

UNIVERSITY OF MONTEVALLO

Information for Incidences of Sexual Assault, Relationship Violence, and Stalking

Sexual Assault and Harassment

Note: To comply with federal law, the disclosures below reference legal terms such as “rape,” “sexual assault,” “stalking,” “domestic violence,” etc. University of Montevallo’s disciplinary process does not enforce criminal law. Thus, institutional policies use terms such as “sexual misconduct,” “non-consensual sexual intercourse,” “non-consensual sexual contact,” “sexual exploitation,” and “sexual harassment” that overlap significantly with the legal definitions, but are policy-based rather than criminal in nature. Additionally, domestic violence, dating violence and stalking can also be violations of the University of Montevallo sexual misconduct policy, when motivated in whole or in part by the sex or gender of the alleged victim. Institutional policies pertaining to sexual misconduct can be found here:

UM Student Code of Conduct

<https://www.montevallo.edu/campus-life/campus-safety/student-conduct/student-code-conduct/>

UM Policy 01:114 – Title IX Compliance

<https://www.montevallo.edu/wp-content/uploads/2018/06/Policy-01.114-Title-IX-Compliance.pdf>

UM Policy 01:115 – Sexual Harassment

<https://www.montevallo.edu/wp-content/uploads/2018/06/Policy-01.115-Sexual-Harassment.pdf>

UM Policy 01:125 – Sexual Assault

<https://www.montevallo.edu/wp-content/uploads/2018/05/Policy-01.125-Sexual-Assault.pdf>

UM Sexual Harassment Awareness and Prevention Education Manual

<https://www.montevallo.edu/wp-content/uploads/2017/07/Sexual-Harassment-Awareness-and-Prevention-Education-Manual.pdf>

University of Montevallo prohibits rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence.

Sexually violent acts, termed sexual misconduct by the University of Montevallo are violations of the University’s Student Code of Conduct, and can be crimes as well. In an effort to reduce the risk of sexually violent acts such as sexual assault occurring among its students and employees, the University of Montevallo provides awareness and prevention programming.

The University of Montevallo offers programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are conducted during new student and new employee orientation. These programs and others offered throughout the year include strong messages regarding not just awareness, but

also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss the Alabama definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity.

Programs also offer information on risk reduction, how to recognize warning signals and how to avoid potential attacks, and do so without applying victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to faculty and students, often taking the form of campus awareness campaigns, emails, guest speakers and events such as student educational programming including programming at new student orientation.

Definitions and terms related to campus programming include:

Programs to prevent dating violence, domestic violence, sexual assault, and stalking: Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. Programs consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Awareness programs: Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration

Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking

Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene like direct intervention or stopping the situation from occurring yourself, causing a distraction, or getting help from others including police.

Ongoing prevention and awareness campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution

Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

Risk reduction: Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Some examples include: calling campus police for an escort if you feel unsafe, Noting locations of blue lights on campus, practice safe drinking and avoid illegal substance abuse, being aware of your surroundings and remain mentally alert, planning your route and know where the "safe" places are, and walking in a group with a purpose.

In the event that a sexual assault, act of stalking, dating violence or domestic violence does occur, the University of Montevallo takes the matter very seriously.

A student who is found to have committed sexual assault on- or off-campus is subject to immediate suspension, or dismissal. If a student is accused of sexual assault s/he is subject to action in accordance with the Student Code of Conduct in the student handbook.

If you are sexually assaulted:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call 911 if you are on or off campus.
2. Consider securing immediate professional support to assist you in the crisis.
3. If you are on campus, go to Counseling Services or Health Services both located in Main Hall between the hours of 8 am – 5 pm, or to the UM Police Department anytime.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible is important in the case of sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. Secure them in a clean **paper** bag or cleansheet.
5. Even after the immediate crisis has passed, consider seeking support from Counseling Services at 205.665.6245 or SafeHouse of Shelby County at 205.669.7233.
6. Contact the UM Police Department at 205.665.6155 if you need assistance with University-related concerns, such as no-contact orders or other protective measures. The UMPD will also assist in any needed advocacy for students who wish to obtain protective or restraining orders with local authorities.

Victims are not required to report an incident to law enforcement authorities, but campus authorities will assist victims who wish to do so. A student wishing to officially report such an incident to campus authorities (rather than law enforcement) may do so by contacting the Coordinator of Student Affairs and Enrollment Management at 205.665.6020. Anyone with knowledge about a sexual assault is encouraged to report it immediately. Victims who would like to speak with someone confidentially can contact Counseling Services at 205.665.6245.

Legal Definitions

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to a disability or intoxication. Many rapes are committed by someone the victim knows, such as a friend or acquaintance. The Federal Bureau of Investigation (FBI) defines rape as “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”

Under Alabama law, rape is sexual intercourse against the will of a victim of the opposite sex that can occur under a variety of circumstances, including:

Rape in the first degree. (Section 13A-6-61)

(a) A person commits the crime of rape in the first degree if:

- (1) He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or
- (2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
- (3) He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.

(b) Rape in the first degree is a Class A felony.

(Acts 1977, No. 607, p. 812, §2310; Act 2000-726, p. 1557, §1.)

Rape in the second degree. (Section 13A-6-62)

(a) A person commits the crime of rape in the second degree if:

- (1) Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex.
- (2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.

(b) Rape in the second degree is a Class B felony.

(Acts 1977, No. 607, p. 812, §2311; Acts 1979, No. 79-471, p. 862, §1; Acts 1987, No. 87-607, p. 1056, §2; Act 2000-726, p. 1557, §1.)

Sodomy in the first degree. Section 13A-6-63

(a) A person commits the crime of sodomy in the first degree if:

(1) He engages in deviate sexual intercourse with another person by forcible compulsion; or

(2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or

(3) He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.

(b) Sodomy in the first degree is a Class A felony.

(Acts 1977, No. 607, p. 812, §2315.)

Sodomy in the second degree. Section 13A-6-64

(a) A person commits the crime of sodomy in the second degree if:

(1) He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old.

(2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

(b) Sodomy in the second degree is a Class B felony.

(Acts 1977, No. 607, p. 812, §2316; Acts 1979, No. 79-471, p. 862, §1; Acts 1987, No. 87-607, p. 1056, §3.)

The Alabama Rape Law is contained in Title 13 A Article 4 of the Code of Alabama 1975.

Other Sexual Assaults

Besides rape, other sexual assault crimes include the following:

- Oral copulation (forced oral-genital contact)
- Rape by a foreign object (forced penetration by a foreign object, including a finger)
- Sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal)

In Alabama, lack of consent in reference to sexual activity is defined as:

Lack of consent. (Section 13A-6-70)

(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.

(Acts 1977, No. 607, p. 812, §2330.)

Alabama definitions of domestic violence and stalking are as follows:

Domestic violence - First degree. (Section 13A-6-130)

(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.

(Act 2000-266, p. 411, §1; Act 2011-581, p. 1273, §1.)

Domestic violence - Second degree. (Section 13A-6-131)

(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.

(Act 2000-266, p. 411, §2; Act 2011-581, p. 1273, §1.)

Domestic violence - Third degree. (Section 13A-6-132)

(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.

(Act 2000-266, p. 411, §3; Act 2011-581, p. 1273, §1.)

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

(a) A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.

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

(Acts 1992, 2nd Ex. Sess., No. 92-675, p. 54, §1; Act 2012-380, §2.)

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

(a) A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.

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

(Act 2012-380, §3.)

In Alabama, the offense of dating violence is addressed within the definition of **Domestic Violence**.

For offenses including domestic violence, dating violence and stalking, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion or termination of employment.

Sexual Harassment

UM Policy 01:115 Sexual Harassment

The University unequivocally opposes sexual harassment of and by faculty, staff, and students. All members of the University community have a general responsibility to contribute in a positive way to an environment that is free of sexual harassment. Sexual harassment violates federal civil rights laws and the University's nondiscrimination policy, will not be tolerated, and is grounds for disciplinary action.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is either an explicit or implicit term or condition of employment or a grade; or
- Submission to, or rejection of, the conduct is used as a basis for employment or grading decisions; or
- The conduct or statement has the purpose or effect of unreasonably interfering with work or class performance, or of creating an intimidating, hostile, and/or offensive work or classroom environment.

Conduct which may constitute sexual harassment includes:

- Sexual and/or gender-related speech, including insults, joking, advances, slurs, and comments;
- Physical acts, such as sexual or other offensive touching, assault or physical interference with movement;
- Visual or written sexual or gender-related insults, comments, drawings, posters, signs, jokes, and notes;
- Unwanted sexual advances, attention, and requests for sexual favors;
- Any other conduct of a sexual or gender-related nature which meets the definition of sexual harassment.

The following describes some, but not all, situations that may occur in sexual harassment cases.

- The harasser's conduct must be unwelcome and unwanted.
- The complainant and harasser may be either male or female. The complainant does not have to be of the opposite sex.
- The harasser may be the complainant's supervisor, an agent of the employer, a co-worker, or a non-employee and may be a faculty, staff or student.
- The complainant does not have to be the person who is harassed, but may be anyone adversely affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to, or discharge of, the complainant.
- Actual intent is irrelevant; a hostile environment can exist if the complainant believes the environment to be abusive and conduct is so severe and pervasive that a reasonable person would find it hostile and abusive enough to change the terms and conditions of employment or the program or activity.

Whether the alleged conduct constitutes sexual harassment depends upon the totality of the circumstances, such as the nature of sexual advances and the context within which the alleged incident(s) occurred. Stalking and sexual assaults may be criminal acts and as such, investigation and processing by the criminal justice system, local police and campus security may supplement this policy.

In determining whether alleged sexual harassing conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

In cases of alleged sexual harassment, the protection of the First Amendment must be considered if issues of speech or artistic expression are involved. Free speech rights apply in the classroom and in all other education programs and activities, as well as to the speech of students and faculty. Care must be taken not to inhibit open discussion, academic debate, and expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a sexual or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited sexual harassment if it meets the definition of sexual harassment and (1) is reasonably regarded as non-professorial speech (e.g., advances a personal interest of the faculty member as opposed to furthering the learning process or legitimate objectives of the course), or (2) lacks accepted pedagogical purpose or is not germane to the academic subject matter.

Procedures for Reporting & Responding to Reports of Sexual Harassment

Reporting Sexual Harassment

All members of the University community are encouraged to contact the Equal Opportunity/Title IX Officer if they observe or encounter conduct that may be subject to the University's policy on Sexual Harassment. Reports of sexual harassment may be brought to the Equal Opportunity/Title IX Officer or the Vice President for Academic Affairs / Provost. Students, managers, supervisors, officials, including academic administrators, deans, department chairs, coaches, graduate advisors, undergraduate advisors, residence hall staff, law enforcement officers, student conduct staff and health center staff, should notify the Equal Opportunity/Title IX Officer or the Vice President for Academic Affairs/Provost to review and investigate sexual harassment complaints when a report is received.

Reports of sexual harassment should be made as soon as possible after the alleged conduct occurs. Prompt reporting will enable the University to investigate the facts, determine the issues, and consider appropriate remedies. Unreasonable delay in reporting may impede the University's ability to conduct an investigation and/or effect appropriate remedial action. To the greatest extent possible, reports of sexual harassment brought anonymously or brought by third parties not directly involved in the harassment will be reviewed. However, response to such reports may be limited if information contained in the report cannot be verified by independent facts. Under no circumstances will retaliation against any individual who files a complaint or participates in an inquiry be tolerated.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having reported sexual harassment in good faith, who assisted someone with a report of sexual harassment, or who participated in any manner in an investigation or resolution of a report of sexual harassment, may make a report of retaliation under these procedures. The report of retaliation will be treated as a report of sexual harassment and will be subject to the same procedures.

Resolution

Individuals reporting sexual harassment will be informed about options for resolving potential violations of the UM Sexual Harassment Policy, including early informal resolution and the formal complaint process.

Early Informal Resolution

Under appropriate circumstances, informal resolution may be the most effective way to resolve concerns. Parties are encouraged to utilize early resolution options when they desire to resolve the situation cooperatively and/or when a formal investigation is not likely to lead to a satisfactory outcome. Early resolution (or any resolution) will not include requiring the parties to “work-out” the problem directly with each other. Early resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for early resolution will be flexible and encompass a full range of possible appropriate outcomes, including advising the complainant about methods to resolve the concern, arranging for educational programs for individuals, departments, schools, etc., mediating between the parties, and intervening or arranging for a third party to intervene.

While the University encourages early resolution of a complaint, the University does not require that parties participate in early resolution. Some reports of sexual harassment may not be appropriate for early resolution, but may require a formal investigation at the discretion of the Equal Opportunity/Title IX Officer or other appropriate officials designated to review and investigate sexual harassment complaints. Reports of criminal conduct (i.e., sexual assault, physical assault) should immediately be reported to a law enforcement officer and to the Equal Opportunity/Title IX Officer.

Formal Complaint and Investigation

In the event early resolution is not an appropriate option or the complainant is not satisfied with the informal resolution, an individual may submit a formal written complaint and request that a formal investigation be initiated. When such a complaint is received, the Title IX Officer shall investigate the formal complaint and investigation process. Notwithstanding the foregoing, nothing herein shall limit the discretion of the Title IX Officer to initiate an independent review of a report of sexual harassment even when a complainant has elected not to submit a formal complaint.

Formal investigation of reports of sexual harassment includes the following:

- a. The investigation generally includes interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are hereby advised that maintaining confidentiality is important to protect the integrity of the investigation.

b. Upon request, the complainant and the accused may each have a representative present when he or she is interviewed. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy.

c. At any time during the investigation, the investigator may recommend interim protections or remedies for the complainant or witnesses be provided by University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the University's policy on sexual harassment.

d. The investigation shall be completed as promptly as possible given the circumstances and in most cases within sixty (60) working days of the date the request for formal investigation was filed. After the completion of the investigation, the Equal Opportunity/Title IX Officer will prepare a written report as soon as practicable, preferably within fifteen (15) working days.

e. Generally, the written report will include items and information necessary to resolution of the investigation, which may include a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether University policy has been violated. This report will be submitted to a designated University official with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

f. The complainant and the accused will be informed promptly in writing when the investigation is completed. The complainant will be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals' privacy, the complainant may generally be notified that the matter has been referred for disciplinary action, but will not be informed of the details of the recommended disciplinary action without the consent of the accused.

Grievances Involving Allegations of Sexual Harassment

Any grievance filed involving allegations of sexual harassment shall be considered as a complaint under this Policy and shall be subject to the procedures, rights, and remedies contained herein. This policy shall be considered the exclusive internal administrative remedy for complaints of sexual harassment, and other grievance procedures or policies shall not be used to duplicate, circumvent, or otherwise replace this policy.

Remedies and Referral to Disciplinary Procedures

Findings of violations may be considered in determining remedies for individuals harmed by the sexual harassment and will be referred to applicable disciplinary procedures under this policy will be coordinated with applicable complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible.

1. If the accused is a member of the faculty, the Title IX Officer's report will be referred to the Vice President for Academic Affairs/Provost. The VPAA/Provost may consult with the President in order to evaluate an appropriate course of action. Formal corrective or disciplinary action taken against the accused will be in accordance with applicable University policy.

2. If the accused is a student, the Title IX Officer's report will be forwarded to the Dean of Students for processing by the Office of Student Conduct. The matter will be processed according to the procedures set forth by student disciplinary procedures.

3. If the accused is a staff member, the Title IX Officer's report will be sent in confidence to the appropriate administrator for corrective action. The administrator shall consult with other individuals as necessary to determine appropriate corrective action and will inform the Equal Opportunity/Title IX Officer and President of the intended action. Formal corrective or disciplinary action will be in accordance with applicable University policy.

Violations of the policy may include engaging in sexual harassment, retaliating against a complainant reporting sexual harassment, violating interim protections, and filing intentionally false charges of sexual harassment. Investigative reports made pursuant to this policy may be used as evidence in subsequent proceedings as permitted by the applicable procedures.

Confidentiality of Reports of Sexual Harassment

The University is committed to maintaining confidentiality, to the extent practicable and appropriate, of persons who make a complaint or provide information in conjunction with an investigation under this policy. An individual's requests regarding the confidentiality of reports of sexual harassment will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the maintaining a working and learning environment free from sexual harassment and the due process rights of the accused. Some level of disclosure may be necessary to ensure a complete and fair investigation and confidentiality cannot be assured or guaranteed.

Retention of Records Regarding Reports of Sexual Harassment

The Equal Opportunity/Title IX Officer is responsible for maintaining records relating to sexual harassment reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies, but may be maintained longer at the discretion of the Equal Opportunity/Title IX Officer in cases where the parties have a continuing affiliation with the University.

The University is dedicated to assisting victims of sexual assault regardless of the option they may select. Although it will limit the University and police's ability to investigate or intervene judicially, the victim has the right to anonymity. Victims have the following options:

- Pursue criminal charges and a campus investigation
- Submit a police report and pursue a campus investigation
- Pursue criminal charges only
- Submit a police report only
- Pursue a campus investigation only
- Not pursue any investigations and/or submit a police report

Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member or staff member should be brought to the immediate attention of Title IX Coordinator at 205.665.6055. Any complaints or inquiries regarding sexual harassment of a student by another student should be brought to the immediate attention of Director of the Student Conduct at 205.665.6020. The University of Montevallo will investigate such claims promptly and

thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Title IX Coordinator or the Director of Student Conduct, the student may inquire or complain to any Department Chair or any officer of the University of Montevallo at the level of Vice President or above, and such inquiries or complaints will receive a prompt and thorough investigation.

If harassment is established, the University of Montevallo will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the University of Montevallo.

University of Montevallo Procedures for Addressing Sexual Misconduct

Procedurally, when the University of Montevallo receives a report of sexual assault, stalking, dating violence and/or domestic violence, the campus Title IX Coordinator, Barbara Forrest at 205.665.6055 is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the University of Montevallo will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of opportunities for academic accommodations, changes in housing for the victim or the responding student, changes in working situations and other assistance as may be appropriate and available (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). No victim is required to take advantage of these services and resources, but the University of Montevallo provides them in the hope of offering help and support. A summary of rights and options, in the form of this document, is provided to all victims. The victim will be connected with a counselor on- or off-campus, should he or she wish.

When the victim chooses, or the University of Montevallo believes it is necessary, the Title IX Coordinator will cause a prompt, fair and impartial investigation to be initiated, which may lead to the imposition of sanctions, based upon a preponderance of evidence (what is more likely than not), upon an accused individual. Procedures detailing the investigation and resolution processes of the University of Montevallo can be found online here:

UM Student Code of Conduct Procedures

<https://www.montevallo.edu/campus-life/campus-safety/student-conduct/student-code-conduct/>

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<https://www.montevallo.edu/wp-content/uploads/2018/06/Policy-01.115-Sexual-Harassment.pdf>

The incident investigator will depend on the specifics of the case and the parties involved. The investigation team will consist of the Director of Student Conduct, the Dean of Students and Title IX Coordinator. The team may consult with other University officials including the UMPD.

Local and Campus Resources

Title IX Compliance Officer Barbara Forrest Will Lyman House Station 6055 Montevallo, AL 35115 (205) 665-6055	Deputy Title IX Coordinator Tony Miller, Jr. Main Hall, Lower Level (205)665-6020	UM Police Station 6155 205.665.6155	VPESA/Dean of Students Dr. Tammi Dahle Main Hall, Lower Level (205)665-6020
UM Counseling Services 205.665.6245 UM Health Services 205.665.6275	Montevallo City Police 9-911 or 205.665.1264	SafeHouse 205.669.1877 (Advocacy & Legal Assistance)	Rape Response 205-323-7273 or 888- 323- 7273 (Advocacy & Legal Assistance)

The Title IX Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, the University of Montevallo acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. The Title IX Coordinator is also responsible to assure that training is conducted annually for all advocates, investigators, hearing officers, panelists and appeals officers. Training will focus on domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX. Training will help those decision-makers associated with the process to protect the safety of victims and to promote accountability for those who commit offenses.

The investigation and resolution conducted by the University of Montevallo are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with Alabama law and the federal Family Educational Rights and Privacy Act of 1974 (FERPA) statute. Any public release of information to comply with the timely warning provisions of the Jeanne Clery Act (Clery Act) will not release the names of victims or information that could easily lead to a victim’s identification. In relation to investigation and adjudication, the following definitions apply:

Proceeding: All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Result: Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result includes any sanctions imposed by the institution.

In any complaint of sexual assault, stalking, dating violence, domestic violence or other behavior covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome will not be delayed to either party, and should occur as nearly simultaneously as possible, without unnecessarily bringing those in conflict into close proximity to each other.

All parties will be informed of the University's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Sex Offenders

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the University of Montevallo is providing a link to the Alabama State Sex Offender Registry. All sex offenders are required to register in the state of Alabama and to provide notice of each institution of higher education in Alabama at which the person is employed, carries a vocation or is a student.

<http://dps.alabama.gov/Home/wfContent.aspx?ID=20&PLH1=plhAlerts-SexOffenders>