

## Title IX Policy

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**Abstract:**

The purpose of this policy is to foster an environment that respects the dignity of its students, faculty, and staff free from discrimination on the basis of sex.

**Effective Date:** 10/01/2024

**Review/Revised Date:** 10/01/2024

**Category:** Ethics and Integrity

**Policy Owner:** Senior Vice President for Finance and Administration

**Policy Contact:** Title IX Coordinator

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#### I. Policy Statement

The University of Alabama at Birmingham (“UAB” or “the University”) has developed the Title IX Policy (“the Policy”) pursuant to and in compliance with Title IX of the Education Amendments of 1972 and its implementing regulations (collectively referred to as “Title IX”). UAB is committed to providing an environment that respects the dignity of its students, faculty, staff, patients, and visitors and is free from all forms of discrimination on the basis of sex and related retaliation (collectively referred to as “Prohibited Conduct”). The University expects individuals who live, work, teach, study within, or visit our University community to contribute positively to the environment and refrain from behaviors that threaten the freedom or respect that every member of our community deserves. Individuals who violate this Policy will be subject to corrective action up to and including termination from employment or expulsion from the University. The University will respond promptly and effectively to Reports of Prohibited Conduct and will take appropriate action to prevent its occurrence, correct and address its effects, provide Supportive Measures, and, when warranted, issue discipline for violations of this Policy.

#### II. Purpose

It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions. Retaliating against an individual for making a claim of Prohibited Conduct or participating in the reporting, investigation, or resolution of a claim of Prohibited Conduct is also a violation of this Policy and constitutes Prohibited Conduct.

So that the University may continue to foster a safe and respectful climate on campus as it relates to preventing and responding to acts of Prohibited Conduct, this Policy and related procedures have been created and serve to demonstrate the University’s commitment to:

- Prohibiting acts of sex discrimination, including sexual harassment and discrimination based on pregnancy;
- Disseminating clear policies and procedures for responding to Prohibited Conduct of which the University has actual knowledge and jurisdiction as defined by Title IX;
- Delivering primary prevention and awareness programs and ongoing training and education campaigns to students and employees so they may identify Prohibited Conduct; understand how to report Prohibited Conduct; recognize warning signs of potentially abusive behavior and ways to reduce risks; and learn about safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Prohibited Conduct;
- Conducting prompt, fair, and equitable investigations of Reports of Prohibited Conduct;
- Supporting and providing assistance to both Complainants and Respondents;

- Holding individuals who violate this Policy accountable; and
- Providing a written explanation of the rights and options available to people involved in the Title IX process.

It is the intent of this Policy and its related procedures to accomplish the following:

- Identify the Title IX Coordinator and Deputy Title IX Coordinators and describe their roles;
- Outline how Reports of Prohibited Conduct can be made to the University and what Supportive Measures and resources are available both on and off campus to aid them, including the right to report (or decline to report) Prohibited Conduct that potentially constitutes a crime to local law enforcement authorities;
- Provide information about how Reports of Prohibited Conduct are received, assessed, investigated, and resolved; and
- Remedy the discriminatory effects of Prohibited Conduct on Complainants and others as appropriate.

### III. Relevant Definitions

**Actual Knowledge:** UAB obtains “actual knowledge” of Prohibited Conduct when the Title IX Coordinator or a Deputy Title IX Coordinator receives a Report of Prohibited Conduct. For purposes of this Policy and its related procedures, the Title IX Coordinator and Deputy Title IX Coordinators are the only University officials who have authority to institute corrective measures under this Policy.

**Complainant:** An individual who is alleged to be the victim of Prohibited Conduct and is participating in or attempting to participate in UAB’s education programs or activities, including UAB’s academic, research, athletic, and clinical operations, or is employed by UAB.

**Confidential Employee:** (1) Any University employee who is a licensed medical, clinical, or mental health professional (e.g., physicians, nurses, nurse practitioners, physician’s assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient (“health care provider”), (2) any University employee providing administrative, operational, and/or related support to such health care providers in the performance of such services; and (3) the University Ombudsperson or the UAB Medicine Provider Health Officer. Confidential Employees may not report any information about an incident to the Title IX Coordinator without obtaining written permission to do so by the person who disclosed the information. Confidential Employees may have reporting obligations under state or federal law. For instance, healthcare providers are required to notify law enforcement when a victim seeks treatment for injuries related to a violent crime. Similarly, all University employees are required to notify law enforcement when they receive a report of sexual abuse of a minor.

**Consent:** The term “consent” when describing different types of Prohibited Conduct under this Policy means a clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to participate in the sexual act. While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this Policy. It is the responsibility of the initiator of any sexual activity to obtain consent. In evaluating consent, the University will consider whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances) as a willingness to engage in the particular act. Consent to any sexual activity must be freely given. Consent to a sexual act is not freely given if an individual is not capable of consenting, or if consent is obtained by force (or the reasonable belief of the threat of physical force, or when one person overcomes the physical limitations of another person), threats (words or actions that would compel a reasonable person to engage in unwanted sexual activity), deception, or coercion. A lack of verbal or physical resistance does not grant consent. Previous consent does not grant consent to future sexual acts. The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be mutual consent. Consent can be withdrawn at any time during a sexual act. Inability to give consent includes situations where an individual is:

- Incapacitated due to alcohol, drugs, or other substances including, but not limited to, prescription medication.<sup>[1]</sup>
- Unconscious, asleep, or in a state of shock.
- Under the age of consent as defined by the jurisdiction in which the act occurred, which, in Alabama, is less than 16 years of age.
- Mentally or physically impaired and not reasonably able to give consent.

**Coercion:** The term “coercion” means the use of expressed or implied threats or intimidation that would place a reasonable person in fear of immediate harm for the purpose of obtaining sexual favors. Threatening or intimidating behavior may include emotional abuse, threats to reputation, public humiliation, threats to others and possessions (including pets), or financial harm, among others.

**Deputy Title IX Coordinators:** The University has designated Deputy Title IX Coordinators who are trained to work with the Title IX Coordinator in assisting students and employees with concerns, Reports, and/or Formal Complaints of Prohibited Conduct, and directing them to needed resources. They notify the Title IX Coordinator of all concerns, Reports, and/or Formal Complaints of Prohibited Conduct they receive and work closely with the Title IX Coordinator in investigating and promptly responding to all such concerns, Reports, and/or Formal Complaints. The Deputy Title IX Coordinators assist with identifying and providing Supportive Measures that a party may need during the investigation of a Report or Formal Complaint. The Deputy Title IX Coordinators may serve as a designee for the Title IX Coordinator in any case where a conflict of interest exists that may prohibit the Title IX Coordinator from providing fair and impartial oversight.

**Formal Complaint:** An official document filed by a Complainant with the Title IX Coordinator or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University investigate and resolve the alleged Prohibited Conduct. To file a Formal Complaint, a Complainant must be participating in, or attempting to participate in UAB’s education programs or activities, including UAB’s academic, research, athletic, and clinical operations, or employed by UAB. Formal Complaints cannot be made anonymously except for Formal Complaints filed by the Title IX Coordinator when the Title IX Coordinator believes that with or without the Complainant’s willingness to participate in a grievance process, it would be clearly unreasonable in light of known circumstances not to address the Formal Complaint.

**Investigator:** A person who conducts the investigation of a Formal Complaint involving a potential violation of this Policy. One or more investigators may be assigned to conduct the investigation. Investigations involving students may include assistance from the Office of Community Standards and Student Accountability. Investigations involving employees may include assistance from UAB Human Resources.

**Party:** A Complainant or Respondent.

Pregnancy or related conditions: Includes (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Preponderance of the Evidence Standard: The standard of proof used to investigate and adjudicate Formal Complaints of Prohibited Conduct. This standard requires that "it is more likely than not" that the Prohibited Conduct occurred.

Prohibited Conduct: Conduct that includes, but is not limited to, sex discrimination, sexual harassment, false allegations or statements relating to the Title IX process, and/or retaliation.

Relevant: Material is considered relevant if it relates to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether alleged sex discrimination occurred.

Report of Prohibited Conduct: An allegation made verbally or in writing by any person alleging Prohibited Conduct against a Respondent. The person making a Report of Prohibited Conduct need not be the alleged victim of the Prohibited Conduct. Reports may be made anonymously as outlined in Section VII of this Policy.

Reasonable Person: A person using average care, intelligence, and judgment in the known circumstances.

Respondent: An individual who has been alleged to have engaged in Prohibited Conduct.

Responsible Reporting Officials: Designated employees who are required to notify the Title IX Coordinator if, in the course of their employment, they receive a Report of Prohibited Conduct. Responsible Reporting Officials include the following:

- Division of Student Affairs
  - VPs, AVPS, and Directors
  - Resident Life Coordinators
- UAB Police and Public Safety Department
- UAB Human Resources
- Office of Access and Engagement
- Department of Athletics:
  - Director of Athletics
  - Senior Associate Athletic Directors
  - Head Coaches
  - Assistant/Associate Coaches
- Deans, Vice-Deans, Associate Deans, Assistant Deans, Department Chairs, Vice-Chairs, and Division Directors

Responsible Reporting Officials do not have official authority to receive Formal Complaints of Prohibited Conduct or official authority to take corrective action on behalf of the University under this policy.

Retaliation: Intimidation, threats, coercion, or discrimination against any person by UAB, a student, or an employee or other person authorized by UAB to provide aid, benefit, or service under UAB's education program or activity (including in UAB's academic, research, athletic, and clinical operations), for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX grievance procedures, and in any other actions taken by UAB to respond to allegations of Prohibited Conduct.

Student: Any person who has applied for admission to, been admitted to, or is enrolled at the University, and is pursuing undergraduate, graduate, or professional studies, whether in a full-time or part-time status, as well as any person attending classes on campus, online, or off campus. For purposes of this policy, residents, postdoctoral scholars, and fellows are considered to be employees. A student is also:

- Any person who is not officially enrolled for a particular term, but has a continuing relationship with the University; Any person who is
  - admitted and participating in orientation;
- Any person who has completed an academic term and can be reasonably expected to enroll the following term; and/or
- Any person who attended the University during a previous academic term and who committed an alleged violation of the Code during the time of enrollment.

Student organization: Any group of students that has complied with the University's requirements for registration as a student organization.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint of Prohibited Conduct or where a Report has been made but no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to UAB's employment or educational programs or activities for a Complainant or a Respondent without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UAB's educational or employment environment or deter Prohibited Conduct. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus and other similar measures.

Title IX Coordinator: The University has a designated Title IX Coordinator who oversees the implementation and enforcement of this Policy, including the implementation of Supportive Measures, compliance with applicable rules and regulations, and coordination of communications between campus and community partners.

#### **IV. Jurisdiction (To Whom & Where This Policy Applies)**

The University has jurisdiction to address, investigate and adjudicate Reports and Formal Complaints of Prohibited Conduct when the University has

control over the Respondent and the conduct occurs in the course of a UAB employment or educational program or activity, including UAB's academic, research, athletic, and clinical operations. This Policy applies to all UAB students, residents, employees, post-doctoral researchers, patients, visitors, and to others, as appropriate, with respect to education programs and activities occurring on University premises or property and/or in University-related activities occurring off-campus (but does not apply to University programs or conduct occurring outside the United States). This Policy also applies to the activities of University-recognized student organizations, including, but not limited to, fraternities, sororities, social clubs, and organizations including any building owned or controlled by a recognized student organization. It also applies to persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

This Policy applies to acts of Prohibited Conduct committed by or against students, employees, and third parties of which the University has Actual Knowledge and when:

- The conduct occurs on campus or property owned or controlled by the University;
- The conduct occurs in the context of the University's employment or education programs or activities, including, but not limited to, research, on-line, academic or professional conferences, or internship programs; or
- The conduct occurs outside the context of the University's employment or education programs or activities, but the Complainant has to interact with the Respondent while on campus or property owned or controlled by the University or in any employment or education program or activity or where the effects of the underlying Prohibited Conduct creates a hostile environment in the Complainant's workplace or educational environment.

Even if this Policy does not apply to the Prohibited Conduct because of its location, the University will provide Supportive Measures and when possible take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

If deemed appropriate, any conduct that does not rise to the level of Prohibited Conduct under the Title IX Policy, and/or falls outside the jurisdiction of this policy, may be investigated and addressed pursuant to other applicable, non-Title IX policies, including but not limited to UAB's [Equal Opportunity and Discriminatory Harassment Policy](#), [Student Conduct Code](#), [UAB Duty to Report and Non-retaliation Policy](#), and [UAB Enterprise Code of Conduct](#). Alleged violations of non-Title IX policies that arise out of the same facts and circumstances as allegations of Prohibited Conduct under the Title IX Policy may be investigated by the Title IX Office, in collaboration with the appropriate department (i.e. Community Standards and Student Accountability, Human Resources) and resolved under the appropriate procedures as described in Section VIII (A) below. Under these circumstances, the relevant definitions of conduct outlined in any other applicable, non-Title IX policy will apply to the non-Title IX allegations. If the Title IX allegations are dismissed for any reason, the non-Title IX allegations may be investigated and adjudicated under any other applicable, non-Title IX UAB policies or procedures.

## V. Pregnancy or Related Conditions

Discrimination on the basis of current, potential, or past pregnancy or related conditions is considered Sex Discrimination under this Policy. UAB will ensure that students and employees have access to lactation spaces and reasonable time to express breast milk or breastfeed as needed. The Title IX Coordinator will work with students experiencing pregnancy or related conditions to prevent sex discrimination and to ensure that the student continues to have equal access to UAB's education program or activity.

UAB will treat pregnancy or related conditions the same as any other temporary medical conditions for all job-related purposes, including commencement; duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment. Employees who are pregnant or have related conditions are encouraged to contact their Human Resources representative to discuss accommodations for known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. The University provides reasonable accommodations to qualified employees who have known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation would cause an undue hardship. Reasonable accommodations are coordinated and documented by Human Resources. Accommodation requests will be considered on a case-by-case basis considering the employee's individual needs and the needs of the department. Some examples of reasonable accommodations are listed below (this is not intended to be a complete list):

- The ability to sip or drink water while on the job;
- Flexible work hours;
- Appropriately sized uniforms and safety apparel;
- Additional break time to use the bathroom, eat, and rest;
- Leave or time off to recover from childbirth; and
- Excusal from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy.

## VI. Prohibited Conduct

Under this Policy, Prohibited Conduct is defined as conduct that is deemed, by a preponderance of the evidence standard (a.k.a. more likely than not), to meet the definitions described below. Additionally, to the extent that federal or state laws addressing gender-based conduct that could be deemed Prohibited Conduct are created or amended, engaging in such conduct (as proven by a preponderance of the evidence) shall be considered a violation of this Policy even if the definitions below have not been updated to reflect the most recent additions to or changes in the law.

### A. Sex Discrimination

Sex discrimination prohibited by this Policy is defined as the exclusion from participation in, denial of benefits from, or subjection to unfavorable treatment in any University educational or employment-related program or activity on the basis of sex. Sex discrimination also includes discrimination on the basis of pregnancy or related conditions.

### B. Sexual Harassment

Sexual harassment is a form of sex discrimination and means sexual harassment on the basis of sex. Sexual harassment includes harassment in the form of:

1. Quid pro quo harassment: A University employee makes submission to or rejection of unwelcome sexual conduct, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or

- is used as the basis for University decisions affecting the individual; or
2. Hostile environment harassment: Unwelcome conduct based on sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities or creates a hostile working environment<sup>[2]</sup>; or
  3. Specific Offenses:
    - a. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - b. Dating violence: Violence committed by a person who is or has been in a social or "dating" relationship of a romantic, intimate, and/or sexual nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but it does not include acts covered under the definition of domestic violence.
    - c. Domestic violence: Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Alabama, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Alabama.
    - d. Non-consensual sexual intercourse: Any sexual intercourse whether anal, oral, or vaginal (or an attempt to commit the same), no matter however slight, with any object, by a person upon another person, and without that person's consent or by physical force. Intercourse is vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).
    - e. Non-consensual sexual contact: Any intentional sexual touching (or an attempt to commit the same), however slight, for purposes of sexual gratification, with any object, or by person upon another person, and without consent or by physical force.
      - i. Sexual touching is any intentional contact for purposes of sexual gratification with the breasts, buttocks, groin, or genitals; or touching another with any of these body parts for sexual gratification; or making another touch you or themselves with or on any of these body parts for sexual gratification; or any intentional bodily contact for sexual gratification not involving these body parts.
    - f. Sexual exploitation: Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to
      - Exposing one's genitals in non-consensual circumstances;
      - Exceeding the boundaries of explicit consent, such as allowing others to hide in a closet to watch one's consensual sexual activity;
      - Engaging in voyeurism ("Peeping Tom") or facilitating voyeurism by others;
      - Non-consensual video or audio recording of sexual activity;
      - Prostituting another student or employee;
      - Knowingly transmitting a sexually transmitted disease/infection to another individual; and/or
      - Sharing intimate images (including authentic images and images that have been altered or generated by artificial intelligence (AI) technologies) without consent for someone's benefit other than the one being exploited.
    - g. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.
      - i. Course of Conduct: Means two or more acts, including, but not limited to, acts in which the stalker 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 victim
      - iii. Examples of stalking include but are not limited to cyberstalking; following another person; lying in wait; engaging in excess communications, including any attempt to intentionally and repeatedly make contact with a person over their stated objections for the purpose of harassing or alarming them; or threatening a person or a person's family, friends, or property.
    - h. Statutory rape: Sexual intercourse with a person who is under the statutory age of consent.

### C. Retaliation

Retaliation is intimidation, threats, coercion, or discrimination against any person by UAB, a student, or an employee or other person authorized by UAB to provide aid, benefit, or service under UAB's education program or activity (including in UAB's academic, research, athletic, and clinical operations), for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX grievance procedures, and in any other actions taken by UAB to respond to allegations of Prohibited Conduct. Examples of retaliatory actions include suspension, demotion, or termination in the employment context; changing work schedules, duties, or assignments; denying funding; interfering with or impacting immigration status; lowering a grade or dismissing a student from a program; or maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual before, during, or after the investigation and resolution of a Report or Formal Complaint of Prohibited Conduct.

Intimidation, threats, coercion, or discrimination, including bringing charges against an individual for violating other UAB policies that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report of Prohibited Conduct under this Policy, for the purposes of interfering with any right or privilege secured by Title IX, constitutes retaliation.

UAB employees or any other person authorized by UAB to provide aid, benefit, or service in UAB's employment or education program, or activity may be required to participate as witnesses in or otherwise assist with Title IX investigations, proceedings, or hearings.

For additional information see: UAB's [Equal Opportunity and Discriminatory Harassment Policy](#), [Student Conduct Code](#) and UAB's [Duty to Report and Non-retaliation Policy](#).

### VII. Reporting Incidents of Prohibited Conduct

This section provides instructions on how, when, and to whom to make a Report or File a Formal Complaint of Prohibited Conduct, as well as matters related to such reports.

## **A. Timeliness of Report or Formal Complaint of Prohibited Conduct**

All individuals, including a Complainant or witness, are encouraged to report Prohibited Conduct regardless of when or where it occurred, as soon as possible to maximize the University's ability to respond promptly and effectively. The University may also initiate a Formal Complaint of Prohibited Conduct under certain circumstances. The University does not, however, limit the time frame for making a Report or filing a Formal Complaint. If the Respondent is no longer a student or employee at the time of the Report or Formal Complaint, or the alleged Prohibited Conduct occurred outside the United States, or if the alleged Prohibited Conduct did not occur on campus, in the context of a University employment or education program or activity (including UAB's academic, research, athletic, or clinical operations), or have continuing adverse effects on campus or in an off-campus education or employment program or activity, the University may not be able to fully investigate nor take disciplinary action against the Respondent. In each instance, the University will still provide Supportive Measures to a Complainant designed to end the Prohibited Conduct, prevent its recurrence, and address its effects.

## **B. How to Make a Report or File a Formal Complaint**

Any person (whether the person reporting is the person alleged to be the victim of Prohibited Conduct) may make a Report, including anonymously, of Prohibited Conduct to the persons below in person (during business hours) or by mail, by telephone, or by email using the contact information below at any time, including during non-business hours. For clarity, the persons below constitute the only school officials with institutional authority to address sex discrimination and to institute corrective measures on behalf of UAB:

### **Assistant VP & Sr. Title IX Coordinator**

Dr. Andrea McDew  
Administration Building, Suite 1030  
(205) 996-1340  
[amcdew@uab.edu](mailto:amcdew@uab.edu)

### **Title IX Coordinator:**

Kasey R. Thomas  
Hill Student Center, Suite 405  
1400 University Blvd.  
(205) 996-1340  
[Kaseyr@uab.edu](mailto:Kaseyr@uab.edu)

### **Student Affairs:**

Dr. Mary Wallace (Deputy Title IX Coordinator) Assistant VP for Student Experience  
Hill Student Center, Suite 401  
400 University Blvd.  
(205) 934-4175  
[marywall@uab.edu](mailto:marywall@uab.edu)

### **Human Resources:**

Kandace Hamilton (Deputy Title IX Coordinator) Director of Investigations  
Administration Building, Suite 200  
701 20th Street South  
(205) 934 - 7562  
[hamiltkr@uab.edu](mailto:hamiltkr@uab.edu)

### **Athletics:**

Katreshia L. Verrett (Deputy Title IX Coordinator) Senior Athletics Director/SWA UAB Athletics  
Bartow Arena, East Tower 310-B 617  
13th Street South  
(205) 975-6283  
[kverrett@uab.edu](mailto:kverrett@uab.edu)

### **Office of Access and Engagement:**

Holly Holliday-Jones (Deputy Title IX Coordinator) Assistant VP Institutional Equity & Excellence  
Administration Building, Suite 336  
701 20th Street South  
(205) 934-0541  
[hj@uab.edu](mailto:hj@uab.edu)

### **Community Standards and Student Accountability:**

Shawra Rainer (Deputy Title IX Coordinator) Director of Community Standards and Student Accountability  
Hill Student Center 303  
(205) 996-1512  
[srainer@uab.edu](mailto:srainer@uab.edu)

### **UAB Medicine (HSF, Health System, and LLC)**

Angie Saia  
Director, Employee Relations  
(205) 731-9711  
[asaia@uabmc.edu](mailto:asaia@uabmc.edu)

Jaime Frederick  
Employee Relations Coordinator  
205.934.0325  
[jlfrederick@uabmc.edu](mailto:jlfrederick@uabmc.edu)

Angela Walters  
Employee Relations Coordinator  
[205.975.1684](tel:205.975.1684)  
[amwalters@uabmc.edu](mailto:amwalters@uabmc.edu)

For the Huntsville and Montgomery Campuses, in addition to the above, reports can also be made to:

**UAB School of Medicine - Huntsville Regional Medical Campus:**

W. Scott Bence (or his designee) Executive Administrator and Assistant Dean  
301 Governors Drive  
Huntsville, AL 35801  
[\(256\) 539-7757](tel:(256).539-7757)  
[bencew@uab.edu](mailto:bencew@uab.edu)

**UAB School of Medicine - Montgomery Regional Medical Campus:**

Britney Sellars (or her designee) Program Director II  
2119 E. South Blvd., Suite 304  
Montgomery, AL 36116  
[\(334\) 551-2004](tel:(334).551-2004)  
[britneyc@uab.edu](mailto:britneyc@uab.edu)

Reports can also be made to any Responsible Reporting Official listed in Section III above, who shall forward them to the Title IX Coordinator. If the person to whom a Report normally would be made is the Respondent, the Report may be made to another Responsible Reporting Official.

Anonymous Reports may be [submitted online](#) or to the UAB Hotline at [1-866-362-9476](tel:1-866-362-9476). In cases where the Report was made anonymously or by a third party (such as a family member, friend, roommate, advisor, or faculty member), the Title IX Policy will apply in the same manner as if the Complainant had made the initial report. The University's ability to respond to an anonymous Report may be limited and may only include the ability to provide Supportive Measures. The Title IX Coordinator or designee will make every effort to meet with the Complainant to discuss available options and on-campus and off-campus resources.

All Formal Complaints must be filed with the Title IX Coordinator. A Complainant can submit a Formal Complaint by mail or by email using the contact information above at any time, including during non-business hours. A Formal Complaint cannot be anonymous except for Formal Complaints filed by the Title IX Coordinator.

### **C. Confidential Employees**

A Confidential Employee, as defined in Section III above, may not report any information about an incident to the Title IX Coordinator without obtaining written permission to do so by the person who disclosed the information, with some limited exceptions as described above. Confidential resources are provided below:

**Ombuds Office-**

Provides confidential, neutral, impartial and independent conflict resolution assistance to UAB faculty, staff, mentored graduate students, and postdoctoral fellows ("visitors") for university related conflicts between two or more parties.

**Student Counseling Services-**

Student Counseling Services offers free, confidential support services for UAB students.

**Student Health Services-**

**UAB Employee Assistance & Counseling Center-**

The UAB Employee Assistance & Counseling Center offers free, confidential support services for UAB employees and members of their immediate household.

**UAB Employee Health-**

UAB Employee Health promotes well-being, helps prevent illness, and provides occupational health services for campus and medical staff.

**UAB Community Counseling Clinic-**

Provides affordable counseling services to individuals and groups experiencing a range of mental health challenges such as anxiety, depression, stress, relationship conflicts, grieving and loss, recent recovery from substance abuse, self-esteem issues, adjustment problems, job loss, parent and child conflicts, school and/or studying problems, and time management problems.

**UAB Medicine Provider Health Officer**

UAB Medicine provides a convenient service to address stressors for physicians, PhD faculty, advanced practice providers, fellows, residents and medical students. No referral is necessary. Visits are confidential, unless there is a threat of harm to self or others. No EMR documentation is created. Most appointments are virtual and are free of charge.

### **D. Emergency/Immediate Assistance**

The University encourages all community members affected by Prohibited Conduct to seek immediate assistance. Doing so promptly may be important to ensure physical safety or obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the University or law enforcement in responding effectively. Assistance is available from the UAB Police and Public Safety Department ("UABPD") 24 hours a day, seven days a week at [\(205\) 934-3535](tel:(205).934-3535). The UABPD will investigate every incident reported to them to determine if a crime has been committed. The UABPD will also inform the Title IX Coordinator of the incident. Any criminal investigation by UABPD or other law enforcement agency is independent from any investigation undertaken by the Title IX Coordinator under the Title IX Policy. Victims of Prohibited Conduct are not required to report to law enforcement to receive assistance from or pursue any options provided by UAB under this or other applicable policies.

### **E. Amnesty for Students**

The University community views the safety of our students as a top priority. A student who is under the influence of alcohol or drugs at the time of an incident should not be reluctant to seek assistance for that reason. The University will not pursue disciplinary violations against a student or against a witness for being under the influence of alcohol or drugs (e.g., underage drinking) if the student is making a good faith Report of Prohibited Conduct or participating in an investigation of Prohibited Conduct. The Title IX Coordinator (or designee) may, however, refer a student to substance use assessment and counseling depending on the circumstances of the individual situation. Thus, for purposes of this Policy, students who report potential Prohibited Conduct or participate in an investigation of Prohibited Conduct and reveal a potential violation of UAB policy relating to drug or alcohol use may not be sanctioned for such drug or alcohol violations.

#### **F. Preservation of Information and Tangible Material**

Preservation of information and tangible materials related to Prohibited Conduct is important for both law enforcement investigators, and campus investigations. Therefore, Complainants, Respondents, witnesses, or others reporting possible violations of this Policy are encouraged to preserve all information and tangible material relating to the incident. Examples include electronic information (e.g., emails, text messages, etc.), photographs, clothing, bedding, and medical information. In the case of medical information, prompt examination can be critical.

#### **G. Public Awareness Events and IRB Research**

Responsible Reporting Officials are not required to report information disclosed (1) at public awareness events (e.g., Take Back the Night, protests, survivor speak outs) or (2) during participation in an Institutional Review Board-approved human subject research protocol ("IRB Research"). The University may provide information about Title IX rights and about available University and community resources and support at Public Awareness Events. Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research.

#### **H. Reporting of Crimes and Disciplinary Statistics**

The University has certain reporting obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (Clery Act), with regard to incidences of sexual misconduct and violence, including issuing timely warnings as necessary. A copy of the University's annual Clery report can be found at [Clery Act Statistics/Residential Fire Safety Report](#).

Reports of Prohibited Conduct made to the Title IX Coordinator may also prompt a limited disclosure to UABPD. Such disclosures will not contain the identity of the reporting party except in situations where the reporting party has consented to release their name and/or where there is an imminent threat to health or safety.

#### **I. Mandatory Reporting of Child Abuse**

Alabama law and University policy imposes a mandatory duty on all University employees to immediately report all incidences of known or suspected child abuse. Such reports must be made to the UABPD. University Policy implementing the law also encourages students, volunteers, and representatives (as well as third-party vendors and their employees, representatives, or volunteers that contract for use of University facilities with responsibilities that involve interaction with children) to report (verbally and in writing) known or suspected child abuse to UABPD. Sexual abuse is one element of the more comprehensive term "abuse" under Alabama law. For child protection purposes, a child is any person under 18 years of age or any individual under 19 years of age who is in need of protective services and does not qualify for adult protective services under Chapter 9 of Title 38 in Alabama Law. A freshman student, a "dual enrolled" high school student, or a summer camp participant, among others, may fall into the category of a "child." A more complete statement of the University Child Protection Policy may be found in the [Policy on the Protection of Children on UAB Premises and in UAB-Sponsored Activities](#).

#### **J. Responsible Reporting Officials**

All Responsible Reporting Officials as defined in Section III are required to notify the Title IX Coordinator if, in the course of their employment, they receive a Report of Prohibited Conduct. The Responsible Reporting Official must report all relevant available details about the alleged policy violation, including the name of the Complainant, the Respondent, any witnesses, and any other relevant facts, including the date, time, and specific location of the incident forming the basis of the alleged violation.

#### **K. False Allegations or False Statements**

A Report or Formal Complaint of alleged Prohibited Conduct may not be substantiated, but a lack of corroborating evidence should not discourage a person from reporting an alleged incident and seeking relief under this Policy. All Reports and Formal Complaints should be made in good faith, meaning the individual making the Report or Formal Complaint has a reasonable belief that the allegations are true and relate to a potential violation of University policy.

A Report or Formal Complaint made in bad faith is one that is intentionally dishonest, frivolous, or malicious. When a Report or Formal Complaint is made in bad faith, it may deter other individuals from filing good faith Reports, unnecessarily expend University and law enforcement resources, distract University and law enforcement officials from investigating good faith Reports, and cause harm to the alleged Respondent and the community. It is a violation of this Policy to report intentionally dishonest, frivolous, or malicious allegations of Prohibited Conduct or make a materially false statement in bad faith in the course of an investigation or adjudication of a Formal Complaint. If a Report or Formal Complaint is brought in bad faith as demonstrated by a preponderance of the evidence, disciplinary action may be taken against the person making the Report or Formal Complaint. In addition to violating this Policy, a person filing a bad faith Report or Formal Complaint may be in violation of other University policies or federal or state law. Discipline for reporting allegations of Prohibited Conduct in bad faith will not be imposed based solely on the determination regarding whether sex discrimination occurred.

### **VIII. Procedures for Responding to Prohibited Conduct**

This section provides an overview of the procedures the University uses to respond to Reports and Formal Complaints of Prohibited Conduct. While the Title IX Coordinator has general responsibility for oversight of the investigation and resolution of all Reports and Formal Complaints, Deputy Title IX Coordinators and other departments (Student Affairs, Provost's Office, Human Resources, etc.) may be involved and consulted as necessary.

#### **A. Which Procedures Apply?**

The specific set of grievance procedures used to respond to allegations of Prohibited Conduct is determined by the nature of the alleged Prohibited

Conduct.

Formal Complaints of Sexual Harassment will be addressed pursuant to the Title IX [Procedures for the Resolution of Sexual Harassment Complaints](#).

Sex Discrimination complaints (non-harassment) will be addressed pursuant to the Title IX [Procedures for the Resolution of Sex Discrimination Complaints \(non-harassment\)](#).

Formal Complaints that include allegations of both sexual harassment and sex discrimination (non-harassment) will be addressed pursuant to the Title IX Procedures for the Resolution of Sexual Harassment Complaints.

These procedures provide for a prompt and equitable response to Reports and Formal Complaints of Prohibited Conduct, including allegations of Retaliation. Resources are available for all parties, whether as Complainants or Respondents, to provide guidance throughout the investigation, any adjudication hearing, and ultimate resolution of Reports and/or a Formal Complaint of Prohibited Conduct.

The University's ability to take appropriate action against a Third-Party will be determined by the nature of the relationship of the Third-Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process consistent with federal law, federal guidance, and this Policy.

## **B. Advisors**

Complainants and Respondents are entitled to be accompanied and assisted by an advisor in all interactions involving the Policy, including the investigation interviews, and, if applicable, a subsequent Title IX hearing. Advisors may not actively participate in the process or speak on behalf of the Complainant or Respondent except as set forth in the applicable grievance procedures. Complainants and Respondents may choose but are not required to have an attorney serve as their advisor. Even if an attorney serves as an advisor, the attorney may not participate in the process or speak on behalf of the Complainant or Respondent except as set forth in the applicable grievance procedures.

## **C. Conflict of Interest**

The Title IX Coordinator, Deputy Title IX Coordinators, Title IX Investigators, and Hearing Officers must not have a conflict of interest or bias for or against Complainants or Respondents generally or against an individual Complainant or Respondent. Whether bias exists requires examination of the particular facts of a situation. A determination of bias must be based on an objective evaluation of the available facts (i.e., whether a reasonable person would believe bias exists).

Any person exercising investigative or decision-making authority under this Policy who believes they may have a conflict of interest or bias that would prevent them from impartially exercising their authority, shall disclose the potential conflict/bias to the Title IX Coordinator (or designee) as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias-free alternative decision-maker in the case at issue. Furthermore, if the Complainant or the Respondent believes a person exercising investigative or decision-making authority under this Policy has a conflict of interest or bias relating to the Complainant or Respondent that would prevent the person from exercising their authority impartially, the Complainant or Respondent may make a prompt objection to the Title IX Coordinator (or designee) within five (5) business days of becoming aware of the potential conflict or bias.

If the Complainant or the Respondent believes the Title IX Coordinator has a conflict of interest or bias, such objection should be made to a Deputy Title IX Coordinator (or designee). Regardless of the time period, such objection must occur before a determination as to responsibility under the Policy is made.

If the objection as to a conflict or bias is made with respect to a Hearing Officer, or the chairperson or a member of a hearing panel, such objection must occur before the scheduled hearing. If the Title IX Coordinator (or designee) determines that the objection is reasonable, the challenged person will be replaced. The decision of the Title IX Coordinator, Deputy Title IX Coordinator, or designee regarding a challenge will be final.

Knowledge of or acquaintance with the Complainant, Respondent, or witnesses in a matter; awareness of a matter; participation as a consequence of one's official role in events surrounding a matter; and/or participation in the investigation process prior to the formal disciplinary process does not automatically result in the finding of a disqualifying conflict; however, such factors may be considered in determining whether a conflict exists.

When a Title IX Coordinator signs a Formal Complaint, that action does not place the Title IX Coordinator in a position adverse to the Respondent. In that instance, the Title IX Coordinator is initiating an investigation based on allegations of which the Title IX Coordinator has been made aware. Likewise, deciding that allegations warrant an investigation does not necessarily show bias or prejudgment of the facts for or against the Complainant or Respondent.

The mere fact that a certain number of findings under this Policy result in determinations of responsibility, or non-responsibility, does not necessarily indicate or imply bias on the part of Title IX personnel.

## **D. Filing a Criminal Complaint and Coordination with Law Enforcement**

Complainants have the right to pursue criminal action for incidents of alleged Prohibited Conduct that may also be crimes under applicable federal or state laws. The University will assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The filing and processing of a Formal Complaint of Prohibited Conduct is separate from and independent of any criminal investigation or proceeding. The University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether Prohibited Conduct occurred under the University's Policy.

## **E. Request That Prohibited Conduct Not Be Investigated**

If a Complainant makes a Report of Prohibited Conduct, but requests anonymity and/or that no investigative or disciplinary measures be taken, the Title IX Coordinator will advise the Complainant that the University will consider but cannot guarantee to honor such request if the Title IX Coordinator determines it would be clearly unreasonable in light of known circumstances not to investigate the allegations. The University will conduct an

intentional and thoughtful assessment and will weigh such request(s) against the University's obligation to provide a safe, non-discriminatory environment. In determining whether it can honor a request for anonymity, the Title IX Coordinator will evaluate several factors, including but not limited to the following:

- The nature and scope of the alleged Prohibited Conduct, including whether it involved the use of a weapon;
- The actual or perceived difference in authority between parties (for example, a Complainant's status as a student or employee);
- The risk posed to any individual or to the campus community by not proceeding with an investigation, including the risk of additional Prohibited Conduct;
- Whether there have been other Reports of Prohibited Conduct against the Respondent;
- Whether the Report reveals a pattern of Prohibited Conduct (e.g., via illicit use of alcohol or drugs) at a given location or by a particular group;
- The Complainant's desire to pursue investigation of the Report; The Complainant's willingness to participate in a hearing;
- Whether the University possesses other means to obtain relevant evidence;
- Considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent; and
- The University's obligation to investigate and to provide a safe and non-discriminatory environment.

The presence of one or more of these factors may lead the University to investigate and, if appropriate, pursue corrective action, including issuance of a Formal Complaint. The ultimate decision as to whether the request for anonymity will be honored will be made by the Title IX Coordinator. If the University determines that it cannot maintain the anonymity of the Complainant, the University will inform the Complainant prior to taking any action that would result in a disclosure of the Complainant's identity. Any such disclosures will be made on a need-to-know basis, and the Complainant will be informed as to which offices and individuals will receive the information.

If the University honors a request for anonymity, or the Complainant chooses not to respond to communications from the Title IX office, the University's ability to meaningfully investigate a Report of Prohibited Conduct or take corrective action may be limited.

## **IX. Supportive Measures**

The term "Supportive Measures" refers to non-disciplinary, non-punitive individualized services offered by the University as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Such measures are designed to restore or preserve equal access to the employment or education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Prohibited Conduct. Supportive measures cannot punish or discipline the Respondent.

Supportive Measures are available to the Complainant and the Respondent while the University is addressing, investigating, adjudicating, and responding to an allegation of Prohibited Conduct. Supportive Measures may be continued after the conclusion of an informal voluntary resolution process or the applicable grievance procedures, but they may also be modified or terminated as appropriate. Requests for Supportive Measures should be made to the Title IX Coordinator, who serves as the point of contact for Supportive Measures and will work with the appropriate office(s) to ensure that any necessary Supportive Measures are provided. The Title IX Coordinator may consult, as needed, with Disability Support Services, or the AWARE Program.

Information about any Supportive Measures will not be disclosed to persons other than the person to whom they apply, unless necessary to provide the Supportive Measure or restore or preserve a party's access to the employment or education program or activity. Supportive Measures may also be disclosed when the party (or someone with the legal right to consent to disclosure) has provided written consent; when the information is disclosed to a person with a legal right to receive disclosures on behalf of the party; to address conduct that reasonably may constitute sex discrimination under this Policy; as required by Federal law; and as required by State or local law if not in conflict with Title IX or when permitted under the Family Educational Rights and Privacy Act.

The range of potential Supportive Measures includes:

- Imposition of a "No-Contact Order"; Extensions of deadlines;
- Rescheduling of exams and assignments; Providing alternative course completion options;
- Modification or change in class schedule, including the ability to drop a course without penalty or to transfer; Change in work schedule or job assignment;
- Change in student's campus housing; Leaves of absence;
- Assistance from University support staff in completing housing relocation;
- Limiting access to certain University facilities or activities pending resolution of the matter voluntary leave of absence; Providing academic support services, such as tutoring;
- Institutional resources pertaining to visa/immigrant status;
- [UAB Blazer Express Safety Escort](#);
- Increased security and monitoring of certain areas of the campus or similar measures; University-imposed leave, emergency removal, or separation for the Respondent; and
- Any other measure that can be tailored to the involved individuals to achieve the goals of this Policy.

Additional resources the University may offer include:

- Referral to counseling services both on and off campus;
- Resources on and off campus for trained advocates who can provide crisis response;
- Placing a healthcare provider on administrative leave;
- Arranging for a different healthcare provider for a patient;
- Offering support services to a patient;
- Assistance in identifying advocacy support to obtain orders of protection within the criminal justice system;
- Emergency numbers for on and off campus law enforcement, and, if desired, assistance with notifying law enforcement; Seeking care for injuries, STI testing, etc.;

- Importance of and explanation of how to preserve evidence in case the alleged Prohibited Conduct is also a potential criminal act; Information about where to get a rape kit/SANE exam; and
- Encouragement of prompt reporting of all crimes to the appropriate law enforcement agency, paired with a commitment from UAB that appropriate support will be offered in every case.

An individual's failure to comply with restrictions imposed by Supportive Measures is a violation of this Policy and basis for disciplinary action.

The Title IX Coordinator will document the basis for the decision that the University's response to a Report of Prohibited Conduct was not unreasonable in light of known circumstances and document that the University has taken measures to restore or preserve equal access to UAB's educational program or activity or employment. If Supportive Measures are not provided, the Title IX Coordinator will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

## **X. Confidentiality and Privacy**

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a Report or Formal Complaint of Prohibited Conduct under this Policy. The University is also committed to providing assistance to help students, employees, patients, third parties, and visitors make informed choices. With respect to any Report or Formal Complaint of Prohibited Conduct under this Policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the Report and Formal Complaint and take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

### **A. Privacy**

To protect individual privacy, the University will only share information related to a Report or Formal Complaint of Prohibited Conduct with a limited circle of University employees who "need to know" to assist in the assessment, investigation, and resolution of the Report or Formal Complaint, as well as the implementation of Supportive Measures.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA Policy. The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA.

### **B. Confidentiality**

Confidentiality exists in the context of laws that protect certain relationships, including those with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Alabama law. The University has designated individuals who have the ability to have privileged communications as "Confidential Employees." When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information.

For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

## **XI. Student-Athlete Disclosures**

All incoming, continuing and transfer student-athletes are required to complete an annual disclosure form regarding whether they have engaged in conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence. Students are also expected to disclose whether they have been disciplined through other institutional processes outside of Title IX for sexual, interpersonal or other acts of violence. Transfer student-athletes are also required to disclose whether a Title IX proceeding was pending at the time of transfer. Failure to make full and accurate disclosures could result in penalties, including but not limited to loss of eligibility to participate in athletics, revocation of an offer of an admission, and/or sanctions under the UAB [Student Conduct Code](#). The student-athlete disclosures will be treated as part of the student's education records and will be protected in accordance with FERPA, as outlined in the University's FERPA Policy. They will be shared, if necessary, in accordance with FERPA, the National Collegiate Athletic Association ("NCAA") Campus Sexual Violence Policy and any other applicable laws.

If UAB receives a request from another institution regarding whether a student-athlete has engaged in conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence, UAB will release information consistent with its obligations under FERPA and the NCAA Campus Sexual Violence Policy.

## **XII. Imposition of Sanctions**

A student, employee, patient, visitor, or third party determined to have engaged in Prohibited Conduct shall be in violation of this Policy. The specific procedures for imposing discipline depend upon the nature of the Respondent's relationship to the University. A student, staff, or faculty member determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third parties, visitors, or patients who violate this Policy may have their relationship with the University terminated and/or their privileges and access to the University's premises revoked.

Complainants and Respondents shall be treated equitably, which for a Respondent means following a grievance process before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures under this Policy.

## **XIII. Remedies**

After a final determination of a finding of responsibility, in addition to the imposition of sanctions, the Title IX Coordinator will determine what remedies may need to be implemented to restore or preserve equal access to the University's education program or activity or employment. The Title IX Coordinator will also identify any appropriate remedies/measures to address any effects of substantiated Prohibited Conduct on the University community.

The remedies provided may be additional or the continuation of the Supportive Measures. The Title IX Coordinator may impose or extend a No-

Contact Directive and impose or extend academic modifications, University housing and/or University employment modifications, as may be appropriate; impose or extend increased monitoring, supervision, and/or security at locations or in connection with activities where the Prohibited Conduct occurred or is likely to reoccur; arrange for conducting targeted or broad-based educational programming or training for relevant persons or groups; impose one or more restorative remedies to encourage a Respondent to develop insight about the Prohibited Conduct, learn about the impact of that Prohibited Conduct on the Complainant and the University community, and identify how to prevent that Prohibited Conduct in the future (including community service and mandatory participation in training, education and/or prevention programs related to the Prohibited Conduct); and/or impose any other remedial or protective measures that are tailored to achieve the goals of the Title IX Policy.

Remedies that do not impact the Respondent will not be disclosed to the Respondent unless implementation of the remedy requires notification to the Respondent (e.g., disciplinary action).

#### **XIV. Student and Employee Training and Prevention Education Programs**

The University engages in comprehensive educational programming to prevent Prohibited Conduct, consisting of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students, faculty, and staff that include, but are not limited to the following topics:

- Identifying domestic violence, dating violence, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, and stalking as Prohibited Conduct;
- Defining what behavior constitutes domestic violence, dating violence, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, and stalking; Defining what behavior and actions constitute consent to sexual activity in the State of Alabama;
- Providing safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, or stalking against a person other than the bystander;
- Providing information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Providing an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University also provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from sex discrimination and sexual harassment.

#### **XV. Free Speech and Academic Freedom**

The University is committed to free and open inquiry and expression for all members of its community. The University is dedicated to the promotion of lively and fearless freedom of debate and deliberation, but also to the protection of that freedom when others attempt to restrict it.

In cases of Prohibited Conduct, the protections of the First Amendment and applicable state law must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom (e.g., classroom lectures and discussions) and in all other education programs and activities (e.g., speakers on campus; campus debates, school plays and other cultural events; and student newspapers, journals, and other publications). In addition, free speech rights apply to the speech of involved parties. Title IX is intended to protect University community members from sex discrimination, not to regulate the content of speech. To establish a violation of Title IX, the harassment must be sufficiently severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or benefit from an education program or activity or employment.

Moreover, in regulating the conduct of UAB community members to prevent or redress discrimination prohibited by Title IX, great care must be taken not to inhibit open discussion, academic debate, and expression of personal opinions, particularly in the classroom. Nonetheless, speech or conduct of a harassing, sexual, or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited harassment if it meets the definition of Prohibited Conduct and (1) is reasonably regarded as non-professorial speech (i.e., advances a personal interest of the student or faculty member as opposed to furthering the learning process or legitimate objectives of the course), or (2) lacks an accepted pedagogical purpose or is not germane to the academic subject matter.

This Policy shall be implemented in a manner that recognizes the importance of and is consistent with the rights to freedom of speech and expression.

#### **XVI. Resources**

Below is a link to a listing of available resources:

[Title IX Resources](#)

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[1] In incidents involving the use of alcohol, drugs, or other mind-altering substances, the totality of the circumstances shall be analyzed to determine whether the use of those substances caused a party to be unable to consent to sexual activity. Factors the University will consider include, but are not limited to, the following:

- Whether a party was conscious or unconscious;
- Whether a party became sick due to intoxication;
- Whether a party exhibited signs of intoxication, including inability to communicate, slurred speech, lack of coordination in walking or performing simple tasks, or any other evidence indicative of impaired cognitive functioning; or
- Whether a Respondent knew or reasonably should have known of a Complainant's ability or inability to give consent due to the use of alcohol, drugs, or other mind-altering substances.

The existence of any one of these factors may support a finding that a party was unable to consent to sexual activity. The mere fact that an individual was under the influence of alcohol, drugs, or other mind-altering substances, however, does not create a presumption that the individual was unable to consent. Also, an individual's use of alcohol, drugs, or other mind-altering substances does not diminish that individual's responsibility to obtain consent if that individual is the one who initiates sexual activity.

[2] A "hostile environment" exists when the conduct is sufficiently severe, pervasive and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct; Whether the conduct was physically threatening;

- The effect of the conduct on the Complainant's mental or emotional state; Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and Whether the conduct implicates concerns related to academic freedom or protected speech.

#### **Related Policies**

[Student Conduct Code](#)

[Policy on the Protection of Children on UAB Premises and in UAB-Sponsored Activities](#)

[Violence Prevention and Response Policy](#)

[UAB Enterprise Code of Conduct](#)

[Equal Opportunity and Discriminatory Harassment Policy](#)

[Duty to Report and Non-retaliation Policy](#)

[Policy Concerning Consensual Romantic Relationships](#)

#### **Related Procedures**

[Title IX Procedures for the Resolution of Sexual Harassment Complaints](#)

[Procedures for the Resolution of Sex Discrimination Complaints \(non-harassment\)](#)