

Annual Campus Security & Fire Safety Report

2020 - 2021

THE UNIVERSITY OF
WEST ALABAMA



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Message from the Chief.....

Dear Students, Faculty, Staff, and Guest:

Welcome to The University of West Alabama.

The men and women of The University of West Alabama Police Department are committed to providing the highest quality of police and security services to The University of West Alabama community. We work in partnership with the entire community to ensure a safe living and learning environment in which our faculty and staff may best support students in their efforts to achieve academic success. It is our purpose to equip you with information to keep you safe during your time spent on campus. We believe an informed community is a safer community, and sharing information can reduce your chances of becoming a crime or accident victim.

Each year, The University of West Alabama publishes the Annual Campus Security and Fire Safety Report which includes crime statistics and outlines UWA security policies and procedures. The information provided in this report is designed to inform the University of West Alabama community and to ensure that its members are aware of the safety issues that affect our campus. Your safety and well-being are our top priorities and the University takes pride in maintaining a safe environment. Please keep in mind, however, that even the best public safety system will fall short without your continued cooperation and commitment to your own safety and the safety of others. You can help us by taking steps to protect yourself and your property, and by reporting suspicious activities and crimes you may observe. Together, we will provide a safe campus environment in which we can live, learn, study, work and play. Remember: Always use good safety sense and don't hesitate to contact the University Police Department (UPD) whenever you need assistance or more information about the services we provide.

You may request a printed copy of this report from the University Police by writing University Police Department, Attention: Chief of Police, UWA Station 50, Livingston, Alabama 35470; or universitypolice@uwa.edu.

Thank you for your support and for taking the time to read this report.

Respectfully,

Jeff Manuel
Chief of Police



INTRODUCTION:

The University of West Alabama 2020-2021 Annual Campus Security and Fire Safety Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The crime statistics published in this report illustrates:

- 1) The reporting of crime categories as specified below,
- 2) The reporting of specified hate crimes by category of prejudice against the victim (race, gender, religion, sexual orientation, ethnicity, disability) and,
- 3) The reporting of violation arrests and referrals for campus disciplinary action as specified below.

Each of these statistical categories is further broken down by geographical area: **On-Campus** (includes **On-Campus Housing** facilities), **Non-Campus** property; and **Public Property** (includes property within campus or immediately adjacent to it). See Crime Statistics for more information.

**To file a report with the
UWA Police
Department, or for
other assistance call
205-652-3602 or 205-
652-5555 or 5555**

In accordance with the federal regulations of the Campus Security Act, the University of West Alabama publishes *both* crime statistics for the three most recent calendar years *and* UWA security-related policies and procedures. This information is distributed each year to enrolled students and current employees and is also made available to prospective employees and students via UWA's website. It is also made available to students and parents during orientation and the Admissions Office. UWA Public Relations emails the Annual Security Report to faculty, staff and students no later than October 1st of each year. The University Police Department's Campus Safety Report informs prospective and current students,

faculty, and staff of the general procedures for reporting crimes both on and off-campus and includes tips on preventing theft of property and crimes of violence, including physical and sexual assaults.

The University Police Department makes annual requests to the City of Livingston Police Department and Sumter County Sheriff's Department for crime statistics taken from the **public areas** within the campus or immediately adjacent to campus to be included in the Annual Campus Security and Fire Safety Report. The Annual Campus Security Report includes crime statistics for the following *categories of crimes*, as reported to the University Police Department, other UWA campus security authorities, and local law enforcement: homicide (murder, non-negligent and negligent manslaughter); sex offenses (forcible, non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; and arson. Also included are statistics for the following categories of **violation arrests** and **referrals for campus disciplinary action**: liquor law violations, drug law violations, illegal weapon possession violations, hate crimes and violence against women including domestic violence, dating violence, and stalking).

UWA PD Authority and Jurisdiction:

The primary jurisdiction of the UPD is the University of West Alabama campus and University-owned property. Enforcement jurisdiction includes Sumter County and the police jurisdiction of the City of Livingston. The University Police Department will enforce the Ordinances of the City of Livingston and the laws of

the State of Alabama and carry out all duties and responsibilities attributed to the University Police Department by the Chief of Police. Officers are authorized by charter to assist law enforcement agencies outside the jurisdiction in mutual aid situations or to protect lives and property connected to UWA. Officers have been granted statewide authority and may take enforcement action for crimes committed within their presence or for which there is probable cause to believe have been committed in their presence. Officers who are off duty and beyond the boundaries of Sumter County should only take enforcement actions to prevent harm or injuries to self or others. On-duty officers may take reasonable enforcement action beyond the boundaries of Sumter County while acting in an official capacity. Minor offenses should be reported and handled by local jurisdictions.

The University Police Department will enforce the rules and regulations of the University of West Alabama and the ordinances of the City of Livingston and the laws of the State of Alabama, on all streets, and state highways, within the University of West Alabama property and the jurisdiction of the City of Livingston. We work closely with all federal, state, and local agencies. Although University officers may assist other law enforcement agencies, the primary jurisdiction for students and student organizations off-campus in Livingston belongs to the Livingston Police Department. Although the Livingston Police Department has primary jurisdiction, the University Police may respond to student-related incidents near campus. UPD have direct radio communications with the Livingston Police, Fire, and Emergency Medical Service. UPD may assist in rapid response to any emergency situation.

UPD's Law Enforcement Authority and Arrest Powers

The University Police Department provides full police and safety services to the campus community. The University Police force consists of sworn law enforcement officers with full arrest powers and security personnel. At least one officer is on duty 24 hours a day, seven days a week, and is certified by the State of Alabama. These police officers are vested with all the powers, authority, and responsibilities of any police officer of the state on property owned or operated by the University, as well as on public streets and property immediately adjacent to campus. To add an extra sense of safety and security, The University Police Department also consists of security officers who assist in the protection of property and life through vigorous patrol on foot, assigned vehicle or specialized vehicle. Security officers maintain security by patrolling parking lots, monitoring dorms and buildings for unauthorized persons and/or suspicious activities. Security Officers do not have arrest powers.

Reporting On-Campus Crimes and Other Emergencies:

To maximize safety on campus, the University Police Department strongly encourages anyone with knowledge about any crime, suspicious activity, or unsafe conditions on campus to make an immediate report to the University Police in person or by telephone. Reporting does not mean you must take legal action—it may, however, help police officers stop further incidents as well as help them keep the community informed about criminal activity. To make a report in person, come to the University Police Department, which is located in the Craiger House. To make a report by phone, call UPD from any phone on campus at **5555 or 205-652-5555 or (205) 652-3602**. 911 calls are answered by Sumter County E911 and relayed to the UWA Police Department. Please be prepared to provide information describing the situation to police communications. In emergency

situations, including fires and medical emergencies, you may call 5555 or 205-652-5555 or 205-652-3602 or 911.



**To report a TIP
anonymously, call
205-652-3819.**

For other emergencies including non-medical emergencies:

The University of West Alabama Health Service is operated through an agreement with Dr. Todd Vaughn M.D., a local physician. Students may see Dr. Vaughn at his office at Rush Medical Group of Livingston 1221 North Washington, north of the campus.

Dr. Vaughn is available Monday through Thursday from 8:00 a.m. – 5:00 p.m., and Friday from 8-12. Students may see Dr. Vaughn without an appointment however, it is best to schedule an appointment if possible. Students that wish to schedule an appointment should call 205-652-9575.

The UWA Department of Counseling Services is available during business hours for those in need of counseling and advocacy at (205) 652-3623. After hours, you may call West Alabama Mental Health at 1-800-239-2901.

Confidential Reporting

The University Police Department encourages you to report all criminal activity even if you don't want to take legal action in order to help us maintain accurate records and to assist us in providing a safe environment for everyone on campus. The University Police Department is responsible for preparing the University's Annual Campus Security & Fire Safety Report and for compiling the crime statistics included in the report. We would like to keep the community as informed as possible. The information you report may assist the UPD in providing police response to an emergency situation.



The UPD realizes that many people choose not to report a crime because of a reluctance to become involved. Therefore, UPD wants to protect the identity of those who wish to report crimes and remain anonymous, so the UPD Tip Hotline may be reached at 205-652-3819. It is an automated line and therefore a secure way to confidentially report crimes.

UPD Response to a Crime Report

The University of West Alabama Police Officers is trained to receive, document and investigate all crimes reported. When you report a crime to the University Police Department, a University police officer will meet with you to discuss the situation. A written incident/offense may be filed. The incident will then be reviewed to determine proper follow-up investigation by the initial reporting officer or by the Investigator. An Officer will work with individuals reporting a crime to obtain information and evidence, identify potential witnesses, and conduct a thorough investigation in an effort to identify the responsible party. If the suspect is known and the victim wishes to press charges, the victim may be escorted to the Magistrate of the City of Livingston or the District Court of Sumter County to pursue criminal prosecution. When appropriate, a warrant may be issued if there is probable cause to arrest the suspect. UWA PD police officers will serve the warrant, arresting the defendant. A court date will be set and you may have to appear in court to provide testimony. Crime suspects may be adjudicated through the Office of Student Life and/or the Criminal Justice System.

Reporting Off-Campus Crimes and Other Emergencies

Victims or witnesses to criminal activity occurring **off-campus** should contact the agency that has jurisdiction:

Livingston Police Department	(205)652-9525
Sumter County Sheriff's Office	(205)652-7984
Alabama Department of Public Safety	(205)553-5531

University Police officers can assist in notifying other law enforcement agencies in other locations as needed.

Student Organization Facilities:

The University of West Alabama operates no off-campus student organization facilities. All student organizations recognized by The University of West Alabama are headquartered on campus and are therefore served by the University Police Department. If you believe a crime has been committed within an on-campus student organization building, report the incident to the UWA Police, **205-652-3602**.

Off-Campus Student Organizations

The UWA Police Department does not provide law enforcement services to the off-campus residence of the recognized student organizations. Law enforcement services, such as responding to calls for service at the location, are provided by the Livingston Police Department. The UWA Police Department maintains a working relationship with the Livingston Police Department and other law enforcement agencies and will assist with notifications in the event law enforcement services are needed.

The University of West Alabama does not use local police to monitor criminal activity by students at non-campus locations of officially recognized student organizations.

Fringe Areas of Campus:

While the City of Livingston Police has primary jurisdiction and responsibility in all areas off-campus, University Police can and do respond to most incidents that occur in close proximity to campus. University Police have fringe patrol duties dedicated to providing additional law enforcement presence around the perimeter of campus. University Police regularly meet with and communicate with local law enforcement regarding the occurrence of crimes in the fringe areas. If you believe a crime has occurred in close proximity to campus, please report the crime to the City of Livingston Police Department at **205-652-9525**. If you are unsure of the police jurisdiction, contact UPD and we will direct the call to the proper authorities.

Where to get up-to-date crime data:

Daily Crime Logs/Summary of Criminal Incidents

The University Police Department compiles statistical information from the contents of the UPD daily crime log, which contains summaries of each day's crime reports made to the University Police Department. The crime log summaries include each incident's location, type, date, time, case number, and disposition of the complaint. UPD crime logs are available for public viewing at the University Police Department during normal business hours excluding Administrative Holidays. The University Police Department is located at the Craiger House.

In addition to the daily crime log, UPD also maintains a log of all fires that occur in on-campus student housing facilities. The fire log includes the date a fire is reported, the nature of the fire, date and time occurred and general location of the fire. Contents of the fire log are published in the Annual Campus and Fire Safety Report. Like the Daily Crime Log, the Fire Log is available for viewing during normal business hours excluding Administrative Holidays.

Both the Daily Crime Report and the Fire Log are maintained in a hard copy and in electronic format and are housed at the University Police Department located at the Craiger House.

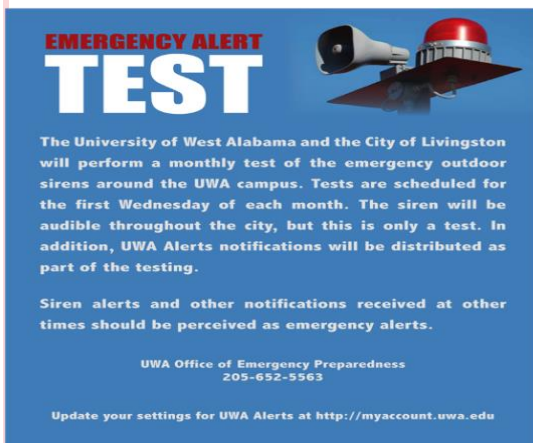
Crime Alerts/UPD Advisories/UWA Alerts

The University of West Alabama has partnered with Rave Mobile Safety to provide UWA Alerts, a state-of-the-art emergency notification system. This system will allow you to receive timely notification should an emergency situation affect the UWA area. You can receive alerts via email, text messaging, land-line and/or cell. This system is voluntary, although we strongly encourage everyone to sign up so that you can be notified in case of emergency. Standard charges for incoming calls and text messages apply (Please check with your provider if you have questions concerning those charges). This system allows you to receive an instant notification from Information Technology should an emergency occur on our campus. During the first two weeks of each term, an email will be sent to your TigerNet email account with your login information.

Every employee is eligible to sign up for UWA Alerts to receive phone calls/text alerts. However, an email account is required to sign in to UWA Alerts. To log into the UWA Alerts system, please visit <http://www.uwa.edu/uwaalerts>. To verify the URL, you can also go to UWA's homepage, click Current Students, Faculty and Staff and then click UWA Alerts, located under the Emergency Preparedness section.

Test of Emergency Procedures

On the first Wednesday of each month, a test of the University of West Alabama emergency notification system (UWA Alerts) is conducted. The University of West Alabama and the City of Livingston will perform a monthly test of the emergency outdoor sirens around UWA campus. Tests are scheduled for the first Wednesday of each month. The siren will be audible throughout the city, but this is only a test. In addition, UWA Alerts notifications will be distributed as part of the testing. Sirens, alerts and other notifications received at other times should be perceived as emergency alerts.” A text message stating “This is a test of the University of West Alabama emergency notification system. This is only a test” is also sent notifying the campus community of the test.



You are **strongly encouraged** to register for UWA ALERTS at <http://www.uwa.edu/uwaalerts>.

SAFETY TIPS for AFTER DARK

During normal business hours the public has open access to academic and administrative buildings, with the exception of locked areas. Students and staff who have access to administrative/academic buildings for after-hours work must secure the exterior doors behind them after they enter, and they are encouraged to follow all personal safety precautions. If you have to study or work alone at night in a campus building, be sure a friend knows where you are and when you will return home. You may also request an officer escort. A police officer will escort you from one campus location to another campus location.

Timely Warning

The University of West Alabama “will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.”

If a serious or unique crime has occurred and the circumstances warrant it (as in the case of a violent crime against a person or a major property crime), a special, **timely crime alert** is prepared and distributed. UWA Alerts are designed to give students and employees a timely notification of crimes and to heighten their safety awareness. Information Technology in conjunction with Public Relations will issue a UPD Advisory via UWA Alerts when a crime that represents an **imminent, ongoing threat to the campus community** is reported to any of the local law enforcement agencies or other crime reporting sources. In such situations, every attempt will be made to distribute a UPD Advisory when pertinent information is available regarding the incident reported; however, UPD decision to issue a timely warning shall be made on a case-by-case basis after consideration of the available facts, including factors such as the nature of the crime, the

continuing danger or risk of the university community and the possible risk of compromising law enforcement efforts. The University Police Department's cooperative working relationship with federal, state, and local law enforcement agencies facilitates communication about crime reported to outside law enforcement agencies that, likewise, may warrant timely issuance of an Advisory.

Violence Against Women's Act Requirement: A Timely Warning shall be provided to students and employees in a manner that is timely, that withholds the names of the victims as confidential.

Additional Sources of Statistical Information/Voluntary, Confidential Reporting

Consistent with Department of Education federal regulations, the UPD has developed, and periodically reviews, procedures to include on-campus crime statistics, reports of required crimes made to the following campus security authorities: the Office of the President, the Office of the Provost, the Office of the Vice President of Student Affairs, the Office of the Director of Student Life, Intercollegiate Athletics (including team coaches), and the Student Life Office (including residential hall directors).

We encourage anyone who witnesses or has been a victim of a crime to immediately report the incident by dialing 911 or for a non-emergency (205)652-3602. Crimes can be reported on a voluntary, confidential basis for inclusion in the Annual Campus Security and Fire Safety Report. The University of West Alabama Police Department can file a report on the details of an incident without revealing your identity. The purpose of a confidential report is to maintain anonymity, yet it allows the UWA Police Department to take steps to ensure your future safety and that of others. With such information, the university can keep an accurate record of the number of incidents involving students, faculty, staff, and visitors and alert the campus community to potential danger if necessary. Reports filed on a confidential basis are counted and disclosed in the Annual crime statistics for the university.

Confidential Reporting to Pastoral and/or Professional Counselors

Under the law, campus pastoral and professional counselors, when acting as such, **are not** considered to be a campus security authority and **are not** required to report crimes for inclusion in the annual disclosure of campus crime statistics. As a matter of policy, however, The University of West Alabama encourages its counselors, if and when they deem it appropriate, to inform the persons they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Crimes reported to counselors at the Counseling Center **are not** included unless the victim chooses to report to one of the other campus security authorities.

Submission of UWA Crime Statistics to Federal Agencies

The University Police Department submits crime statistics online to the Department of Education annually. On a monthly basis, we submit crime statistics to the FBI Uniform Crime Report by submitting through the Alabama Criminal Justice Information Center.

Obtaining Information about Registered Sex Offenders

Information regarding the location of sex offenders in your area may be accessed at the following link:

Alabama Bureau of Investigation— <http://dps.alabama.gov/Community/>

Right-click to open above hyperlink

Safety and Access to Campus Facilities:

The UWA campus is made up of a variety of facilities, student residences, academic and administrative buildings. Residence Halls are staffed by a Resident Hall Director and Resident Assistants. Most residence halls, academic and administrative buildings are secured by a biometric locking system and have interior camera systems installed. Additional safety improvements are being phased in as resources become available.

Visit
<http://dps.alabama.gov/Community/>
For information about sex offenders-
right click, then click hyperlink

Residence Hall Access:

For security reasons, the exterior doors at Stickney, Selden, and Gilbert Halls are locked 24 hours a day.

Stickney Hall residents must use their room key to gain entrance to the building. Selden and Gilbert Hall residents must use their UWA Student ID to gain entrance to their assigned building.

Exterior doors at Gilbert Hall have limited access. Gilbert Hall residents may enter Gilbert Hall through the East Entrance (the main door facing the parking lot) 24 hours a day, using their Student ID. Other exterior and interior entrances may only be used during the designated times below. Outside of these times, the doors will not open using a student ID and residents may not use the entrance.

The UNIVERSITY of
WEST ALABAMA

Gilbert Hall Entrance	Available For Use
East Lobby <i>facing the parking lot</i>	24 Hours a day
West Lobby <i>facing Wallace Hall</i>	7:00 a.m. – 2:00 a.m.
Classroom Entrance <i>near Grille Works</i>	Sunday – Thursday 7:00 a.m. – 2:00 a.m. Friday – Saturday: 7:00 a.m. – 7:00 p.m.
Interior South Door <i>across from restrooms</i>	Sunday –Thursday 7:00 a.m. – 2:00 a.m. Friday & Saturday 7:00 a.m. – 7:00 p.m.
South Entrance <i>across from Patterson Hall</i>	7:00 a.m. – 7:00 p.m.

Academic & Administrative Buildings

During business hours and classroom instruction hours, academic buildings are open to the public. Administrative buildings are also open to the public during business hours. Most of the academic and administrative buildings have a biometric locking system.

As another added security measure for residence halls, academic buildings and administrative buildings, video surveillance cameras are utilized in and around such buildings. Cameras are not placed in locations that would have an expectation of privacy. Police and security officers also walk, check, and patrol residence halls, academic, and administrative buildings during each shift. Police and security personnel check buildings, parking lots and areas of campus for broken locks, lighting outages, hazardous situations, etc. and report it to the appropriate personnel for maintenance.

UPD's Working Relationships with State and Local Law Enforcement Agencies

The University Police Department cooperates fully with local and state law enforcement agencies in cases that involve both on and off-campus jurisdictions or when the resources of an agency other than the UPD can be used to facilitate the resolution of an investigation. Local police agencies and University Police exchange information on a regular basis and work together during UWA sporting and other community events. These cooperative efforts enable the University Police to work with, and for, UWA students and employees in situations that occur on and off-campus.

Memoranda Of Understanding – The University of West Alabama has an agreement with the following agencies for the investigation of alleged criminal incidents:

Livingston Police Department	Sumter County Sheriff's Department
York Police Department	Marengo County Sheriff's Department
Cuba Police Department	Demopolis Police Department
Eutaw Police Department	Greene County Sheriff's Department

Prompt and Accurate Reporting of Crimes

As noted in the sections Reporting *On-Campus* Crimes and Other Emergencies and Reporting *Off-Campus* Crimes and Other Emergencies, the UPD encourages anyone with knowledge of a crime on or off-campus to report it. In order to maximize safety on campus and aid in prompt investigations, we ask that you report to the University Police Department any incident that may qualify as homicide (murder, non-negligent, and negligent manslaughter); sex offenses (forcible, non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; arson; and any hate crime for inclusion in the Annual Campus Security Safety & Fire Report.

Types, Frequency, and Descriptions of Crime Prevention Programs

The University uses various mechanisms to inform students and employees about the prevention of crime. For example, the UPD annually publishes the Campus Safety Report, which provides information on how to report criminal activity as well as practical steps students and employees can take to prevent theft of property and more serious crimes of violence, including physical and sexual assaults. This yearly publication emphasizes that crime and accident prevention starts with the individual and that becoming informed about the University's safety procedures and services outlined in the guide is a good first step toward preventing crime.

The University of West Alabama Public Relations in conjunction with the University Police Department sends out monthly safety tips via email to the campus community.

Each semester the UWA Counseling Department's Staff provide a lecture to UWA 101 Freshman students on Sexual Assault and Stalking. Turning Point which is a Domestic Violence and Sexual Assault Service Agency provides the University of West Alabama with information and items for promotional campaigns for Sexual Assault Prevention Month in April.

Community Oriented Policing Program (COP):

Upon request by University divisions, departments, and organizations, University Police attend meetings to provide up-to-date crime prevention information and to hear the concerns of University community members about crime and safety issues. These officers also offer safety programming to their respective campus communities.

Descriptions of Drug-Abuse and/or Substance Education Programs:

A full range of education and treatment programs is available to students and

employees of The University of West Alabama. Programs fall generally into three categories.

1. Information/Education/Referral
2. Self-Help
3. Professional Treatment

Local Programs

- Counseling Center, Foust Hall, Room 7
The University of West Alabama
Livingston, AL 35470
(205) 652-3651
- West Alabama Mental Health Center
1215 South Walnut Avenue
Demopolis, Al 36732
334-289-2410

Other Area Programs

- Alethia House **(Residential & Outpatient)**
201 Finely Avenue West
Birmingham, Alabama 35204
(205) 324-6502
- Bradford Health Services **(Outpatient)**
515 Energy Center Blvd.
Northport, AL 35473
205-750-0227
- Bradford Health Services **(Residential)**
1189 Allbritton Rd
Warrior, AL 35180
205-647-1945
800-333-1865
- Hill Crest Behavioral Health Services **(Residential)**
6869 5th Avenue South
Birmingham AL 35212
205-833-9000
- Weems Mental Health Services in Meridian **(Residential/Outpatient)**
145 College Drive
Meridian, Mississippi 39307
601-483-4821
- Alliance Health Center of Meridian **(Residential/Outpatient)**
5000 Hwy 39 North
Meridian, Mississippi 39301
(601)581-9901 or (866)936-5518

Drug and Alcohol Policy

EMERGENCY CODE BLUE PHONES

Code Blue phones are conveniently located on the UWA campus. They are a direct link to the University Police Department and are monitored 24 hours a day.

The Blue Light Call Boxes can be used to:

- Request help
- Report a crime
- Report suspicious activities
- Request an escort
- Report any other emergency you may encounter

If you need help, simply press the button on the call box. The call will be answered by a Police Dispatcher. Dispatchers send Officers to unanswered activated phones, so if you need assistance or change your mind, please wait for the officer. It is our goal to have more code blue phones throughout campus for your emergency needs as resources are available.



The University of West Alabama is committed to providing a campus environment free of the abuse of alcohol and the illegal use of alcohol and other drugs. In order to promote a safe and efficient educational as well as work environment, the Drug-Free Campus and Workplace Policy Statement has been adopted to supplement existing University policies, practices, and procedures. Implementation of this policy statement is subject to restrictions contained in all local, state, and federal laws. This policy statement is in compliance with the Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act Amendments of 1989.

Standard of Conduct

The unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs or alcohol by students or employees is prohibited at any time on any University property or at any University activity. No employee who is impaired by an illegal drug or by alcohol will report to work or will work or be present in the workplace. No student who is impaired by illegal drugs or alcohol will attend classes or any University activity.

Disciplinary Sanction

The University will impose sanctions (consistent with local, state, and Federal Law) upon all employees and students who violate these standards of conduct. Such sanction may include but are not limited to:

- referral for prosecution
- probation, suspension or expulsion of students suspension or termination of employees

Legal Sanction

Possession, Use or Distribution of Alcohol Beverages

Alcohol Policy

Alabama state law prohibits the purchase, consumption, possession, or transpiration of alcoholic beverages by persons under 21 years of age. Penalties for conviction may include a fine and/or jail sentence.

Public intoxication, driving under the influence of alcohol (DUI), and the unlicensed sale of alcoholic beverages is also against the law. Penalties for such convictions may include a fine, jail sentence, suspension of driver's license, and/or required completion of an alcohol rehabilitation program.

Drug Policy

Possession of Controlled or Illicit Drugs:

Marijuana

- Possession of a small amount of marijuana for personal use only is a misdemeanor punishable by a prison sentence of up to 1 year, a fine of up to \$2,000, or both.
- Possession of marijuana for other than personal use or a second conviction for personal use is a felony punishable by a prison sentence of 1 to 10 years, a fine of up to \$5,000, or both.
- Possession of more than 2.2 pounds of marijuana is considered "drug trafficking" and is punishable by a minimum prison sentence of three years and a fine of at least \$25,000.

All Other Controlled Substances

- Possession of a controlled substances other than marijuana is a felony punished by a prison sentence of 1 to 10 years and a fine of up to \$5,000, or both.
- Possession of large amounts of a controlled substance other than marijuana is considered “drug trafficking” and is punished by a minimum prison sentence of three years and a fine ranging from \$50,000 to \$500,000.

Sale of Controlled or Illicit Drugs

- The sale of any controlled substance is a felony punishable by a term of 2 to 10 years or a fine of up to \$10,000, or both.
- The sale or distribution of a controlled substance within a three –mile radius of any school or college is punishable by a mandatory prison sentence of five years in addition to other penalties described above.
- Federal trafficking penalties for first offenses range from up to one year of imprisonment and a fine of up to \$100,000 to life imprisonment and a fine of up to \$4 million, depending on the illicit drug involved.
- Repeat offense penalties range from up to two years of imprisonment and a fine of up to \$4 million, depending on the illicit drug involved.
- Repeat offense penalties range from up to two years of imprisonment and a fine of up to \$200,000 to mandatory life imprisonment and a fine of up to \$8 million, depending on the illicit drug involved.

Federal Drug-Free Workplace Act Requirements

Each employee of the University of West Alabama who is employed under a federal grant will be given a copy of this policy statement and will sign a statement certifying that the employee will, as a condition of employment under the grant:

1. Abide by the terms of this policy statement on a drug-free workplace, and
2. Notify The University of West Alabama of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

Upon receiving such notification from an employee or otherwise receiving actual notice of such conviction, The University of West Alabama will:

1. Within ten days, notify the agency responsible for the grant, and

Within thirty days, take appropriate personnel action against any employee who is so convicted, up to and including termination; and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

Housing Alcohol and Drug Policy

The use and/or possession of alcoholic beverages, non-prescribed (illicit) drugs, or any other controlled substances is prohibited in all residence halls, campus apartments, and on all University property, and are subject to confiscation. If you are in a room where an alcohol or drug violation occurs, you will also be in violation. Alcoholic beverage containers (bottles, cans, etc.) and drug paraphernalia (pipes, bong, etc.) are also prohibited and may not be in your room, even as decorations.

While the Housing Office does not regulate off-campus consumption of alcohol and illegal drugs, residents will be held responsible for their behaviors and actions in the residence halls due to the use of alcohol and illegal substances.

Example:

- Resident vomits in the lobby, due to alcohol intoxication
- Resident causes damage while under the influence of drugs

Students who violate the alcohol policy are subject to disciplinary action, including educational sanctions and fines. For students under 21, parents may be notified.

All alleged violations of the drug policy will be referred to the Student Conduct Committee, with sanctions for a first offense ranging from complete social probation to suspension from the University. A second offense will result in suspension or expulsion from the University.

Implementation of The University of West Alabama Drug Prevention Program

An Advisory Committee for a Drug-Free Campus and Workplace has been appointed to:

- establish procedures and develop informational materials for annual distribution to students and employees,
- provide recommendations to promote and further develop the University's drug prevention program, and evaluate the University's drug prevention program biennially to determine its effectiveness and ensure that disciplinary sanctions are consistently enforced.

To report a sexual assault, call 205-652-3602 or 911.

Prevention and Reporting of Sexual Assaults

New Reporting Requirements:

Violence Against Women Act SaVE Act (VAWA) provision imposes new reporting requirements:

The Clery Act requires annual report of statistics of various criminal offenses, including forcible and non-forcible sex offenses and aggravated assault. VAWA's SaVE Act provision adds domestic violence, dating violence, and stalking to the categories that, if the incident was reported to the Campus Security Authority or local police agency, must be reported under Clery. Parsed for clarity, these offenses are defined as:

1. **Domestic Violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law or anyone else protected under domestic or family law.
2. **Dating Violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type and frequency of interaction. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
3. **Stalking** means course of conduct directed at a specific person that would cause a reasonable person to fear for his, her or others' safety, or to suffer substantial emotional distress.

The University of West Alabama is committed to maintaining a supportive and safe education environment, one which seeks to enhance the well-being of all members of its community.

Title IX

The University of West Alabama is committed to providing an educational and employment environment free of harassment and other forms of discrimination on the basis on Race, Religion, Hearing status, Personal appearance, Color, Sex, Pregnancy, Political affiliation, Religion, Creed, Ethnicity, National origin (including ancestry), Citizenship status, Physical or mental disability (including perceived disability), Age, Marital status, Sexual orientation, Gender identity, Gender expression, Veteran or military status, Predisposing genetic characteristics, Domestic violence victim status, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies. University policies relating to harassment and/or discrimination are published and are accessible on the University's web page.

All members of the University community should be aware that the University prohibits and will not tolerate sexual harassment of its faculty, staff, and students. Each member of the University community is expected to support efforts to keep the campus free of sexual harassment.

1. Glossary

- Advisor means a person chosen by a party or appointed by the University to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- Complaint (formal) means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.
- Confidential Resource means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- Day means a business day when the University is in normal operation.
- Education program or activity means locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- Final Determination: A conclusion by preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate policy.
- Finding: A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged.
- Formal Grievance Process means "Process A," a method of formal resolution designated by the University to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

- Grievance Process Pool includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- Hearing Panel refers to those who have decision-making and sanctioning authority within the Recipient's Formal Grievance process.
- Investigator means the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- Mandated Reporter means an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.¹
- 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.
- Official with Authority (OWA) means an employee of the University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University.
- Parties include the Complainant(s) and Respondent(s), collectively.
- Process A means the Formal Grievance Process detailed below and defined above.
- Process B means the informal alternative resolution procedures detailed in Appendix F.
- Recipient means a postsecondary education program that is a recipient of federal funding, and in terms of these policies and procedures refers to the University of West Alabama ("University" or "UWA").
- Remedies are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's educational program.
- Respondent means an individual 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.
- Resolution means the result of an informal or Formal Grievance Process.
- Sanction means a consequence imposed by the University on a Respondent who is found to have violated this policy.
- Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17.b., for greater detail.
- Title IX Coordinator is at least one official designated by the University to ensure compliance with Title IX and the University's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.
- University of West Alabama is a postsecondary education program that is a recipient of federal funding. University of West Alabama is referred to as "University" and "UWA" throughout.

2. **Rationale for Policy**

The University of West Alabama is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

3. **Applicable Scope**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using the University's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below. When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community includes, but is not limited to, students,² student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

4. **Title IX Coordinator**

Robert Upchurch serves as the Title IX Coordinator and oversees implementation of the University's policy on equal opportunity, harassment, and nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

5. **Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team, which acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the University's President, Dr. Ken Tucker, at ktucker@uwa.edu. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the University's President, Dr. Ken Tucker, at ktucker@uwa.edu, or designee. Reports of

misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

6. **Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to: Name: Robert Upchurch Title IX Coordinator Webb Hall 200 (205) 652-3533 Email: rupchurch@uwa.edu The University has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the University. Officials with Authority: President; Vice President of Academic Affairs (Provost); Vice President of Student Affairs; Vice President of Financial Affairs; Director of Athletics; Chief of University Police; Director of Human Resources; and Director of Student Life. The University has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education 400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

For complaints involving employees:

Equal Employment Opportunity Commission (EEOC)

131 M Street, NE Washington, DC 20507

(202) 663-4900

Web: <http://www.eeoc.gov/contact>

7. **Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1) File a complaint with, or give verbal notice to, the Title IX Coordinator – Robert Upchurch, Webb Hall 200, rupchurch@uwa.edu, 205-652-3533. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

2) Anonymous reports are accepted by the Title IX Coordinator but can give rise to a need to investigate. The University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

A Formal Complaint means a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment by a Respondent and requesting that the University investigate the allegation(s) of sexual harassment. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” refers to a document or electronic submission (such as an email or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

8. Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University’s education program or activity, including measures designed to protect the safety of all parties or the University’s educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University 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. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University’s ability to provide the supportive measures. The University will act to ensure as minimal an academic impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance • Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass or Be-On-the-Lookout (BOLO) orders
- Timely warnings

- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

9. **Emergency Removal**

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team (also known as “BIT”) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student’s or employee’s access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student’s participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

10. Promptness

All allegations are acted upon promptly by University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control. Any time the general timeframes for resolution outlined in the University's procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Privacy

Every effort is made by the University to preserve the privacy of reports.³ The University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to designate which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Division of Student Affairs and the BIT. Information will be shared as necessary with Investigators, Hearing Panel members, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically below.

12. Jurisdiction of the University

This policy applies to the education program and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by University's recognized student organizations. The Respondent must be a member of the University community in order for its policies to apply. This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to the University's educational program. The recipient may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the Recipient will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown, or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the Recipient's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events. All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

13. **Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

14. **Online Harassment and Misconduct**

The policies of the University are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or

have an effect on the University's education program and activities or use University networks, technology, or equipment.

While the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the University community.

Any online postings or other electronic communication by students, including cyber-bullying, cyberstalking, cyber-harassment, etc., occurring completely outside of the University's control (e.g., not on University networks, websites, or 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 University only when such speech is made in an employee's official or work-related capacity.

15. **Policy on Nondiscrimination**

The University adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

The University does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race,
- Religion,
- Hearing status,
- Personal appearance,
- Color,
- Sex,
- Pregnancy,
- Political affiliation,
- Religion,
- Creed,
- Ethnicity,
- National origin (including ancestry),
- Citizenship status,
- Physical or mental disability (including perceived disability),
- Age,

- Marital status,
- Sexual orientation,
- Gender identity,
- Gender expression,
- Veteran or military status,
- Predisposing genetic characteristics,
- Domestic violence victim status,
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the University community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination.

When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied by the University according to the grievance process described below.

16. **Policy on Disability Discrimination and Accommodation**

The University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the University, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Will Atkinson, watkinson@uwa.edu, has been designated as the University's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures below.

a. Students with Disabilities

The University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the University.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the ADA Coordinator, who coordinates services for students with disabilities.

The ADA Coordinator reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s).

b. Employees with Disabilities

Pursuant to the ADA, the University will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the University.

An employee with a disability is responsible for submitting a request for an accommodation to the ADA/504 Coordinator and providing necessary documentation. The ADA/504 Coordinator will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

17. Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. The University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of University policy, though supportive measures will be offered to those impacted.

a. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by University policy.

Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

The University does not tolerate discriminatory harassment of any employee, student, visitor, or guest. The University will act to remedy all forms of harassment when reported, whether or not the

harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an

individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive. When discriminatory harassment rises to the level of creating a hostile environment, the University may also impose sanctions on the Respondent through application of the grievance process below. The University reserves the right to address offensive conduct

and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under University policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms. For assistance with Alternate Resolution and other informal resolution techniques and approaches, employees should contact the Director of Human Resources, and students should contact the Director of Student Life.

b. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Alabama regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. The University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as: Conduct on the basis of sex that satisfies one or more of the following:

1) Quid Pro Quo: a. an employee of the recipient, b. conditions the provision of an aid, benefit, or service of the recipient, c. on an individual's participation in unwelcome sexual conduct; and/or

2) Sexual Harassment: a. unwelcome conduct, b. determined by a reasonable person, c. to be so severe, and d. pervasive, and, e. objectively offensive, f. that it effectively denies a person equal access to the University's education program or activity.

3) Sexual assault, defined as:

a) Sex Offenses, Forcible:

- i) Any sexual act directed against another person,
- ii) without the consent of the Complainant,
- iii) including instances in which the Complainant is incapable of giving consent.

b) Forcible Rape:

- i) Penetration,
- ii) no matter how slight,
- iii) of the vagina or anus with any body part or object, or
- iv) oral penetration by a sex organ of another person,
- v) without the consent of the Complainant.

c) Forcible Sodomy:

- i) Oral or anal sexual intercourse with another person,
- ii) forcibly,
- iii) and/or against that person's will (non-consensually), or
- iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age 5 or because of temporary or permanent mental or physical incapacity.

d) Sexual Assault with an Object:

- i) The use of an object or instrument to penetrate,
- ii) however slightly,
- iii) the genital or anal opening of the body of another person,

- iv) forcibly,
- v) and/or against that person's will (non-consensually),
- vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e) Forcible Fondling:

- i) The touching of the private body parts of another person (buttocks, groin, breasts),
- ii) for the purpose of sexual gratification,
- iii) forcibly,
- iv) and/or against that person's will (non-consensually),
- v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

f) Sex Offenses, Non-forcible:

i) Incest:

- 1) Non-forcible sexual intercourse,
- 2) between persons who are related to each other,
- 3) within the degrees wherein marriage is prohibited by Alabama law.

ii) Statutory Rape:

- 1) Non-forcible sexual intercourse,
- 2) with a person who is under the statutory age of consent in Alabama.

4) Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant'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—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Alabama, or
- g. by any other person against an adult or youth Complainant who is protected from

that person's acts under the domestic or family violence laws of Alabama.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.

For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

(iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

For the University's Unethical Relationships Policy, see Appendix "D." The University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

c. Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply: Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action

- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each

party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or

action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

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.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient

to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident.

Instead, the burden remains on the University to determine whether its policy has been violated.

The

existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM⁷ or other

forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if he/she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if he/she engages in sexual activity with someone who

is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

d. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the University additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - Invasion of sexual privacy.
 - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
 - Prostituting another person
 - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to nonconsensual sexual activity
 - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
 - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 - Knowingly soliciting a minor for sexual activity
 - Engaging in sex trafficking
 - Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying, defined as:
 - Repeated and/or severe
 - Aggressive behavior

- o Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - o That is not speech or conduct otherwise protected by the First Amendment.
- Violation of any other University policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities. Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion and/or termination.

18. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for the University or any member of the University community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad

faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

19. Mandated Reporting

All University employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

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 and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at the University for a Complainant or thirdparty (including parents/guardians when appropriate):

a. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors
- Off-campus (non-employees):
 - Licensed professional counselors and other medical providers
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor or individual with a disability, or when required to disclose by law or court order.

Campus counselors are available to help free of charge and may be consulted on an emergency basis during normal business hours.

University employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

b. Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the University to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the University's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator.

c. Mandated Reporters and Formal Notice/Complaints

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. 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, or at events such as "Take Back the Night" marches or speak-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 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.

Though this may seem obvious, 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.

Finally, it is important to clarify that 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.

20. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may

have on the availability of evidence and the University's ability to pursue a Formal Grievance Process

fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant.

The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this policy irrespective of their level of participation. Typically, when the Complainant chooses not to

participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the

University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the University, and to have the incidents investigated and properly resolved through these procedures.

21. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

22. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

23. Amnesty for Complainants and Witnesses

The University community encourages the reporting of misconduct and crimes by Complainants and

witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident.

Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct

to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the University maintains a policy of offering

parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might

hesitate to help take an individual who has experienced sexual misconduct to the University Police). The University maintains a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the Recipient may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees: Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to University officials.

The University may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

24. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA8-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along

to campus law enforcement regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, campus law enforcement,

local police, coaches, athletic director, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

CONFIDENTIALITY, PRIVACY AND REPORTING POLICY

Reporting Procedures

UPD strongly encourages individuals to report all crimes including sexual assaults to the appropriate law enforcement agencies. Reporting is the only effective way that action can be taken against the alleged attacker and knowing your rights as a victim of a crime. Victims are encouraged to use the following procedures:

Report to the Police: Individuals are strongly urged to first contact the University Police (if assaulted on campus) or local police authorities (if assaulted off campus). All agencies may be reached by calling 911. UPD officers can assist in notifying local police authorities. During business hours, you may also contact Robert Upchurch, Title IX Coordinator at (205)652-3533 or via email at rupchurch@uwa.edu

Report to Other University Officials: In the event, a victim does not report to UPD, we encourage you to report to another official such as:

Dr. Jane Coleman	Coordinator of Counseling Services	(205)652-3855
Mr. Richard Hester	Vice President of Student Affairs	(205)652-3581
Mr. Byron Thetford	Director of Student Life	(205)652-3435
Mr. Luther Gremmels	Director of Housing	(205)652-3768
University Police Department		(205)652-3602

UPD encourage that you contact someone you can talk to if you are the victim of a crime and report it to UPD or your local authorities immediately.

Reporting Options

An individual has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a formal complaint through the University of West Alabama disciplinary process, or to pursue both processes simultaneously. **Regardless of the option chosen, the University of West Alabama must initiate an administrative investigation under Title IX.**

Option 1: Criminal Complaint

The University of West Alabama encourages individuals to report all incidents of sexual violence or sexual assault to the police. If the incident occurred on University of West Alabama property, the University of West Alabama Police Department is the appropriate agency with which to file a report, **205-652-3602**. Off-campus incidents will likely fall in the jurisdiction of the Livingston Police Department (for incidents within the City’s police jurisdiction) or the Sumter County Sheriff’s Office (for incidents outside the City’s police jurisdiction but within Sumter County). To reach these law enforcement agencies dial **911**, or **205-652-9525** for the Livingston Police Department, or **205-652-7984** for the Sheriff’s Office.

Incidents of gender-based misconduct that are reported to the University of West Alabama Police Department will also be referred to the Title IX Coordinator for follow-up and administrative investigation, regardless of whether a formal investigation is requested by the complainant. Similarly, the Title IX Coordinator will follow up where appropriate in those instances when the University of West Alabama has a report of an incident of sexual misconduct or sexual assault that has been reported to another law enforcement agency.

The administrative investigation conducted by the Title IX Coordinator or his/her designee is distinct and separate from the criminal investigation and flows from the University of West Alabama’s obligation under Title IX to ensure that it is providing a safe environment for all students. If a complainant wishes to pursue a criminal complaint exclusively, the complainant may choose to temporarily defer the formal University investigation and/or disciplinary process by making a formal written request to the Title IX Coordinator, which may delay the formal investigation and the University of West Alabama’s ability to respond. **The University of West Alabama will continue its administrative investigation in all instances and must continue its formal investigation where it has reason to believe that the alleged harasser may be an imminent threat to the**

safety of the complainant and/or other students. At any time, the complainant may choose to rescind the deferral by making a formal written request to the Title IX Coordinator, electing to resume the formal investigation and/or disciplinary process. The University of West Alabama will maintain documentation of the date of deferral. Information obtained through the criminal investigation may be used by the University for consideration in the University's disciplinary process.

If a student pursues a criminal complaint only, a member of the University of West Alabama Police Department will request that the Sumter County District Attorney's Office keep the University of West Alabama informed and immediately advised of its decision whether to prosecute the complaint. The University of West Alabama will maintain documentation of the date of the request to the District Attorney's Office. In cases where the District Attorney declines prosecution, a member of the University of West Alabama Police Department will provide written notice to the complainant of the District Attorney's decision and the University of West Alabama will pursue its formal investigation and/or disciplinary process as appropriate.

Option 2: University Disciplinary Process

Gender-based misconduct involving students, faculty, staff or some third parties, including sexual assaults, whether or not the assaults have been reported to a law enforcement agency, should be reported to the University of West Alabama for investigation and resolution through University processes.

If an individual reports an incident of gender-based misconduct to the University of West Alabama, the Title IX Coordinator, who has supervision and oversight of the grievance process, and/or his/her designee will conduct a formal investigation, which will be adequate, reliable and impartial. Ordinarily, a formal investigation will include a review of statements obtained from either party, interviews with both parties, and the ability of the parties to present witnesses and other evidence, interviews with witnesses as appropriate and review of relevant documentary evidence. Once the investigation is complete, the Title IX Coordinator and/or his/her designee will submit a report regarding the findings, conclusions, and any appropriate recommended sanctions/remedies to the Vice President for Student Affairs (students) or to the Provost (faculty, staff, and third parties) for review. Information obtained through the investigation may be used by the Vice President for Student Affairs or the Provost for consideration in the University of West Alabama's disciplinary processes, with or without the cooperation of the complainant. The Vice President for Student Affairs or Provost may accept or reject the findings, recommendations, and proposed sanctions, if any. The Vice President for Student Affairs' or the Provost's decision shall be communicated in writing to the Title IX Coordinator or his/her designee within five (5) days after receipt of the report from the Title IX Coordinator or his/her designee unless on the grounds of good cause additional time is required. The Title IX Coordinator or his/her designee will communicate the decision of the Vice President for Student Affairs or the Provost to the Complainant and the Respondent within three (3) days of receipt of the decision. This decision may be appealed to the President of the University by either party within 48 hours after receipt from the Title IX Coordinator or his/her designee of the decision of the Vice President for Student Affairs or the Provost.

For information regarding the University of West Alabama's disciplinary procedures for addressing incidents of alleged gender-based misconduct, see the Civil Rights Grievance and Investigation Process.

Option 3: Simultaneous Processes

An individual has the option and right to pursue a criminal complaint through the appropriate law enforcement agency, to pursue the University of West Alabama's disciplinary process, or to pursue both avenues simultaneously.

Written Notice of Reporting Options

Individuals who report alleged gender-based misconduct will be provided with written notice of the above-referenced reporting options. The University of West Alabama, through the Title IX Coordinator or his/her designee, must also obtain written acknowledgment from the individual of his/her decision regarding which options, if any, the student wishes to pursue.

Notification of Final Results

The Title IX Coordinator will, at the conclusion of the proceedings, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Resources for Medical and Counseling Care

It is especially important for individuals who have been sexually assaulted to seek immediate and appropriate medical treatment. In addition to contacting the University of West Alabama Police, 205-652-3602, for emergency treatment, the following hospitals and clinics are located near the University of West Alabama campus:

Hospitals

Bryan W. Whitfield Memorial Hospital

105 Highway 80 East
Demopolis, AL 36732
(334) 289-4000
info@bwwmh.com

Anderson Regional Medical Center

2124 14th Street
Meridian, MS 39301
(601) 553-6000

DCH Regional Medical Center

809 University Boulevard East
Tuscaloosa, AL 36401-2029
(205) 759-7111

Hill Hospital of Sumter County

751 Derby Drive
York, AL 36925
(205) 392-5263

Clinic

Rush Medical Group

1221 N. Washington Street

Livingston, AL 35470
(205) 652-9575
Stephanie.Mason@rushhealth.com

Counseling services for sexual misconduct and sexual assault are available through the West Alabama Mental Health Center at the Demopolis office, and referrals to the Center may be made through the Vice President for Student Affairs, 205-652-3581, or through the University of West Alabama Counseling Services at 205-652-3855 or via email at jcoleman@uwa.edu. Additionally, victims of sexual assault can obtain counseling through the Turning Point, 205-758-0808, collect calls accepted, through its 24-hour crisis line.

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Voluntary, Confidential Reporting of Sexual Offenses:

Although victims of sexual offenses are not required to report offenses to the police, reporting is strongly encouraged. If an individual is entirely certain that they will not take legal action, they are encouraged to contact someone such as UWA Counseling Services.

Parameters of Confidentiality and Mandated Title IX Investigations

To the extent possible under federal law, the University of West Alabama will protect the privacy of all parties to a report of gender-based misconduct. That said, under federal law, University officials who receive a report of gender-based misconduct, whether from the individual involved or a third party, are required to share that information with the appropriate University authorities for investigation and follow-up. The University is obligated under federal law to investigate a complaint/report, to take action to eliminate gender-based misconduct, to prevent its recurrence, and to address its effects. An administrative investigation under Title IX must be initiated if the University has enough information to reasonably determine key facts, e.g., time, date, location and names of parties involved in an alleged incident. Ordinarily, this administrative investigation will include a review of statements obtained from either party, interviews with both parties, interviews with witnesses as appropriate and review of relevant documentary evidence, and will be conducted by the Title IX Coordinator or his/her designee. The University is obligated to conduct this investigation regardless of the complainant's requests. The Title IX Coordinator or his/her designee will conclude all investigations within 60 calendar days except in extraordinary circumstances. If an

investigation cannot be completed within 60 days, the Title IX Coordinator or his/her designee will contact the reporting party and provide a timeframe in which the investigation will be complete. In the course of investigations, information will be shared as necessary with people who need to know, such as investigators, witnesses, and the accused.

Intimidation or Threats to Inhibit Reporting

The University strongly encourages individuals to report any incident of gender-based misconduct. The University takes such reports seriously. It is a violation of University policy to retaliate against any person making a complaint of gender-based misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of gender-based misconduct. For these purposes, “retaliation” includes intimidation, threats, harassment, and other adverse action threatened or taken against any such complainant or third party. Retaliation should be reported immediately to the Title IX Coordinator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of gender-based misconduct.

What about confidentiality?

1. Counseling services is confidential for all persons. No information regarding your visit(s) will be divulged to any person(s) or agencies, parent, faculty, prospective employers without written permission specifying what may be disclosed; nor will any record of your visit(s) exist within your official academic transcripts or medical records. The only exceptions are when:
 - a.) a client threatens to harm him/herself or harm others
 - b.) there is reasonable suspicion of abuse of a child or elderly person
 - c.) when ordered to release records to a court of law having proper jurisdiction
2. Local news media may receive notice of sexual assaults reported to the University Police Department so that others are alerted; names of victims are not released; privacy is protected at all times. No pressure is placed on a sexual assault victim to report the attack if they choose not to report; victim’s parents will not be notified without the victim’s consent.
3. Medical and Counseling Support Services- It is very important for victims of sexual assault to obtain immediate medical care following a sexual assault. Whether or not the sexual assault is reported, medical care will ensure the victim’s well-being and the documentation, collection, and proper preservation of physical evidence in the assault.

Medical attention: In addition to care of obvious injuries, medical attention is needed to protect the victim from sexually transmitted diseases or the possibility of pregnancy. If you have been raped and might consider taking legal action against the rapist, you need to receive medical care at a Medical Facility. Emergency room doctors are the physicians who give medical exams in which evidence of rape can be obtained and preserved for legal action. Without this evidence, the chances for successful prosecution are minimized. You should have the exam as soon as possible. You will need a change of clothes; the clothes worn during the assault will be kept as evidence. If you have already changed clothes, bring along any articles that may have blood or semen on them. In order to preserve physical evidence of the assault, victims should not change clothes, bathe, douche, or use the bathroom before seeking medical care. Anyone needing assistance should call UWA PD at 205-652-3602.

Procedures Followed After a Report of a Sexual Offense Is Made To University Police

When a sexual assault is investigated, the victim may be unprepared for the lengthy, public process of bringing the perpetrator to justice. UPD respects the victim's feelings but must also observe due

process of law. The following outline of a sexual assault investigation can help victims of sexual offenses understand the process of the investigation.

Immediate Response to Report:

The University reserves the right to take whatever measures it deems necessary in response to an allegation of gender-based misconduct in order to protect individuals' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending the outcome of the investigation, and reporting the matter to the local police. Not all forms of gender-based misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion or termination, depending on the severity of the offense. The University will consider the concerns and rights of both the complainant and the person accused of gender-based misconduct.

After an assault has occurred and the victim contacts campus or city police, patrol officers will respond to the victim, ensure his or her well-being, and necessary support services.

(A.) The responding patrol officers, after receiving a brief description of what happened from the victim, will inform the appropriate support personnel. Officers will secure the crime scene and interview any witnesses and preserve the crime scene for evidence collection. The officers will help the victim arrange medical care to treat injuries and potential sexually transmitted diseases and preserve physical evidence of the assault.

(B.) When ready, the victim will be asked to provide a detailed statement of the assault to police personnel.

(C.) Officers may ask the victim to try and identify the suspect from a photo or physical lineup.

(D.) Investigators must gather enough evidence to establish "probable cause," i.e., legal reason to arrest the suspect. When the evidence is ready, the investigators and victim will appear to meet with a magistrate to ask for a warrant allowing the suspect's arrest. If a warrant is granted, the suspect can be arrested and jailed. The suspect may not spend all of the time before the trial in custody; bail/bond can be provided for the defendant at the discretion of the judge or magistrate.

(E.) There may be several judicial proceedings before the actual trial. For instance, a "preliminary hearing" may be held. This hearing, which is conducted before a judge, may require the victim to answer questions from the prosecuting attorneys and the defendant's attorney. The victim may also be asked to appear before the Grand Jury when it convenes to determine if the defendant is to be indicted. If indicted, a trial will be scheduled.

(F.) The trial will typically be held in the Circuit Court of Sumter County. Sexual assault trials generally involve testimony from the victim, the police, the emergency-room personnel, and other witnesses. If the accused defendant is found to be guilty of the crime, the judge will set a sentencing hearing which may require further testimony for those involved in the trial.

UWA Student Code of Conduct

The University of West Alabama expects all students and organizations to be knowledgeable of the **Code of Student Conduct**, and they should be aware that they are expected to conform to that order.

The **Code of Student Conduct** governs the conduct of students and organizations in all behavioral matters. Any questions regarding the Code should be directed to Mr. Richard Hester the Vice President for Student Affairs, or Mr. Byron Thetford, the Director of Student Life.

By enrollment at the University, a student or organization neither relinquishes rights nor escapes responsibility for compliance with local, state and/or federal laws and regulations. Additionally, the University has a responsibility to maintain a campus environment conducive to its educational mission while protecting the safety, health, and well-being of all students and other persons on campus. Students and organizations are thus obligated to abide by the rules and policies promulgated by the University.

Interference, injury or the intentional attempt to injure or interfere with the personal or property rights of any person, whether a student, another member of the University community, visitor, or the University itself, is strictly prohibited by the Code of Student Conduct.

The **Code of Student Conduct** applies to individual students as well as to formal and informal groups of students and describes the duties of University officials and outlines the procedures to be followed in the disciplining of students and organizations. The Code is applicable to behavior of students and organizations on and off the University campus which is determined to be incompatible with the educational environment and mission of the University. The right to proceed in accordance with this Code shall in no way be affected by the filing of criminal or civil charges in any court by any person or governmental entity against the accused student or organization.

UWA Judicial System for Non-Academic Infractions

The University of West Alabama believes that each student and student organization should have every opportunity for a fair and reasonable hearing when charged with infractions of the University rules and regulations. The Student Life Committee, which is chaired by the Director of Student Life and Housing (or his designee) and is composed of University faculty, staff and students, hears cases of infractions of a non-academic nature.

In all cases, students are assured of a fair and reasonable hearing governed by the basic guidelines of procedural due process. The student is given a written notice of the charges against him/her and the time and place of the hearing, and he/she is allowed to present evidence and witnesses and to be assisted by advice or counsel of his/her choice. Following the disciplinary hearing, the Committee makes a decision and notifies the student. The student has the right to appeal the decision of the Student Life Committee to the Vice President for Student Affairs. An appeal must be made in writing within three working days of notification of the decision by the Student Life Committee.

Procedural standards, listed below, will be followed in all hearings by the Student Life Committee unless the Committee feels it necessary to make changes in the procedure to protect the safety of the individual or the University.

1. A student shall be notified in writing of the specific nature of the charges against him/her.
2. In all cases the student is assured a fair and reasonable hearing governed by the fundamental guidelines of procedural due process.
3. A student shall be informed of the time and place of the hearing in advance to ensure an opportunity to prepare for the hearing. The notice shall be in writing unless the urgency of the situation demands quicker action.
4. Once a student has been duly notified, failure to appear before the committee will not preclude the hearing being held.
5. Pending action on charges against a student, his/her status as a student shall not be altered and his/her right to be present on campus for the purpose of attending classes shall not be suspended unless the safety of the student, his/her fellow students, the faculty, or the institution is jeopardized.

6. A student appearing before the Student Life Committee has the right to be assisted in his/her defense by a representative/counsel of his/her choice. Counsel may act in an advisory capacity only. Counsel may not cross-examine witnesses, nor present oral arguments.
7. A student shall be given the right to present evidence and witnesses in his/her behalf.
8. A written statement of the hearing will be kept on file with the Office of Student Affairs.
9. The Student Life Committee shall select from the following sanctions after hearing a case:
 - **Reprimand** - a written or oral notice to the student that certain behavior violates the Code of Conduct and continuation or repetition of specific conduct may be cause for further disciplinary action.
 - **Restitution** - Compensation for damage to a property right limited to the actual cost of repair or replacement.
 - **University or Community Service** - Doing work for the University or a community agency without pay.
 - **Voluntary Withdrawal** - A student may be given the option of voluntarily withdrawing from the University in which case the Student Life Committee may specify a period of time before the student may apply for readmission. To qualify for re-admission the student must receive approval from the Vice President for Student Affairs and meet the academic standards for readmission.
 - **Removal from Housing** - A student who is deemed to be a disruptive or dangerous presence to other residents in the University housing system may be suspended indefinitely from University housing.
 - **Probation** - This sanction may include the exclusion from a participation in privileges, such as extracurricular activities or the suspension of the student's activity card for a period of time during which subsequent violation will incur suspension or expulsion. The provisions of the probationary period shall be determined and expressed by the committee.
 - **Suspension** - Separation from the University for a definite period of time. A student may be suspended for a specific period of time not to exceed two years. To qualify for readmission after suspension a student must receive the approval of the Vice President for Student Affairs and meet the academic standard for readmission.
 - **Expulsion** - An indefinite termination of student status from the University for a period of not less than two years. To qualify for readmission after expulsion a student must receive the approval of the Vice President for Student Affairs and meet the academic standard for readmission.
 - **Other** - Other penalties or conclusions as appropriate.
10. The Director of Student Life will carry out decisions made by the Student Life Committee.
11. Decisions rendered by the Student Life Committee may be appealed to the Vice President for Student Affairs when the accused feels circumstances warrant such action. Such appeal must be filed in writing within three working days following official notification of the decision of the Student Life Committee. Once a decision is appealed, the Vice President for Student Affairs may accept, reject, alter or otherwise dispense with the appeal as he may deem advisable. Right to counsel or representation will also be available in the appeal process.

Missing Person Procedures

Students who reside in on campus housing facilities are encouraged to report a student has been missing for 24 hours to the University Police Department or a campus security authority. The

Campus Security Authority (CSA) will be required to report any official missing student to the UWA Police Department. Per the Clery Act, the University will give each student living in an on-campus housing facility the option to identify a contact person(s) who the institution shall notify if the student is determined to be missing by the UWA PD.

Students' contact information will be registered confidentially and this information will be accessible only to authorized campus officials and the UWA PD. This information may not be disclosed outside of a missing person investigation. Students under 18 years of age and not emancipated, the institution will notify a custodial parent or guardian when the student is determined to be missing, in addition to any additional contact person designated by the student.

If a student did not name a contact person to notify, and the UWA PD receives a report that the student is missing, the UWA PD will conduct an investigation to determine if the student is officially missing. If the student has designated a contact person, the UWA PD will notify that contact person within 24 hours. If the student is under 18 years of age and is not emancipated, the UWA PD will notify the student's custodial parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age 18, or is an emancipated minor, UWA PD will conduct an investigation to determine if the student is officially missing within 24 hours.

If, upon investigation by University Police and the UWA Housing staff, the resident is determined to be missing, the Vice President of Student Affairs (or his designee) will contact the resident's designated emergency contact person. University Police will continue to investigate utilizing established police investigative procedures and in collaboration with staff from the UWA Housing Office. University Police will also coordinate its efforts with outside law enforcement agencies in full compliance with legal obligations and good police practice.

The University of West Alabama takes student safety very seriously. To this end, and in compliance with the Missing Student Notification Policy and Procedures (Section 488 of the Higher Education Opportunity Act of 2008), the following policy has been developed in order to assist in locating UWA students living on-campus, who, based on the facts and circumstances known to the University, are determined to be missing. It is the policy of the University of West Alabama to actively investigate any report of a missing resident student (an enrolled student that lives on-campus). Each resident is notified of the missing students policy and procedures in the event that they are reported missing. Each resident, upon checking into campus housing, is requested to identify the name and contact information of the individual that is to be contacted in case of an emergency, including in the event of the resident being reported missing for a period of no more than 24 hours. For any resident under the age of 18, and not an emancipated individual, the institution is required to notify a custodial parent or guardian no later than 24 hours after the time that the resident is determined to be missing by the UWA Housing Office or the University Police. Most missing person reports in a university environment result from a student changing his/her routine without informing friends of the change. If a member of the University community has reason to believe that a student is missing, all efforts will be immediately (with no waiting period) to locate the student to determine his or her state of health and well-being. These efforts include, but are not limited to, checking the resident's room, class schedule, friends, ID card access, contacting University Police, locating the resident's vehicle, calling the resident's cell phone number (if provided).

Crime Statistics:

The Annual Security Report for The University of West Alabama includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by UWA and on public property within, or immediately adjacent to and accessible from the campus. In accordance with mandated reporting requirements, information concerning the monitoring and recording of any criminal activity in which students engaged, at off campus locations and/or within student organizations that are officially recognized by the University, are gathered from local police agencies. These agencies include any City, County, State, or Federal agencies that may have relevant information and the statistics are published in this disclosure. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and other matters.

The University Police Department is aware that crimes may go unreported to law enforcement and encourages employees of UWA, who have significant responsibility for students and student activities, to report to the University Police any crimes that they may have become aware of in their daily contact with students.

UWA CRIME STATISTICS

Criminal Offenses		GEOGRAPHIC LOCATION			
OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NONCAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Rape	2018	0	0	0	0
		1	1	0	0

	2019				
	2020	0	0	0	0
Fondling	2018	1	1	0	0
	2019	0	0	0	0
	2020	1	1	0	0
Incest	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Robbery	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Criminal Offenses		GEOGRAPHIC LOCATION			
OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY

			STUDENT HOUSING		
Aggravated Assault	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Burglary	2018	1	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2018	1	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Arson	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

VAWA OFFENSES		GEOGRAPHIC LOCATION			
OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NONCAMPUS PROPERTY	PUBLIC PROPERTY
		0	0	0	0

Domestic Violence	2018				
		0	0	0	0
	2019				
	2020	1	0	0	0
Dating Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	1	1	0	0
Stalking	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Arrests & Disciplinary Referrals		GEOGRAPHIC LOCATION			
OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NONCAMPUS PROPERTY	PUBLIC PROPERTY
Arrests: Weapons: Carrying, Possessing, etc.	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Disciplinary Referrals:	2018	0	0	0	0
		0	0	0	0

Weapons: Carrying, Possessing, etc.	2019				
	2020	1	1	0	0
Arrests: Drug Abuse Violations	2018	2	2	0	0
	2019	3	1	0	0
	2020	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2018	12	12	0	0
	2019	5	5	0	0
	2020	0	0	0	0
Arrests: Liquor Law Violations	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2018	7	7	0	0
	2019	14	14	0	0
	2020	4	4	0	0

Unfounded Crimes		
OFFENSE	YEAR	

Unfounded	2018	1
	2019	0
	2020	0

Hate Crimes:

There were no reported Hate Crimes for the years 2018, 2019 or 2020

Annual Fire Safety Report

This information is provided to all students, faculty, and staff of The University of West Alabama in compliance with the Higher Education Opportunity Act (Public Law 110-315), which became law in August 2008. All academic institutions are required to produce an annual fire safety report outlining the fire safety practices, standards, and all fire-related on-campus housing statistics. Any questions regarding these statistics should be directed to the Director of Housing and Residence Life at (205) 652-3768.

Fire Alarms and Smoke Detectors:

Each residence hall is equipped with a fire alarm system. In addition, each room or apartment is equipped with a smoke detector. Tampering with the alarm system or covering, disconnecting, or tampering with a smoke detector will result in disciplinary action.

The fire alarm system will sound in the case of a fire. Anyone that notices a fire in a residence hall should pull the nearest fire alarm while exiting the building.

Each semester, every occupied residence hall holds a fire drill. All residents and guests are required to evacuate the residence hall when the fire alarm sounds. Failure to leave the residence hall during a fire drill, false alarm, or actual warning, will result in disciplinary action.

Due to the need to quickly evacuate the building in the case of a fire, members of the housing staff **will not** personally notify residents (and guests) of the fire. Notification of the fire is the sounding of the alarm. Residents that are deep sleepers or that are hearing impaired, are responsible for arranging with roommates or neighbors to inform them when the alarm sounds. Disabled residents must make prior arrangements with neighbors to assist them in evacuating during a fire alarm.

In order to be prepared for a fire, residents and guests should be mindful of the nearest exit whenever they are in a residence hall.

False fire alarms (those where there is no actual fire) disturb the community, both by disrupting the actions of the community at the time of the alarm and by giving residents a false sense that fire alarms can be ignored. For this reason, causing a false alarm will result in disciplinary action.

Emergency Evacuations Procedures:

All resident assistants and hall directors receive training each year about fire safety procedures.

If the fire alarm sounds while you are in a residence hall, please follow these procedures:

- Leave the building in a quick but orderly manner.
- Wear shoes and, if the weather is cold, bring a coat or jacket.
- Bring a towel to cover your nose and mouth to prevent smoke inhalation.
- If the hallway is covered with smoke, get on the floor and crawl to the nearest exit.
- When going down stairs, fourth floor residents should stay next to the left handrail. Third floor residents should take the center of the stairway. Second floor residents should stay next to the right handrail.
- Under no circumstances should the elevator be used when the fire alarm is sounding. If a resident has a disability that might hinder mobility, he/she should make prior arrangements with other residents to assist him/her in case of a fire alarm.
- Once you are safely out of the residence hall, you should go at least 75 feet away from the building. You should locate your RA in the following location:
 - **Gilbert Hall** residents should meet behind Gilbert Hall, near Wallace Hall.
 - **Hoover Apartments** residents should meet at the grassy area across from buildings 1 and 2.
 - **Patterson Hall** residents should meet in the middle island.
 - **Reed Hall** residents should meet in the grass circle near Selden.
 - **Selden** residents should meet near the bench area behind Reed Hall.
 - **Stickney Hall** residents should meet on the lawn by Washington Street (near the bench).
- Do not re-enter the building until a member of the Campus Police or the fire department has deemed the building safe.

Cooking

While cooking is permitted in the residence halls, the following policies have been established for the safety of our residents.

- Appliances may not be left unattended, even for a moment, while in use. This includes the prohibition of leaving a pan unattended on the stove-top while the burner is turned on.
- A microwave oven, not to exceed 800 watts, may be used in the kitchenette area. In Selden, a microwave may be placed on a stable surface, on the wall across from the dresser cabinet.
- Coffee makers and toasters may only be used on countertops in the kitchenette area of each room or apartment. These appliances are only permitted if they have an automatic shut-off capability. In Selden, these appliances may only be used on a solid, stable surface.

- Follow the directions on the package when preparing food, including using the recommended amount of water and setting the appliance for the appropriate amount of time.

Prohibited Items:

For the safety of our residential community, the following are prohibited, including within 25 feet of any entrance to a residence hall or campus apartment:

- Candles, incense and any type of open flame burner
- Halogen lamps
- Electric, gas, charcoal, or propane grills, including George Foreman grills
- Portable heaters and electric blankets
- Hot plates, deep fryers (including deep frying using a skillet/pot) and toaster ovens
- Pressure cookers
- Large personal appliances, such as washers and dryers, air conditioners etc.
- Fireworks and any type of explosive device
- Firearms and ammunition
- Live Christmas trees
- Fabric/Tapestries attached to or hanging from the ceiling or walls
- Any item not listed here that is deemed by Housing staff to pose a threat. It must be immediately removed upon request

Smoking Policy:

Smoking or the use of any type of pipe, cigar, cigarette, or similar product is prohibited in the residential areas, both in common areas and in individual rooms, and within 50 feet of the residence halls and campus apartments. Water pipes, hookahs, e-cigarettes and other smoking devices are prohibited as well. The presence of tobacco smoke, e-cig vapor, cigarette butts, ashtrays with ashes, and other remnants often associated with smoking and smokeless tobacco are considered evidence that the tobacco policy is being violated in the room.

Reporting a Fire:

If a fire takes place in your residence hall, you should exit your building follow evacuation procedures and exit the building immediately. If a fire occurs in your room that does not require evacuation (for example, a small fire that you are able to extinguish on your own with a fire extinguisher), you must still report the fire to your hall director.

Tobacco and Smoking Policy:

Smoking and/or the use of tobacco in any form (cigarettes, e-cigarettes, cigars, chewing tobacco, pipes, water pipes, snus, snuff, etc.), is prohibited in residence halls and campus apartments, both in

common areas and individual rooms. Although receptacles have been placed near entrances to each residence hall to dispose of smoking materials, smoking is prohibited within 50 feet of the residence halls and campus apartments. The use of smokeless tobacco, such as chewing tobacco and smokeless pouches, is also prohibited within the residence hall and campus apartments. The presence of cigarette butts, ashtrays with ashes, spit cups, and other remnants often associated with smoking and smokeless tobacco are considered evidence that the smoking policy is being violated in the room.

Violations of the Tobacco and Smoking policy will result in disciplinary action, including educational sanctions and a \$100 fine for a 1st offense. A 2nd offense can result in dismissal from Housing. Note that a violation of this policy that also sets off a fire alarm will result in an additional fine of at least \$100.

Fire Safety Systems in On-Campus Student Housing Facilities

Residence Hall	Smoke Detectors	Sprinkler System	Pull Stations	Fire Extinguishers in Unit	Number of Fire Drills Held During the Calendar Year
Gilbert Hall – 185 Student Union Drive	Yes	Yes	Yes	Yes	2
Hoover Apts. (Phase 1) - 494 University Drive	Yes	No	Yes (in RA room only)	Yes	2
Hoover Apts. (Phase 2) - 494 University Drive	Yes	Yes	Yes (in RA room only)	Yes	2
Patterson Hall – 95 Student Union Drive	Yes	No	No	Yes	2
Reed Hall – 321 Student Union Drive	Yes	No	Yes	Yes	2
Selden Hall – 261 Student Union Drive	Yes	No	Yes	Yes (in hallway)	2

Stickney Hall – 134 Washington Street	Yes	Yes	Yes	Yes	2
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Fire Statistics in On-Campus Student Housing Facilities for the Three Previous Calendar Years

Statistics and Related Information Regarding Fires in Residential Facilities for the 2018 Calendar Year						
Residence Hall	Total Fires in Each Facility	Fire Incident Number for Building	Cause of Fire	Number of Injuries that Required Medical Treatment	Number of Deaths Related to the Fire	Value of Property Damaged by the Fire
Gilbert Hall – 185 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Hoover Apts. (Phase 1) - 494 University Drive	0	0	N/A	N/A	N/A	N/A
Hoover Apts. (Phase 2) - 494 University Drive	0	0	N/A	N/A	N/A	N/A
Patterson Hall – 95 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Reed Hall – 321 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Selden Hall – 261 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Stickney Hall – 134 Washington Street	1	0	N/A	N/A	N/A	N/A

**Statistics and Related Information Regarding Fires in Residential Facilities
for the 2019 Calendar Year**

Residence Hall	Total Fires in Each Facility	Fire Incident Number for Building	Cause of Fire	Number of Injuries that Required Medical Treatment	Number of Deaths Related to the Fire	Value of Property Damaged by the Fire
Gilbert Hall – 185 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Hoover Apts. (Phase 1) - 494 University Drive	0	0	N/A	N/A	N/A	N/A
Hoover Apts. (Phase 2) - 494 University Drive	1	1	Unintentional Stovetop Fire	0	0	\$7,494
Patterson Hall – 95 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Reed Hall – 321 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Selden Hall – 261 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Stickney Hall – 134 Washington Street	1	1	Unintentional Grease Fire	0	0	\$372.00

**Statistics and Related Information Regarding Fires in Residential Facilities
for the 2020 Calendar Year**

Residence Hall	Total Fires in Each Facility	Fire Incident Number for Building	Cause of Fire	Number of Injuries that Required Medical Treatment	Number of Deaths Related to the Fire	Value of Property Damaged by the Fire
Gilbert Hall – 185 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Hoover Apts. (Phase 1) - 494 University Drive	0	0	N/A	N/A	N/A	N/A
Hoover Apts. (Phase 2) - 494 University Drive	1	1	Lighter exploded	0	0	\$275.00
Patterson Hall – 95 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Reed Hall – 321 Student Union Drive	1	1	Unintentional Stove Fire	0	0	\$320.00
Selden Hall – 261 Student Union Drive	0	0	N/A	N/A	N/A	N/A
Stickney Hall – 134 Washington Street	0	0	N/A	N/A	N/A	N/A

Plans for Future Improvements in Fire Safety:

Yes.

In Closing,

The University of West Alabama works hard to assist faculty, staff, students, and visitors maintain personal safety and protection of property by providing full police and safety service through the University Police Department. We believe an informed community is a safer community, and sharing information can reduce the chances of becoming a crime or accident victim.

Each year, the University of West Alabama publishes the Annual Campus and Fire Safety Report which includes crime statistics and outlines UWA security policies and procedures. Please take the time to familiarize yourself with this report, so you can become an informed member of our community and contribute to the University's efforts to create and maintain a safe environment in which we can all live, study, work, and play. Remember, always use good safety sense and do not hesitate to contact the University Police Department (UPD) whenever you need assistance or further information about the services we provide.

You may request a printed copy of this report from the University Police by writing the University Police Department.

Attention: Chief of Police
UWA Station 50
Livingston, Alabama 35470

Or by emailing University Police at universitypolice@uwa.edu

