

Effective Date: July 27, 2020

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I. Title IX Coordinator

The Title IX Coordinator is responsible for overseeing the implementation and enforcement of this Policy and compliance with all other applicable rules and regulations. The Title IX Coordinator also oversees the implementation and enforcement of the Title IX Coordinator's responsibilities under Title IX. Further, the Title IX Coordinator oversees implementation and enforcement of this Policy and compliance with all other applicable rules and regulations.

The Title IX Coordinator is responsible for overseeing the implementation and enforcement of this Policy and compliance with all other applicable rules and regulations.

Title IX Coordinator and Compliance Administrator

8. Formal Complaint: a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or another form of sexual misconduct against a Respondent and requesting that the University investigate the allegation of sexual harassment.
9. Formal Grievance Process: The formal Grievance Process is one method of formal resolution designated by the University to address conduct that falls within this Policy and which complies with the requirements of 34 CFR Part 106.45. All Formal Complaints go through the Formal Grievance Process unless dismissed or an informal or alternative resolution is agreed upon by all parties and the Title IX Coordinator.
10. Grievance Process Pool: This includes any investigators, hearing officers, appeals officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same cases.)
11. Informal Resolution/Alternative Resolution: In lieu of the formal grievance process, upon the agreement of the parties and the Title IX Coordinator, a formal complaint may be resolved via an informal or alternative resolution. This could include an alternative mechanism such as mediation or restorative justice, situations in which the Respondent accepts responsibility for violation Policy, or when the Title IX Coordinator can resolve the matter by providing supportive measures to remedy the situation.
12. Notice: Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
13. Notice of Investigation and Allegations: Notice of allegations of Prohibited Conduct is deemed to have been properly provided when written notification of the allegations and DOOHJHG FRGH RI FRQG XFW YLRD WLRQ LV VHQW WR WKH V Alabama email address, delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official University records, or personally GHOLYHUHG WR WKH VWXGHQW 8QLYHUVLW\ HPDLO XVHU, '# means of communication with students, staff, and faculty. Students, staff, and faculty are responsible for all communication delivered to their University email address.
14. Parties: Parties include the Complainant(s) and Respondent(s), collectively.
15. Respondent: An individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
16. Student: A student, under this Policy, is any individual who has accepted an offer of admission or who has registered or enrolled in coursework or University education programs, including, but not limited to, SOAR and Study Abroad, or anyone who otherwise is participating in, or at W H P S W L Q J W R S D U W L F L S D W H L Q W K H 8 Q programs or activities as a student and who maintains an ongoing relationship with the University.
17. Title IX Team: This includes the Title IX Coordinator, all staff in the Office of Title IX, any deputy coordinators, and anyone in the Grievance Process Pool.

18. University Provided Advisor: A person, who may be, but is not required to be, an attorney, provided by the University, without fee, to any party, to conduct cross-examination on behalf of that party at a live hearing before the Decision-makers.

III. Confidentiality and Privacy

Information learned through a report or Investigation under this Policy is kept as private as possible and shared only on a need to know basis in order to comply with state or federal laws or to assist in the active review, investigation, or resolution of the report and related issues. University employees and/or agents assisting with any alleged Prohibited Conduct falling under this Policy are expected to safeguard private information in accordance with applicable laws (including, but not limited to, FERPA and other privacy laws). Information about incidents of alleged Prohibited Conduct must be shared with relevant administrators if the Title IX Coordinator determines that the University needs to take action in order to provide a safe and non-discriminatory environment for the entire campus community, but that disclosure will be as limited as possible.

Nothing in this Policy should be construed to unreasonably or unlawfully limit the ability of any individual to prepare for, or participate in, the process used to address potential violations of this Policy. Notwithstanding, the concern for privacy extends to the parties, advisors, and witnesses. The misuse of information provided by the Office of Title IX, including the disclosure, duplication, or dissemination of information for a purpose unrelated to the gathering of evidence and/or witnesses or otherwise not for the purpose of participating or preparing for the Investigation may result in violations under this Policy.

IV. Reporting

The University of North Alabama takes allegations of Prohibited Conduct under this Policy seriously and is committed to taking immediate action to combat Prohibited Conduct, prevent its recurrence, and remedy its effects. The University will address all reports under this Policy with a prompt, thorough, and impartial inquiry to determine what is more likely than not to have occurred and to take appropriate steps to resolve the situation and determine an equitable resolution.

1. Prompt Reporting

There is no time limit on reporting or filing complaints of violations of this Policy; however, prompt reporting is encouraged. The University strongly encourages individuals to timely report alleged incidents of Prohibited Conduct or related retaliation to the Office of Title IX and to law enforcement agencies. Timely reporting of alleged Prohibited Conduct allows the University to take steps toward ending the Prohibited Conduct, preventing its recurrence, and remediating its effects. With regard to criminal investigations, preservation of evidence (such as clothing, bodily fluids, and other physical evidence) may strengthen the University's ability to investigate.

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address inappropriate behavior. Delays may also mean that certain witnesses, evidence,

Reports under this policy may be made directly to the Title IX Coordinator by phone, email, in-person, through the mail, or online¹. Contact information for the Title IX Coordinator is:

Title IX Coordinator and Compliance Administrator
titleix@una.edu
202 Guillot University Center
UNA Box 5023
Florence, AL 35632
(256) 765-4223
www.una.edu/titleix

The Office of Student Conduct professional staff can also receive complaints of Prohibited Conduct when the Respondent is a University student. Contact information for the Office of Student Conduct is available at www.una.edu/student-conduct

The Office of Human Resources can also receive complaints of Prohibited Conduct involving faculty, staff, or student employees. Contact information for the Office of Human Resources is available at www.una.edu/humanresources

All employees of the University (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.²³ Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party. Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research R U D W H Y H Q W V V X F K D V 3 7 D N H % D F N W K H 1 I outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University. Supportive measures may be offered as the result of such disclosures without formal University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply.

1 Reports may be made online at: <https://www.una.edu/titleix/reporting.html>

2 When a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

3 A Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

4. Confidential Resources

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials. They can offer options and advice without an.998 ()-3.995 (o998 (u)1379/(c.004)-3.995-4.004 (dio)13.995Tf

V. Applicable Scope

Students, staff, administrators, and faculty are entitled to a working and educational environment free of sexual harassment and other forms of sexual misconduct. When an alleged violation of this P

viii. Knowingly exposing another individual to a sexually transmitted disease/infection or HIV without their consent.

3. Type 3 Prohibited Conduct:

a. Making False Statements

i. It is a violation of this Policy to report intentionally dishonest or malicious allegations of Prohibited Conduct. If a complaint is brought in bad faith as demonstrated by

- iii. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.
- iv.

objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation is based on the totality

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Situations wherein an individual is deemed to have an inability to give consent in situations where the individual is include:

- i. Incapacitated due to alcohol, drugs, or other substances including, but not

5. Collateral Conduct

- a. In the event that an allegation of an additional University policy violation, such as a violation of the Code of Student Conduct, arises out of the same facts or circumstances of a violation under this Policy, all related offenses may be addressed under this Policy as collateral behavior at the discretion of the Title IX Coordinator.

VII. Jurisdiction

- 1. For Type 1 Prohibited Conduct, the University has jurisdiction under 34 CFR Part 106 and this Policy when the conduct occurs:

- a. In the United States, and

- b. ~~§ V S D U W R I D 8 Q L Y H U V L W \ | V H y G n c E d n g / L R Q S U R J U D P R U D~~

- i. On-campus locations,
- ii. Off-campus locations that are owned or controlled by a University Registered Student Organization, or
- iii. Off-campus locations, events, or circumstances over which the University exercised substantial control over both the Respondeer

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely between University email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline. Off-campus harassing speech by employees, whether online or in person, may be regulated by the related capacity.

3. With regard to allegations of Prohibited Conduct as outlined herein, this Policy will supersede all other policies and procedures. Where there is a delayed report of Prohibited Conduct, the Policy in effect on the date of the alleged incident will be applied with regard to what is considered Prohibited Conduct the procedures in effect on the date of the report will be applied with regard to the applicable procedures. If an investigation involves multiple reports of Prohibited Conduct where it would be appropriate to consider all reports with regard to a totality of the circumstances analysis, the Policy in effect as of the date of the most recent alleged Prohibited Conduct will be applied unless the previous conduct would not have constituted a policy violation.

VIII. Burden of Proof/Standard of Evidence

1. Burden of proof, including the burden of production, rests on the University. This means that the University is obligated to prove any and all allegations of Prohibited Conduct brought forth under this Policy and obligated to come forward with sufficient evidence to support any determination made. However, nothing in this policy should be interpreted to place any restrictions on the ability of any party to gather and present relevant evidence.
2. All cases pursuant to this Policy will be determined based on the preponderance of the evidence standard (i.e. whether it is more likely than not that the Respondent committed each alleged violation).
3. Unless ultimately proven otherwise pursuant to the standards and processes of this Policy and any related grievance process, individuals accused of Prohibited Conduct are presumed to be not responsible for any alleged violation.

IX. Supportive Measures

1. Supportive measures are non-disciplinary, non-punitive, and individualized services offered as appropriate, as reasonably available, without fee or charge to the parties before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the educational environment, or deter sexual harassment.
2. The University will institute supportive measures to the parties upon receiving a formal complaint or to a Complainant once a report is brought forth to the Title IX Coordinator.

At the time that supportive measures are offered, the Title IX Coordinator will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already.

3. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The grievance process is not initiated, though the Complainant can elect to initiate it later, if desired.
4. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
5. Supportive measures will be provided confidentiality, to the extent they can be, without LQWHUIHULQJ ZLWK WKH 8QLYHUVLW\¶V DELOLW\ WR SURYL always be provided in a way that is as private as possible.
6. Support measures will be implemented under this Policy pursuant to procedures developed by the Title IX Coordinator.

X. Emergency Removal

- 1.

- c. All parties will have the same opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
 - d. The University sets out to resolve all Formal Complaints, including appeals and the completion of any Informal Resolutions, in a reasonably prompt manner. In most instances, this is accomplished within 90 days from the time the Formal Complaint has been filed.
 - e. Delays for good cause are allowed under this Policy pursuant to procedures developed by the Title IX Coordinator so long as:
 - i. Any extension for good cause is a limited extension (i.e. not indefinite) and
 - ii. Written notice is provided to all parties for the reason for delay.
2. Filing of a Formal Complaint
- a. Upon receipt of a report of sexual harassment or sexual misconduct under this Policy, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, with or without the filing of a Formal Complaint. The Title IX Coordinator will also explain to the Complainant the process for filing a Formal Complaint. If a Formal Complaint is not filed at this time, it may be filed at a later time. There is no time limit for filing a Formal Complaint.
 - b. A Formal Complaint may only be filed by the Complainant¹⁵ or the Title IX Coordinator, on behalf of the Complainant. The Title IX Coordinator may file a

- A. Would not satisfy the definitions under Type 1; or
 - B. 'LG QRW RFFXU LQ WKH 8QLYHUVLW\¶V HGXF DW
 - C. Did not occur in the United States.
- iii. If the Title IX Coordinator must dismiss the formal complaint with regard to the Type 1 Prohibited Conduct, the allegation may be pursued elsewhere under any applicable section of this or any other University Policy.
- b. The Title IX Coordinator will consider dismissing the formal complaint if:
 - i. The Complainant notifies the Title IX Coordinator, in writing, that they would like to withdraw the Formal Complaint; and/or
 - ii. The Respondent is no longer enrolled or employed by the University; and/or
 - iii. The University is unable to gather evidence sufficient to reach a determination as to the formal complaint and the allegations therein.
- c. For prohibited conduct that falls outside of Type 1, permissive dismissals are permitted under the Policy for any of the above reasons and pursuant to any additional procedures developed by the Title IX Coordinator.
- d. Any dismissal must be accompanied by prompt written notice to all parties indicating the dismissal and the reasons why.
- e. Following a dismissal, all parties will have the option to appeal based on any of the following grounds:
 - i. Procedural irregularity that affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time the dismissal was made, that could affect the outcome of the matter; OR
 - iii. The Title IX Coordinator, investigator(s), or decision-maker(s), had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
 - iv. Any other appeals rights may be permitted under this Policy pursuant to procedures developed by the Title IX Coordinator so long as:
 - A. All parties are notified in writing when an appeal is filed and given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
 - B. Appeal procedures are implemented equally for all parties,
 - C. Appellate decision-makers will not be the same person or person(s) as the decision-maker that reached the determination for responsibility
 - D. Appellate decision-makers will issue a written determination, provided simultaneously to the parties, describing the result of the appeal and the rationale for the result
 - E. The same person will not hear both an appeal of a dismissal and an appeal of a hearing result.
- f. If all or a portion of a formal complaint is dismissed as described above, any remaining allegations under this Policy will continue using an appropriate

such, it will not be relied upon in creating the Investigation Report;

parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

iii. Findings of fact supporting the determination;

iv. A statement of, and rationale for, the result as to each allegation including:

A. Any disciplinary sanctions the University imposes on the respondent, and

B. Whether remedies designed to restore or preserve equal access to the 8 Q L Y H Education Program or activity will be provided by the Office of Title IX 0 1 20

- v. Facilitators of Informal Resolutions
 - vi. University-provided Advisors
- b. The University will provide training to the above-listed individuals under this policy pursuant to procedures developed by the Title IX Coordinator on the following topics:
- i. The definition of Sexual Harassment under 34 CFR 106.30;
 - ii. The scope of the Univ H U V L W \ ¶ V H G X F D W L R Q; S U R J U D P D Q G D
 - iii. Conducting an investigation;
 - iv. The Grievance Process, including hearings, appeals, and informal resolution processe; and
 - v. Impartiality, including avoiding prejudgment, conflicts of interest, and bias.
 - vi. The University will provide additional training to Investigators on the following topics:
 - i. Release; (an) 3.007 (an) 2.998 (c)-10 (y) J T J E T Q q 0 0 6 1 2 7 9 2 re W* n 462.36
 - ii. How to create an investigative report.

expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a harassing or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited harassment if it meets the definition of sexual harassment.

2. Nothing in this Policy and related procedures should be interpreted to restrict any rights guaranteed under existing law, including the First Amendment, Due Process Clause of the Fifth and Fourteenth Amendments, or the Fourth Amendment of the United States Constitution.
3. Nothing in this Policy and related procedures should be interpreted to restrict or limit any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

XVI. Conflicts of Interests

2. Inquiries may be made externally to:
 - a. Office for Civil Rights (OCR)
 - U.S. Department of Education
 - 400 Maryland Avenue, SW
 - Washington, DC 20202-1100
 - Customer Service Hotline #: (800) 421-3481
 - Fax: (202) 453-6012
 - TDD#: (877) 521-2172
 - Email: OCR@ed.gov
 - Web: <http://www.ed.gov/ocr>
 - b. Atlanta Office
 - Office for Civil Rights
 - U.S. Department of Education
 - 61 Forsyth St. S.W., Suite 19T10
 - Atlanta, GA 30303-8927
 - Telephone: 404-974-9406
 - Fax: 404-974-9471; TDD: 800-877-8339
 - Email: OCR.Atlanta@ed.gov
 - c. Equal Employment Opportunity Commission (EEOC)
 - Contact: <http://www.eeoc.gov/contact/>
 - Birmingham Office
 - Equal Employment Opportunity Commission (EEOC)
 - Ridge Park Place
 - 1130 22nd Street South, Suite 2000
 - Birmingham, AL 35205
 - (800) 669-4000

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These policies and all accompanying procedures will be reviewed annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

Any technical changes, including locations, confidential resources, contact information, and other related changes may be made by the Title IX Coordinator in consultation with the University General Counsel without going through Shared Governance. Any additional changes required by law may be approved by the University General Counsel and updated with the appropriate date of effect identified without going through Shared Governance. Shared Governance Executive Committee and the University Executive Council will be notified of those changes.

This document does not create legally enforceable protections or confer rights beyond the protection and rights of the background state and federal laws which frame such codes generally.

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