generally a safe option. Friends can agree to “look out” for one another in the context of known limits and the risks of predatory behavior by others. Leaving with the group, versus leaving alone or with people who are not well known, is recommended.

Attending a workshop or educational program on sexual violence risk reduction or taking a self-defense course can help equip a person to avoid being the victim of sexual violence.

Resource Information

The following is information for offices and organizations that may be able to provide assistance to a student or an employee dealing with a sexual misconduct matter:

| | |
|---|--|
| <p>Title IX Coordinators/Deputy Coordinators’ Offices</p> <p>Director of Compliance/Title IX Coordinator Student Services Building, Rm. 300F, 256-824-6899 lks0020@uah.edu</p> <p>Division of Student Affairs Charger Union, Rm. 223, 256-824-6700 thomas.brecciaroli@uah.edu</p> <p>Office of Diversity & Multicultural Affairs Student Services Building, Rm. 320, 256-824-4600 smithdh@uah.edu</p> <p>Human Resources Shelbie King Hall, Rm. 114, 256-824-6545 longl@uah.edu</p> | <p>Other Resources</p> <p>UAH Police 256-824-6911 police@uah.edu Intermodal Facility</p> <p>UAH Hotline 866-362-9476</p> <p>Employee Health Clinic 256-824-2100 Wilson Hall, Rm. 327</p> <p>Student Health Center 256-824-6775 Wilson Hall 325</p> <p>Counseling Center 256-824-6203 Wilson Hall 325</p> <p>Huntsville Police Department Emergency 911 Non-Emergency 256-772-7100</p> <p>Crisis Services of North Alabama 256-716-1000</p> |
|---|--|

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 in Huntsville 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, UAH 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.

Reported crime statistics for the following may be viewed on the Clery Crime Statistics Table located on page 40 of this report.

Relevant Definitions (VAWA) Intimate Partner Violence:

Dating Violence

UAH Definition - Any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a romantic or intimate relationship. This includes threats, assault, property damage, and violence or threat of violence to one's self or to the family members or pets of the romantic or intimate partner when used as a method of coercion, control, punishment, intimidation, or revenge. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Federal Definition - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence. 34 C.F.R. § 668.46(a)

Domestic Violence

Definitions from the Alabama Criminal Code for Selected Offenses

Section 13A-6-130. Domestic violence - First degree:

- (a) 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. Domestic violence in the first degree is a Class A felony, except that the defendant shall serve a minimum term of imprisonment of one year without consideration of probation, parole, good time credits, or any other reduction in time for any second or subsequent conviction under this subsection.

(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the first degree.

Section 13A-6-131. Domestic violence - Second degree:

(a) 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. Domestic violence in the second degree is a Class B felony, except the defendant shall serve a minimum term of imprisonment of six months without consideration of probation, parole, good time credits, or any reduction in time for any second or subsequent conviction under this subsection.

(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the second degree.

Section 13A-6-132. Domestic violence - Third degree:

(a) 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. Domestic violence in the third degree is a Class A misdemeanor.

(b) The minimum term of imprisonment imposed under subsection (a) shall be 30 days without consideration of reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the third degree.

(c) A second conviction under subsection (a) is a Class A misdemeanor, except the defendant shall serve a minimum term of imprisonment of 10 days in a city or county jail or detention facility without consideration for any reduction in time.

(d) A third or subsequent conviction under subsection (a) is a Class C felony.

(e) For purposes of determining second, third, or subsequent number of convictions, convictions in municipal court shall be included.

Stalking

Section 13A-6-90. Stalking in the first degree:

(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.

(b) The crime of stalking in the first degree is a Class C felony.

Section 13A-6-90.1. Stalking in the second degree:

(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.

(b) The crime of stalking in the second degree is a Class B misdemeanor.

Section 13A-6-91. Aggravated stalking in the first degree:

(a) A person who violates the provisions of Section 13A-6-90(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the first degree.

(b) The crime of aggravated stalking in the first degree is a Class B felony.

Section 13A-6-91.1. Aggravated stalking in the second degree:

- (a) A person who violates the provisions of Section 13A-6-90.1 and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the second degree.
- (b) The crime of aggravated stalking in the second degree is a Class C felony.

Section 13A-6-92. Definitions:

As used in this article, the following terms shall have the following meanings unless the context clearly indicates otherwise.

- (a) COURSE OF CONDUCT: A pattern of conduct composed of a series of acts over a period of time which evidences a continuity of purpose.
- (b) CREDIBLE THREAT: A threat, expressed or implied, made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to fear for his or her safety or the safety of a family member and to cause reasonable mental anxiety, anguish, or fear.
- (c) HARASSES: Engages in an intentional course of conduct directed at a specified person which alarms or annoys that person, or interferes with the freedom of movement of that person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress. Constitutionally protected conduct is not included within the definition of this term.

Section 13A-6-70. Lack of consent:

- (a) Whether or not specifically stated, it is an element of every offense defined in this article, with the exception of subdivision (a) (3) of Section 13A-6-65, that the sexual act was committed without consent of the victim
- (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.

Additional Information Regarding Bystander Intervention and Risk Reduction

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.”¹ 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 list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.

Confront people who seclude, hit on, 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)

Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

Try to avoid isolated areas. It is more difficult to get help if no one is around.

Walk with purpose. Even if you don’t know where you are going, act like you do.

Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.

Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

Make sure your cell phone is with you and charged and that you have cab money.

Don't allow yourself to be isolated with someone you don't trust or someone you don't know.

Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try: Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

PREVENTION and AWARENESS

Primary Prevention and Awareness Programs

For New Students:

| Name of Program | Date Held | Location Held | Which Prohibited Behavior Covered* |
|------------------------------------|----------------------------|----------------------|---|
| Charger Success 101 | Every Fall/Spring Semester | TBA Classrooms | DoV, DaV, SA, S |
| Consent is Action - Video | Available 24/7 | Web Site | DoV, DaV, SA |
| SGA's Take the Pledge | September/ Fall Semester | Charger Union | DoV, DaV, SA |
| Expo on Sexual Violence Prevention | April/ Spring Semester | Exhibit Hall | DoV, DaV, SA |

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

For Incoming Employees:

| Name of Program | Date Held | Location Held | Which Prohibited Behavior Covered* |
|-------------------------------|---|-----------------------|---|
| Workplace Harassment Training | New Employee Orientation on Wednesdays | Staff Employment, SKH | SA |
| Title IX Orientation | Orientation for all new Faculty members | TBA | DoV, DaV, SA, S |

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

Ongoing Prevention and Awareness Training

For Students:

| Name of Program | Date Held | Location Held | Which Prohibited Behavior Covered* |
|----------------------|------------------|---------------|------------------------------------|
| SGA It's On Us | February -Annual | Spragins Hall | DoV, DaV, SA |
| Bystander Training | February –Annual | Shelby Center | DoV, DaV, SA, S |
| Clothesline Campaign | April- Annual | Charger Union | DoV, DaV, SA, S |
| Red Flag Project | October -Annual | Charger Union | DoV, DaV, SA, S |

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

For Employees:

| Name of Program | Date Held | Location Held | Which Prohibited Behavior Covered* |
|--|--------------------------------|--|------------------------------------|
| Clothesline Campaign | April- Annually | Charger Union | DoV, DaV, SA, S |
| Various Webinars and Seminars hosted by EAP and Staff Employment | Throughout the Year | Online or various conference rooms depending on class size | DoV, DaV, SA, S |
| Title IX Review | August- Annual for all Faculty | TBA | DoV, DaV, SA, S |

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

Information Concerning Registered Sex Offenders

The federal Campus Sex Crimes Prevention Act requires that, if a registered sex offender enrolls or is employed by a college or university, such information be made available to members of that campus community. Students and employees at UAH may obtain this information from UAHPD by making a request during normal business hours Monday -Friday or by searching the State of Alabama's Department of Public Safety's Community Information Center web page at: <http://www.alea.gov/Home/wfContent.aspx?ID=70&PLH1=plhAlerts-SexOffenders#QUICKLINKS>.

Illegal Drugs and Alcohol Policy

UAH policy forbids the possession, use, or sale of alcoholic beverages, controlled drugs not prescribed by a physician, and illegal drugs/substances anywhere on University property. As a recognized exception to this policy, alcohol may be consumed under certain circumstances in the Tom Bevill Center, in connection with special events at which the use of alcoholic beverages is approved by the President, and in a student's residence in University Housing as long as the student is 21 years old and no underage person(s) are present in the room. Any violation of federal, state,

or local drug or alcohol laws, including those pertaining to underage drinking, is contrary to institutional policy and will subject the offender to arrest or disciplinary action.

A brief description of drug and alcohol abuse education programs available to the UAH community is included in a letter provided annually to students and employees under the *Drug Free Schools and Communities Act*.

Missing Students Policy

This missing student policy applies to all University students who reside in on-campus student housing facilities. Every student living in on-campus student housing will be given the opportunity and means to designate an emergency contact person who will be notified by the University within 24 hours of a determination that the student is missing. Students will be given the opportunity to register the emergency contact of their choice at room sign-up. Resident Assistants will also advise the students how to register their contact during their first hall floor meeting. Students are encouraged to update their emergency contact information if it changes. This emergency contact information will be stored confidentially in the Housing Portal and will be accessible only to authorized campus officials. It will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

In the case of any student who is under 18 years of age and not emancipated, the University will notify the student's custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional emergency contact person designated by the student.

Regardless of whether a student has designated an emergency contact person, is above the age of 18, or is an emancipated minor, the local law enforcement agency will be notified within 24 hours of a determination that a student is missing.

Reporting and Investigation Procedures

For the purposes of this policy, a student may be considered to be missing if the student's absence from campus is contrary to his or her usual pattern of behavior, and the University has reason to believe that unusual circumstances may have caused the absence. Such circumstances may include, but are not limited to, a report or suspicion that the student may be a victim of foul play (e.g., a reported abduction); that the student has expressed suicidal thoughts or may be in a life threatening situation; that the student has exhibited behavior suggesting that the student is unable to care for himself or herself; or that the student is overdue returning to campus and has not been heard from after giving a specific return time to family or friends.

Any individual on campus who has information or reason to believe that a student living off-campus may be a missing person should notify the UAH Police immediately as well as local police authorities.

The UAH Police will gather from the reporting person all essential information about the student, as well as seek information from the student's acquaintances and from appropriate University personnel and official University information sources. Such information will include a physical description of the student, a cellular phone number, the clothes last worn, the student's possible location and

companion(s), a description of the student's vehicle, the observed physical and emotional well-being of the student, an up-to-date photograph, a class schedule, the date and time the student last attended class, the student's last use of his/her Charger Card to make a purchase or enter a campus facility, etc. Contact with the student should be attempted using text messaging, cellular phone calls, Facebook, Twitter, other social media, and e-mail.

Upon receipt of a report of a missing on-campus residential student, UAHPD will promptly notify appropriate campus staff, including in every instance the Resident Director of the student's on-campus residence hall, to aid in the search for and location of the student. In addition, UAHPD will promptly notify the Office of the Dean of Students in every instance of a missing student.

UAHPD will keep the Office of the Dean of Students informed of the progress of its investigation. The final determination that a student is missing will be made by the Dean of Students after consultation with UAHPD. Once such a determination is made, the Dean of Students will be responsible for notifying the student's emergency contact person, if any; and in the case of an unemancipated student under age 18, the student's custodial parent or guardian.

Communications about Missing Students

The Director of Public Affairs is the University's designated spokesperson and responds to media inquiries concerning any missing student. The law enforcement agency in charge of the investigation will be consulted prior to any information release from the University so as not to jeopardize any investigation. Any information provided to the media to elicit public assistance in the search for the missing person will be released by the responsible law enforcement agency.

Discrimination Complaint and Grievance Procedures

Introduction

Coverage and Objectives. The procedures set forth below are used with regard to complaints or grievances alleging discrimination in violation of the University's Equal Opportunity and Affirmative Action Policy. The complaint may be made against a university student, faculty member, administrative/staff employee, or third party who is on campus and/or over whom the University has some control. These procedures are intended to provide a consistent, workable, and timely grievance/disciplinary mechanism through which complaints of discrimination, in any of its forms, may be addressed. Such a mechanism allows the University to carry out several important responsibilities. These responsibilities include protecting the campus environment against such unlawful discrimination, providing redress to individuals who have been or are victims of unlawful discriminatory conduct, and protecting those accused of such unlawful conduct against injury resulting from untrue charges.

General Responsibility. All members of the University community have a general responsibility to contribute in a positive way to an environment that is free of unlawful discrimination. Beyond this, managers or administrators who have overall responsibility for the daily operations of an academic, support, or operational unit, designated in this policy as "responsible employees," have a special measure of responsibility. If they become aware of conduct involving possible unlawful discrimination in their respective units or elsewhere, whether from the complaining party or some other source and whether or not a complaint or grievance is filed, they must take immediate steps to

deal with the matter appropriately. This includes advising the complaining party about the responsible employee's duty to report the conduct to the appropriate receiving official identified below and informing the complaining party about confidentiality issues. The receiving officials should be consulted for assistance. Finally, supervisors and administrators at all levels are responsible for educating and sensitizing employees in their units about the University's policies and procedures regarding unlawful discrimination.

Confidentiality. Disclosure of information relating to a discrimination case shall be limited, to the extent reasonably possible, to the parties and to those individuals involved in the institutional proceeding for handling the grievance. This includes information about any accommodations or protective measures provided to the victim. Information in a case in which a student is either the victim or the accused is subject to student privacy rights afforded by the federal Family Educational Rights and Privacy Act (FERPA), and disclosure beyond the foregoing parties and officials shall only be made in compliance with FERPA. Cases involving sexual harassment (including sexual violence) present special confidentiality issues. Resolution of those issues will be made pursuant to the relevant provisions in the University's Sexual Misconduct Policy.

Availability of Assistance. Counseling and personal help are available for individuals with concerns relating to unlawful discrimination. Such individuals can contact a receiving official identified below for referral to counseling personnel, or they may contact such personnel directly. Claims regarding discrimination based on disability will ordinarily be referred to, and may be brought initially to, the Disability Coordinator in the Counseling Center.

Civil or Criminal Proceedings. The fact that civil or criminal proceedings have been instituted against an individual (or the fact that the civil authorities failed to initiate criminal proceedings) shall not prevent a complaint of discrimination or harassment against that individual from being addressed by these procedures. Generally, the pendency of any such proceedings shall not delay the processing of a complaint by the University. The University shall also, in its determination of whether discrimination or harassment occurred, not be bound by the outcome of any civil or criminal proceeding.

Prompt, Fair, and Impartial Process. The intent of this process is to provide a prompt, fair, and impartial investigation and resolution of complaints of discrimination. The process, when used for addressing charges of sexual misconduct, shall be administered by University officials who receive special training, at least annually, in conducting an investigation and a hearing that promotes the safety of victims and accountability for unlawful behavior of all members of the campus community and that is fair to all parties. Also, investigating or adjudicating officials are to be free of conflict of interest or bias for or against the complaining party or the accused.

Initiating and Filing a Complaint

Who May File

Anyone in the University community (the "complainant") may file a complaint or grievance alleging a violation of the institution's nondiscrimination policy. This includes but is not limited to the person against whom the alleged discriminatory conduct has been directed.

Receiving Official – Designation.

Initially, a complaint may be oral or written and should be directed to one of the following University officials, depending on the status of the complainant:

- If the complainant is a *student* - the Student Equal Opportunity (EO) Coordinator (currently, the Dean of Students)
- If the complainant is an *administrative or staff employee* - the Staff EO Coordinator (currently, the Associate Vice President for Human Resources)
- If the complainant is a *faculty member* - the Faculty EO Coordinator (Currently, the Vice President for Diversity & Multicultural Affairs)

Receiving Official – Actions.

The receiving official shall advise a complainant about available options and may provide other assistance. A receiving official may also, in an appropriate case and subject to limitations stated below regarding a charge of sexual violence or assault, attempt to resolve the complaint informally and by voluntary means. In this effort, the receiving official may confer with and seek the assistance of the supervisor of the person alleged to have engaged in the discriminating conduct (the “respondent”. If such a settlement is achieved, the terms of the settlement or actions taken shall be summarized by the receiving official and placed in a file maintained by the official as a record of the complaint and its disposition. Attempts to resolve a complaint of discrimination based on disability shall involve, wherever possible, interaction and consultation by the receiving official with the Disability Coordinator in the Disability Support Services office. Except during the discussions described above, the identity of the complainant shall not be disclosed at this stage to the respondent or to other University officials.

If the complaining party and/or the victim is unwilling to cooperate with regard to further actions against the respondent or requests nondisclosure of his/her name or other identifying information, the receiving official shall seek legal guidance from the Office of Counsel regarding the obligation of the University to proceed further and shall confer with the other receiving officials identified above in a case involving a faculty member, the Associate Provost to develop an appropriate response.

Preliminary Action

If the complainant desires that the matter be pursued further by the University, he/she shall request that it be referred for preliminary action. The following procedures shall apply to such a referral.

Written Complaint. The complainant shall state the facts and circumstances (what was done, by whom, when, where, who was a witness, etc.) pertinent to the alleged unlawful discriminatory conduct, shall be in writing, and shall be signed and dated. The original complaint shall be given to the receiving official.

Referral.

Under Student Code of Conduct. If the respondent is a *student*, the case is handled in accordance with the disciplinary procedures set forth in the Student Code of Conduct.

To Preliminary Action Officer(s). In all other cases, the receiving official shall meet with the vice president in whose division the respondent is employed (the “cognizant vice president”). In a case involving a respondent who is a third party (neither a student nor an employee), the vice president whose area of responsibility is most closely related to the third party’s activities shall be the cognizant vice president. They shall jointly appoint one or more University employees as Preliminary Action Officers (PAOs) to carry out certain duties stated below. The cognizant vice president shall give a copy of the complaint to the respondent, along with written notice indicating the appointment of the PAO and describing the general manner by which the complaint is to be handled.

Sexual Harassment Charges

A notice or complaint of sexual harassment (including sexual violence or assault) shall ordinarily and with the concurrence of the cognizant vice president be investigated by the Coordinator identified above, or the official’s designee. The Coordinator shall utilize, in this investigation, the general procedures set forth below in describing the PAO duties, and the Coordinator’s investigation will take the place of actions by the PAO.

Dismissal of Charges

In the event that the complaint is, in the opinion of both the receiving official and the cognizant vice president, clearly frivolous or patently without merit, the complaint may be dismissed upon notice of such action to the complainant. If the respondent has been informed of the charges, notice of dismissal shall also be provided to him/her.

Protective Measures

If, in the opinion of both the receiving official and the cognizant vice president, interim measures to protect the complainant may be necessary or appropriate, one or more such measures may be imposed pending final outcome of this complaint/grievance process. Such measures may include, by way of example, a direction to the respondent to avoid any contact or interaction with the complainant, a change in work assignments (for employees) or in class scheduling or living arrangements (for students), etc.

Duties of the Preliminary Action Officer

- *Investigation.* The PAO shall conduct a preliminary investigation of the facts alleged in the complaint. This investigation shall include a meeting with the complainant to obtain further information. Early in the investigation the respondent shall be given the opportunity to meet with the PAO to explain, deny, or otherwise respond to the allegations. Persons who may have information, as witnesses or otherwise may be interviewed, including persons identified by either party. The PAO may review documents or other materials, including documents identified and submitted by either party that may be helpful. Notes of interviews shall be made, and copies of these notes and any important documents or materials shall be retained for the file.

- *Voluntary Resolution.* The PAO shall endeavor, in appropriate cases, to facilitate resolution of the charges through informal consultation with the principal parties, mediation, or other voluntary means. A complainant in a case involving sexual discrimination/harassment shall not, however, be required to deal directly with the respondent nor to continue efforts at voluntary resolution. Mediation or similar voluntary means of resolution will not be used when sexual assault or violence is alleged. If a case is settled in this manner and with the agreement of all parties involved, the PAO shall inform the cognizant vice president and the receiving official and shall summarize the settlement in writing for the file. The case shall then be deemed closed and the file forwarded to the receiving official for retention.

- *Findings and Recommendation.* For any case not settled through mediation or other voluntary means, the PAO shall make a written report to the cognizant vice president. The report shall include a summary of findings concerning the factual basis for the charge(s) and a recommendation for action to be taken by the University. Depending on the findings, two types of actions may be recommended:

If the PAO concludes that, based on credible information acquired during the investigation, a reasonable basis does *not* exist for believing that unlawful discrimination occurred, he/she shall so state and shall recommend that the complaint be dismissed. The PAO shall send a copy of the report to the receiving official.

If the PAO concludes that, based on credible information acquired during the investigation, there is a reasonable basis for believing that unlawful discrimination did occur, he/she shall so state and shall recommend that the respondent be subjected to discipline either by the cognizant vice president or as the result of formal proceedings.

Action by the Vice President.

Upon receipt of the PAO report, the cognizant vice president shall have the following options:

- *Dismissal.* The vice president may agree with the “no reasonable basis” finding and dismiss the complaint. The file shall be returned to the receiving official for retention.

- *Referral.* The vice president may agree with the “reasonable basis” finding and refer the complaint for formal proceedings. A referral may also occur where the vice president disagrees with the PAO’s “no reasonable basis” finding and dismissal recommendation.

- *Imposition of Sanction.* The vice president may agree with the “reasonable basis” finding and impose upon the respondent employee any disciplinary sanction less severe than termination, suspension without pay for thirty (30) days or more, or reduction in salary (e.g., suspension without pay for less than thirty (30) days, probation, or warning, oral or written). The sanction for a third party will typically involve future exclusion from the campus.

- *Settlement.* Except in the case of a complaint of sexual violence, the vice president may endeavor to facilitate a settlement of the charges agreeable to the complainant, the respondent, and the University. If successful, such settlement shall be summarized in writing and placed in the case file, which shall be retained by the receiving official.

Notice to Parties

The complainant and the respondent shall be given, at the same time, written notice of the action taken by the cognizant vice president, along with information about the PAO findings and recommendations.

Appeal of Dismissal/Referral/Sanction to the President

The complainant or the respondent may appeal the vice president's decision to dismiss or refer the complaint, respectively, to the president by filing an appeal in writing in the Office of the President. Either party may also appeal to the president, the vice president's imposition of sanction, as provided above. The president's decision on the appeal shall be final, and it shall be communicated at the same time in writing to both the complainant and the respondent, and to the receiving official and the cognizant vice president as well.

Formal Proceedings

If a case is referred for formal proceedings as provided above, the following procedures shall be followed:

Adversary Hearing.

- *Faculty respondent.* If the respondent is a *faculty member*, the complaint shall be submitted to an adversary hearing. The procedures established for the imposition of a major sanction on a faculty member for cause, as stated in the current Faculty Handbook (see 7.14.2), shall be used for this purpose.
- *Administrative/staff member respondent.* If the respondent is an *administrative or staff employee*, the complaint shall also be submitted to an adversary hearing. The method of selecting a hearing panel, pre-hearing and hearing procedures, Rights accorded the complainant and the respondent, and similar matters shall be determined by the cognizant vice president, employing as a model the due process procedures already in use by the University in related contexts.
- *Third party respondent.* If the respondent is a *third party*, the cognizant vice president (or designee) shall conduct a proceeding consistent with due process standards, make a finding regarding the discrimination charge, and select an appropriate remedy if discrimination is found to have occurred.

Standard of Proof

The burden of showing that discrimination occurred in any formal proceeding shall be on the complainant. A preponderance of evidence standard shall apply with regard to this burden. This requires credible information to be presented by or on behalf of the complainant indicating to the fact finder that it is more likely than not that the discrimination occurred.

Advisors

The complainant and the respondent may each select an advisor to assist him/her. An attorney may serve as advisor for either party and may provide advice to the party during a meeting or proceeding but may not otherwise participate directly.

Meetings and Information. Both parties, along with their respective advisors, are entitled to be present at any meeting or proceeding, except during a time when the fact finder is engaged in deliberations regarding the charges or an issue of procedure. Upon request, the University will make arrangements (e.g. closed circuit television) that will avoid requiring the complainant and the respondent to be physically located in the same room at the same time, while preserving the right of each party to be present for each phase of the proceeding. Both parties shall also be entitled to timely access to information that will be used in the proceeding.

Complainant and Respondent as Witnesses

Questioning of the complainant by the respondent, and vice versa, during a hearing shall not be permitted. An alternative means of presenting questions to the parties shall instead be utilized for the hearing. In a case involving charges of sexual violence, questions about the personal sexual history of the complainant with any person other than the respondent shall not be permitted.

Notice

Both parties are entitled to receive simultaneous, timely written notification of meetings at which either or both may be present, of the outcome of the proceeding, of any appeal rights, of any changes in the outcome of the proceeding during an appeal, and of the time the determination is final.

Case File

Only the complaint shall be forwarded to the hearing panel (or, where the respondent is a third party, the cognizant vice president). Notes written and materials gathered by the PAO shall not be provided to the panel but shall be sent to the receiving official for retention in the permanent case file.

Decision by the President. The report of the hearing panel (or cognizant vice president) containing findings and recommendations with respect to the discrimination charges shall be submitted for action to the president. The president's decision may include a finding that the charges were not established and are to be dismissed; a finding that the charges were established and warrant imposition on the respondent of a sanction, either that recommended by the hearing panel or a different sanction (greater or lesser) selected by the president; a re-submission of the case to the hearing panel for reconsideration of the matter; or any other action deemed appropriate. The ultimate decision by the president shall be final.

Sanctions

A range of sanctions may be imposed by the president up to and including suspension or termination of employment for an employee perpetrator and suspension or expulsion for a student perpetrator. Lesser disciplinary sanctions include probation and warnings (oral or written) for employees and a "no contact" order, loss of privileges, probation, educational sanction, or warning for students

Reporting and Disposition of Cases

Time Concerns.

- *Timeliness of Filing of a Complaint.* A complaint of unlawful discrimination should be made as soon as possible after the alleged acts occur. Unusual delay in bringing such allegations under these procedures may cast doubt on the credibility of the complaint and lead to early dismissal of the case.
- *Promptness of University Action.* All phases of the handling of a complaint shall be completed as expeditiously as is practical under the circumstances. The University is committed to resolving complaints of discrimination without undue delay. Every effort shall be made to complete the actions described under “Preliminary Action” above, within twenty-one (21) calendar days and to complete the actions set forth under “Formal Proceedings” above within an additional fifty-six (56) calendar days. Delays requested or caused by the complainant, however, or necessitated by good cause, with written notice to both the complainant and the respondent of the extent of delay and the reason, may extend these target time periods.

Procedural Departures

The procedures set forth above have been developed to insure an orderly and fair disposition of unlawful discriminatory conduct. While it is anticipated that these procedures will generally be followed, the University reserves the right to modify or depart from them in any instance in which, in its sole discretion, it is deemed appropriate or prudent to do so.

Records

All documents relating to the University’s processing of a complaint, or a copy of such documents, shall be placed in a case file. The case file shall be maintained by the receiving official as a permanent record.

Non-Retaliation

It is a violation of the law and University policy for an employee or student to be disciplined or otherwise disadvantaged as a result of good faith resort to this complaint/grievance procedure or his/her other participation in these proceedings. The latter actions shall not therefore be grounds for discipline or other adverse action. A claim that a complainant or a witness has been subjected to retaliatory action in violation of this policy may be brought as a separate claim of discrimination under this procedure.

CRIME STATISTICS

The *Clergy Act* requires colleges and universities to collect and report annually certain information regarding criminal incidents. The statistics reported below are compiled in accordance with the Uniform Crime Reporting System of the Department of Justice and the Federal Bureau of Investigation pursuant to that obligation.

Campus crime, arrests, and disciplinary referral statistics are based on information reported to the UAHPD and UAH Campus Security Authorities, as well as information provided by local law enforcement agencies. All statistics must be reported according to three distinct geographical locations: on campus, in or on non-campus buildings or property owned or controlled by the University, and on public property within or immediately adjacent to the campus. On campus property is further subdivided according residential housing or non-residential housing.

On-Campus Incidents

On-campus category is defined as any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the university's educational purposes, including residence halls. For UAH, this category encompasses its entire campus and its student residence halls located on the campus.

Non-Campus Incidents (Off Campus Incidents)

Information concerning criminal offenses, arrests, and disciplinary referrals occurring in or on certain *non-campus buildings or property* must be reported. A *non-campus building or property* refers to any building or property owned or controlled by a student organization that is officially recognized by the University. Also included in this category is any building or property owned or controlled by the University that is used in direct support of, or in relation to, the University's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. UAH operates no non-campus buildings or property.

Public Property Incidents

A third geographical zone for which criminal offenses, arrests, and disciplinary referral data must be reported is contiguous property owned by a public entity, which refers primarily to public streets, sidewalks, parking areas, parks, etc. within the campus, running through the campus, or immediately adjacent to and accessible from the campus. A map that highlights defined public property adjacent to the campus can be found in Appendix A.

Reportable Crimes

The following crimes are considered reportable offenses; Murder/Manslaughter, Negligent Manslaughter, Arson, Forcible Sex Offenses, Non-forcible Sex Offenses, Rape, Incest, Fondling, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Liquor Law Violations, Drug Law Violations and Weapons Law Violations. Definitions for Stalking, Domestic Violence, and Dating Violence can be found on page 22 – 25 of this report.

The following table reflects the number of reported criminal offenses occurring on the UAH campus incidents, including student residence halls, during the period January 1, 2014 through December 31, 2016:

CLERY CRIME STATISTICS TABLE

| CRIMINAL INCIDENTS | On Campus | | | Non-Campus | | | Public Property | | | On Campus, Residence Halls ¹ | | | Totals | | |
|-----------------------------------|--|------|------|------------|------|------|-----------------|------|------|---|------|------|--------|------|------|
| | 2014 | 2015 | 2016 | 2014 | 2015 | 2016 | 2014 | 2015 | 2016 | 2014 | 2015 | 2016 | 2014 | 2015 | 2016 |
| Murder/Non-Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sex Offenses--Rape | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 2 | 1 |
| Incest | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 2 | 3 | 2* | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 2* | 2 | 3 | 2* |
| Statutory Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| Aggravated Assault | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 0 |
| Burglary | 30 | 22 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 8 | 3 | 30 | 22 | 16 |
| Motor Vehicle Theft | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| | | | | | | | | | | | | | | | |
| VAWA STATISTICS | | | | | | | | | | | | | | | |
| Stalking | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| Domestic Violence | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 7 | 1 | 0 |
| Dating Violence | 3 | 3 | 5 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 2 | 3 | 3 | 6 |
| | | | | | | | | | | | | | | | |
| Arrest for Alcohol | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 |
| Discipline for Alcohol | 38 | 39 | 34 | 0 | 0 | 0 | 0 | 0 | 1 | 37 | 39 | 33 | 38 | 39 | 35 |
| Arrest for Drugs | 7 | 6 | 9 | 0 | 0 | 0 | 13 | 3 | 7 | 4 | 0 | 4 | 20 | 9 | 16 |
| Discipline for Drugs | 27 | 36 | 38 | 0 | 0 | 0 | 0 | 1 | 0 | 19 | 25 | 35 | 27 | 37 | 38 |
| Arrest for Weapons | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 3 | 0 | 0 | 0 | 2 | 1 | 4 |
| Discipline for Weapons | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 1 | 1 |
| Hate Crimes | None of the crimes listed above were bias motivated. No other bias motivated crimes were reported during the required reporting years. | | | | | | | | | | | | | | |

1. All crimes in the Residence Halls column are also represented in the On Campus column.

2. The Higher Education Opportunity Act of 2008 requires universities to report incidents of larceny, intimidation, simple assault and vandalism, if those crimes were determined to be bias motivated.

*4. A delayed report was received in 2016 from 2015 after a juvenile summer camp attendee reported being fondled in his residence hall room by a camp counselor. The case was "No Billed" by the Madison County Grand Jury. When this ASR was initially published in October 2017 this incident was reflected in the 2015 column. The ASR has been revised to reflect the correct reporting year of 2016.

The University is also required to disclose, as a further sub-group of campus crime statistics, the number of what is sometimes referred to as "hate crimes" reported to it or to local police agencies. These crimes include certain of the offenses identified in the tables set forth below (except negligent homicide and liquor, drug, and weapons violations) and, in addition, the crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, and any other crimes involving bodily injury in which the victim was selected based on the offender's prejudice or bias. The types of prejudice or bias that renders one of the foregoing crimes reportable as a hate crime include that based on the victim's race or *perceived* race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, or disability. Definitions for the additional crimes associated with bias, plus definitions of the listed types of bias can be found in Appendix C. No hate crimes have been reported during the required reporting years.

Unfounded Crime Report

One reported crime of Burglary was removed from the crime statistics disclosed for calendar year 2016 due to a determination that the report of such crime was unfounded, as defined by regulations issued under the Clery Act.

Daily Crime/Fire Log

The UAHPD maintains a Daily Crime and Fire Log for the past 60 days that is available for public inspection in its office located on the first level of the Intermodal Facility on John Wright Drive or on the UAHPD website at the following link: <http://www.uah.edu/police/daily-log>.

Older portions of the Crime and Fire Log will be made available within two business days, upon receipt of a request made in person at the UAHPD. Disclosure of information in the Daily Crime Log may be withheld, however, if said disclosure could cause an ongoing criminal investigation to be jeopardized, a suspect to flee or evade detection, or evidence to be destroyed.

The Daily Crime Log records any crime reported to the UAHPD and occurring on the campus, non-campus, or public property areas described in this report or within the UAHPD jurisdiction. Information recorded includes the nature, date, and general location of each crime, as well as the disposition of the complaint.

Emergency fire procedures can be found on the Emergency Information web site at the following link, <http://www.uah.edu/emergency/procedures/fire> and are also detailed in the 2017 Fire Safety Report.

For further information concerning campus safety issues call any of the following numbers:

University Numbers

University Police (256)824-6911

University Housing (256)824-6108

Facilities & Operations (256)824-6480

Dean of Students (256)824-6700

Student Development (256)824-6203

Counseling Center (256)824-6203

Other Numbers

Huntsville Police Department (256)722-7100

Madison County Sheriff's Office (256)722-7181

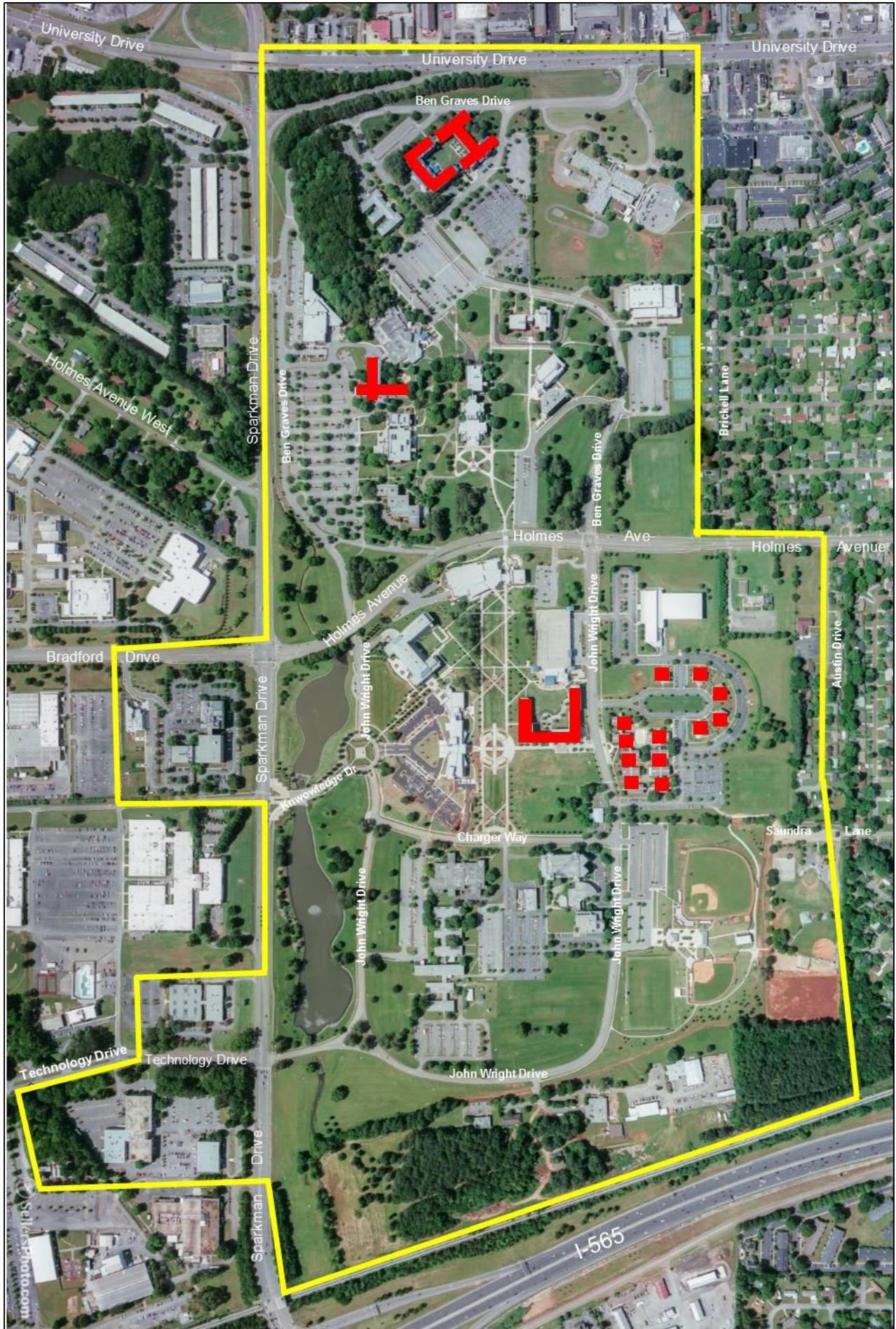
Alabama State Troopers (256)518-9573

Crestwood Medical Center (256)429-4000

Huntsville Hospital Main (256)265-1000

Huntsville Hospital East (256)265-1000

The attached map on the following page highlights the geographical area, including *public property* contiguous to UAH for which crime reporting is required.



Appendix B

Definitions of Reportable Crimes

Murder/Manslaughter – The willful killing of one human being by another.

Negligent Manslaughter – The killing of another person through gross negligence.

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.

Forcible sex offenses – Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Including: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.

Non-forcible sex offense – Unlawful, non-forcible sexual intercourse, including incest and statutory rape.

Rape – An act where a person knowingly engages in sexual intercourse with a person through forcible compulsion, or where the other person is incapable of giving consent by reason of being physically helpless or mentally incapacitated.

Incest – If a person knowingly attempts to marry or engage in sexual intercourse with another person known to be legitimately or illegitimately an ancestor by blood or adoption, a brother or sister of whole or half-blood or by adoption, a stepchild or stepparent, while the marriage creating the relationship exists, or an aunt, uncle, nephew or niece by whole or half-blood.

Fondling – if a person knowingly subjects another person to sexual contact by forcible compulsion, or where the other person is incapable of giving consent by reason of being physically helpless or mentally incapacitated.

Statutory Rape – A person, being 16 years of age or older, knowingly engages in sexual intercourse with a person less than 16 and more than 12 years old, provided that the actor is more than two years older.

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

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.

Burglary – Unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle.

Drug Law Violations - The violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations - The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

Weapons Law Violations - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens or convicted felons possessing deadly weapons; and all attempts to commit any of the aforementioned.

Appendix C

Hate Crimes – Includes all of the crimes listed under reportable crimes that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

Larceny/Theft – Includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

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.

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.

Destruction/Damage/Vandalism to Property (except Arson) – 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.

Categories of Bias

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

Gender – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Gender Identity – A preformed negative opinion or attitude toward an individual whose sense of being masculine, feminine, or other gendered may differ from his/her biological identity.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

Ethnicity/National Origin – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions.

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.