

LBWTM

COMMUNITY COLLEGE



ADDENDUM TO THE

COLLEGE CATALOG

and

STUDENT HANDBOOK

2025-2026

SHORT-TERM CERTIFICATE AWARD REQUIREMENTS (P. 66)

The General Education Core for the Short-Term Certificate (<=29 Semester Hours):

Area I: Written Composition I and II 0–3 Credit Hours

One technical writing course is recommended in the Short-Term Certificate.

Area II: Humanities and Fine Arts 0 Credit Hours

Area III: Natural Science, Mathematics, and Computer Science 0 – 3 Credit Hours

Area IV: History, Social, and Behavioral Sciences 0 Credit Hours

Areas I – V General Education Requirements 0– 6 Credit Hours

Area V: Technical Core, Technical Concentration, and Electives 9–29 Credit Hours

- Courses appropriate to the degree requirements, occupational or technical specialty requirements, core courses, and electives

Areas I – V Total Hours Required 9–29 Credit Hours

Short Certificates are not intended for transfer.

The following programs offer Short-Term Certificates:

Automotive Mechanics	Emergency Medical Advanced (AEMT)
Basic SMAW and Cutting	Esthetics Technology
Computer User Support Specialist	Forest Worker/Aide
Consumable Arc Welding Processes	Industrial Electronics
Child Development	Medical Office Administration
Diesel and Heavy Equipment Mechanics	Nail Technology
Emergency Medical Basic (EMT)	Paramedic

EMERGENCY MEDICAL SERVICES (P.111)

Program Description: Emergency medical technicians (EMTs) and paramedics care for the sick or injured in emergency medical settings. People's lives often depend on their quick reaction and competent care. EMTs and paramedics respond to emergency calls, performing medical services and transporting patients to medical facilities.

The Emergency Medical Services (EMS) program is designed to provide the student with theory, practical demonstration, lab practice, and clinical experiences to prepare competent entry-level Emergency Medical Technicians and paramedics. Upon successful completion of each licensure level of EMS, a student is eligible to take the applicable National Registry of Emergency Medical Technician (NREMT) Certification Exam. Upon successful completion of the first semester, students will be awarded an Emergency Medical Technician (EMT) Short Certificate and will be eligible to take the NREMT Certification Exam. Upon successful completion of the second semester, students will be awarded an Advanced Emergency Medical Technician (AEMT) Short Certificate and will be eligible to take the NREMT Certification Exam. Upon successful completion of ~~the~~ **all remaining EMS courses, students will be awarded the Paramedic Short Certificate. Students completing the Paramedic Short Certificate and/or the full EMS program (Paramedic Level), students awarded** an Associate in Applied Science Degree in Emergency Medical Services – Paramedic ~~and~~ will be eligible to take the NREMT Certification Exam.

EMERGENCY MEDICAL SERVICES (P. 116)

Short Certificate—Paramedic

First Semester

Course Number	Course Name	Theory Hrs.	Lab Hrs.	Clinical Hrs.	Credit Hrs.
EMS 241	Paramedic Cardiology	2	2	0	3
EMS 242	Paramedic Patient Assessment	1	3	0	2
EMS 243	Paramedic Pharmacology	0	2	0	1
EMS 244	Paramedic Clinical I (45 Clinical Hrs.)	0	0	3	1
Total		3	7	3	7

Second Semester

Course Number	Course Name	Theory Hrs.	Lab Hrs.	Clinical Hrs.	Credit Hrs.
EMS 245	Paramedic Medical Emergencies	2	3	0	3
EMS 246	Paramedic Trauma Management	2	2	0	3
EMS 247	Paramedic Special Populations	1	2	0	2
EMS 248	Paramedic Clinical II	0	0	9	3
Total		5		9	11

Third Semester

Course Number	Course Name	Theory Hrs.	Lab Hrs.	Clinical Hrs.	Credit Hrs.
EMS 253	Paramedic Transition to the Workforce	1	2	0	2
EMS 254	Advanced Competencies for the Paramedic	1	2	0	2
EMS 255	Paramedic Field Preceptorship	0	0	15	5
EMS 256	Paramedic Team	0	0	3	1
Total		2	4	18	10

Total Credit Hours	28
Total Contact Hours	870

*The EMS program does not accept challenge credit for 200-level paramedic courses.

EMERGENCY MEDICAL SERVICES--PARAMEDIC SHORT CERTIFICATE REQUIREMENTS (STC)

The mission of the Emergency Medical Services Program at LBW Community College is to prepare competent entry-level Emergency Medical Technician – Paramedics in cognitive (knowledge), psychomotor (skills) and affective (behavior) learning domains with or without exit points at the Advanced Emergency Medical Technician and/or

Emergency Medical Technician, and/or Emergency Medical Responder levels. The program mission supports the College Mission by providing academic and technical instruction and workforce development.

Paramedic Courses (28 Credit Hours)	Term	Grade	Hours
EMS 241 Paramedic Cardiology	_____	_____	3
EMS 242 Paramedic Patient Assessment	_____	_____	2
EMS 243 Paramedic Pharmacology	_____	_____	1
EMS 244 Paramedic Clinical (45 clinical hours)	_____	_____	1
EMS 245 Paramedic Medical Emergencies	_____	_____	3
EMS 246 Paramedic Trauma Emergencies	_____	_____	3
EMS 247 Paramedic Special Populations	_____	_____	2
EMS 248 Paramedic Clinical II	_____	_____	3
EMS 253 Paramedic Transition to the Workforce	_____	_____	2
EMS 254 Advanced Competencies for the Paramedic	_____	_____	2
EMS 255 Paramedic Field Preceptorship	_____	_____	5
EMS 256 Paramedic Team Leadership (45 clinical hours)	_____	_____	1
Total Hours Required for Degree			28

SEXUAL MISCONDUCT POLICY (P. 299)

Sexual Misconduct Policy

Title IX Sexual Harassment Complaint Procedures

A. INTRODUCTION

Lurleen B. Wallace Community College is committed to providing a workplace and campus community free of sexual misconduct and harassment. As required by Title IX of the Education Amendments of 1972, the College does not discriminate on the basis of sex in its education programs and activities. This includes discrimination affecting employees of the college and applicants for employment, students and applicants for admission, or members of the public. All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others, whether on college premises or at any College-owned off-campus location and while participating in any educational program or activity of the College.

Sexual harassment, which includes sexual misconduct and sexual assault, is a form of sex discrimination which is prohibited under Title IX of the Education Amendments of 1972 and the Violence Against Women Act. This policy is intended to reaffirm the College's commitment to address sexual harassment and take steps to prevent its reoccurrence and preserve or restore equal access to the College's education programs and activities. Dating violence, domestic violence, and stalking may also be considered forms of sexual discrimination. Due to the seriousness of these offenses, the College has adopted specific policies and procedures, outlined in the Student Handbook, employment policies, and webpage, to address alleged instances of sexual harassment, sexual misconduct, sexual assault, dating violence, domestic violence, and stalking. The College believes that no person should bear the effects of sexual harassment alone. When such conduct occurs, the College's paramount concern is for the safety and well-being of those impacted. To support and assist students, the College provides a range of resources that include a trained counselor.

Under Title IX, individuals reporting allegations related to sexual harassment and/or sexual violence, have the right to a resolution of their complaint, to have the College conduct a prompt, thorough and impartial investigation, and to receive supportive measures to ensure the safety and wellbeing of the individuals involved and the College community.

When allegations of sexual harassment and/or sexual violence in any form are brought to the attention of the Compliance Officer, and if a responding party is found to have violated this policy, serious sanctions will be used to prevent its reoccurrence. Lurleen B. Wallace Community College does not tolerate or condone retaliation. Individuals wishing to report reporting sexual harassment and/or sexual violence and/or to make inquiries concerning the application of Title IX at the College may contact:

Latrece Hall
Compliance Officer
William H. McWhorter Learning Resource Center (LRC)
1000 Dannelly Boulevard
Andalusia, AL 36420
334-881-2271
TitleIX@lbwcc.edu

and/or

Assistant Secretary
U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

Information regarding the Title IX Coordinator and their role will be provided to all faculty, staff, students, applicants for admissions, and applicants for employment. Also, this information is available on the College website at www.lbwcc.edu under the Title IX webpage.

POLICY

The U.S. Department of Education's [Office for Civil Rights](#) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

B. DEFINITIONS RELATING TO SEXUAL HARASSMENT

Many terms are used in the context of sexual harassment. The following will provide some common definitions and examples:

Actual knowledge: The notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College shall be deemed actual knowledge on the part of the College.

Complainant: Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. For the purposes of this procedure a Complainant may be an individual applying for admission or employment, an employee, a student or an individual otherwise participating in or attempting to participate in the College's education programs and activities.

Respondent: Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal complaint: Formal complaint is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. Note: At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an educational program or activity of the College at which the formal complaint is filed.

Consent: "Consent" must be informed, voluntary, and mutual and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether or not a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

Incapacitation: An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, intoxication, or any other state where the individual is unaware that sexual contact is occurring or is otherwise unable to give informed and voluntarily consent. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. Example: A person who is taking pain medication and falls asleep under the influence of the medication can be incapacitated and not be able to give consent to sexual contact.

Sexual Misconduct: Committing sexual abuse, sexual assault, sexual harassment, sexual exploitation, or statutory rape, as defined below or under Alabama state law.

Harassment: The striking, shoving, kicking, or otherwise touching or making physical contact in regard to another for the purpose of harassing, annoying or alarming; and/or directing abusive or obscene language or making an obscene gesture toward someone for the purpose of harassing, annoying, or alarming. Example: Making or using persistent derogatory comments,

~~epithets, or slurs that place a person in a hostile or fearful environment or where the person's safety is in jeopardy.~~

~~Sexual harassment: Conduct on the basis of sex that satisfies one or more of the following:~~

- ~~• A school employee conditioning education benefits on participating in unwelcome sexual conduct (i.e. quid pro quo);~~
- ~~• Unwelcomed conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or~~
- ~~• Stalking, dating violence, domestic violence or sexual assault.~~

~~Definitions of Sexually Based Offenses~~

~~Domestic Violence:~~

~~Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, 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 the jurisdiction (34 U.S.C.12291(a)(8).~~

~~In Alabama, domestic violence includes felony and misdemeanor crimes of violence committed by a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant (Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees).~~

~~Dating Violence:~~

~~Means violence committed by a person—~~

- ~~a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and~~
- ~~b) Where the existence of such a relationship will be determined based on a consideration of the following factors:~~
 - ~~• The length of the relationship,~~
 - ~~• The type of relationship,~~
 - ~~• The frequency of interaction between the persons involved in the relationship (34 U.S.C.12291(a) (10).~~

~~In Alabama, dating violence is covered under Alabama Code Section 13A, Article 7 Domestic Violence in 1st, 2nd, and 3rd Degrees.~~

~~Stalking:~~

~~Means 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 34 U.S.C.12291 (a)(30).~~

~~In Alabama, stalking is when a person intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm (13A-6-90 Stalking in the first degree) or a person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct (Section 13A-6-91 Stalking in the second degree).~~

Sexual assault:

~~Means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting systems of the Federal Bureau of Investigation 20 U.S.C.1092 (f)(6)(A)(v).~~

Victim's Option to Report

~~Students and employees who are victims of crime including rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking, are encouraged by the College to report but do have the option not to report the incident to campus law enforcement, or local law enforcement. In those cases, the victim may still seek assistance confidentially from Local Domestic Violence Services or any other victim service agency of their choosing.~~

Formal Complaint Process

A. INITIAL STEPS

~~Any student or employee of the College or applicant for employment or admission who has a complaint against a student or a member of the College faculty, staff, or administration concerning sexual harassment (Title IX of the Educational Amendments of 1972) or has knowledge of any conduct constituting sexual harassment in an educational program or activity of the College or which occurred on property owned by the College or controlled by the College should report the complaint to the campus Title IX Coordinator. An educational program or activity of the College includes, but is not limited to locations, events or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes buildings owned or controlled by a student organization that is officially recognized by the College.~~

B. REPORTING A COMPLAINT

~~Any individual may report a sexual harassment incident to the Title IX Coordinator in person, by email, by telephone, or in writing. The report must include the names of the Complainant(s) and Respondent(s), approximate date of incident, facts of the incident, and contact information for the person submitting the complaint.~~

~~The Title IX Coordinator will respond in writing to the person submitting the complaint as soon as practicable, but not exceeding five (5) business days. If the person submitting the complaint is not the Complainant, the Title IX Coordinator will also contact the Complainant within five (5) business days.~~

~~If after a discussion with the Complainant, the Title IX Coordinator determines that the complaint does not qualify as a Title IX Complaint, the Title IX Coordinator will notify the Complainant in writing and may redirect the Complaint to the appropriate committee.~~

~~If after a discussion between the Complainant and the Title IX Coordinator, the Title IX Coordinator determines that the complaint meets the criteria of a Title IX Complaint and the Complainant requests to file a formal complaint, the Title IX Coordinator will initiate the formal complaint process.~~

~~C. SUPPORTIVE MEASURES~~

~~Supportive measures means 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 or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. 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. The College must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.~~

~~Supportive measures will be offered to the Complainant within five (5) business days of receipt of the complaint.~~

~~Supportive measures will be offered to the Respondent simultaneously with the Notice of Allegations.~~

~~D. STANDARD OF EVIDENCE FOR DETERMINING RESPONSIBILITY~~

~~For the purposes of the College's Title IX procedures, the College will use a "preponderance of evidence" standard for determining responsibility. Preponderance of the evidence means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not.~~

~~E. FORMAL COMPLAINT PROCESS~~

~~A formal complaint must be submitted in electronic (email) or written format to the Title IX Coordinator and must be signed by the Complainant. In the event that, under the circumstances, a formal complaint should be pursued notwithstanding a Complainant's desire not to file a formal complaint, the Title IX Coordinator may sign the complaint.~~

~~The complaint must include the following:~~

- ~~• the date of the original complaint,~~
- ~~• names of Complainant and Respondent,~~
- ~~• facts and description of the complaint, and~~
- ~~• the request to investigate complaint.~~

~~A Complainant must be participating in or attempting to participate in a College sponsored program or activity at the time the complaint is filed.~~

~~F. DISMISSAL OF FORMAL COMPLAINT~~

~~The College may dismiss a formal complaint or allegations therein if:~~

- ~~• the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the formal complaint or allegations therein,~~
- ~~• the Respondent is no longer enrolled or employed by the school, or~~
- ~~• specific circumstances prevent the school from gathering sufficient evidence to reach a determination.~~

~~The College must dismiss a formal complaint or allegations therein if:~~

- ~~• the allegations do not meet the definitions of sexual harassment~~
- ~~• the alleged conduct did not occur within the United States, or~~
- ~~• the alleged conduct did not occur within a College sponsored program or activity.~~

~~If the College determines the formal complaint or allegations therein will be dismissed, the Title IX Coordinator will provide written notice to both parties of the dismissal of allegations, the reason for dismissal within five (5) business days of the decision to dismiss the complaint and the Complainant's right to appeal, if applicable.~~

~~G. NOTICE OF ALLEGATIONS~~

~~The Title IX Coordinator will provide simultaneous written notice of allegations, including sufficient details, and intent to investigate to the Complainant and Respondent no later than ten (10) calendar days after receipt of the formal complaint. The Title IX Coordinator will also provide both parties with the formal complaint, grievance and appeal process, possible sanctions and remedies, and availability of advisors. The written notice shall include a statement that the respondent is presumed not responsible for the alleged conduct, that the parties and their advisors may review and inspect evidence, and advise the parties of the provisions of the College Code of Conduct relating to making false statements or submitting false information during the grievance process.~~

~~The Title IX Coordinator will additionally notify the Title IX investigator of the pending investigation and provide a copy of the formal complaint.~~

~~H. ADVISORS~~

~~In addition to providing the Complainant and Respondent with written notice of allegations and intent to investigate, the Title IX Coordinator will inform the parties of the availability of advisors. Both parties shall have the right to retain, at the respective party's own cost, the assistance of legal counsel or other personal representative advisor. In the alternative, either or both parties may also request an advisor provided by the College.~~

~~Only an advisor may conduct cross-examination during the live hearing.~~

~~I. INVESTIGATION PROCEDURE~~

~~The Title IX investigator is responsible for conducting an investigation of the submitted formal complaint. The Title IX investigator will have received Title IX investigator training within the current academic year.~~

~~The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties.~~

~~The Title IX investigator will notify the Complainant and Respondent in writing of the intent to investigate within five (5) business days of receipt of the formal complaint and will commence interviews within ten (10) business days of receipt of the formal complaint. The Title IX investigator will notify the Complainant and Respondent and their respective advisors in writing of all individuals the investigator intends to interview.~~

~~Either party may identify other witnesses with relevant information for interview or other evidence for review by the investigator.~~

~~The Title IX investigator will conduct a factual investigation of the formal complaint and shall research applicable statutes, regulations, and/or policies, if any. The Title IX investigator will notify any interviewees in writing of the intent to interview. Interviewees will have at least five~~

~~(5) business days' notice of an interview. Notice will include the participants, date, place, purpose, and time of the interview.~~

~~The College will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory (tending to establish fault or guilt) and exculpatory (clearing or tending to clear from alleged fault or guilt) evidence.~~

~~Creditability determinations may not be based on a person's status as a Complainant, Respondent or witness.~~

~~The College will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the College may establish restrictions regarding the extent to which the advisor may participate in proceedings, as long as the restrictions apply equally to both parties.~~

~~The College will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.~~

~~The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal access opportunity to refer to such evidence during the hearing, including for purposes of cross examination.~~

~~Prior to the completion of the investigative report, the Title IX investigator will submit all reviewed evidence to the Title IX Coordinator.~~

~~The Title IX Coordinator will provide copies of all evidence reviewed during the investigation to the Complainant, Respondent, and their respective advisors. All parties will have ten (10) business days to review the evidence and respond in writing to the Title IX Coordinator.~~

~~Subsequent to the ten (10) business day review period, the Title IX Coordinator will direct any responses from the Complainant, Respondent, or their respective advisors to the Title IX Investigator for additional review. The Title IX Investigator will submit a final report and the reviewed evidence to the Title IX Coordinator. At least ten (10) days prior to the live hearing, the Title IX Coordinator will simultaneously provide the Complainant, Respondent, and their respective advisors, with the final report and all reviewed evidence for their review and written response.~~

J. LIVE HEARING PROCEDURE

Upon completion of the final investigative report, the Hearing Decision Maker(s) will schedule a live hearing. The Hearing Decision Maker(s) will have completed Decision Maker training during the current academic year. If there are multiple Hearing Decision Maker(s), one shall be designated as the Primary Decision Maker. The Hearing Decision Maker(s) will notify the Complainant, Respondent, their respective advisors, Title IX Coordinator, Title IX Investigator, and witnesses named in the final report of the live hearing date. The live hearing date must provide the Complainant, Respondent, and their respective advisors with no less than ten (10) business days to review the final investigative report and all supporting evidence.

The hearing must be a live, recorded hearing with the opportunity for both advisors to conduct cross examinations. The hearing shall be recorded by either a court reporter or an audio or video tape or by other electronic recording medium. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

Upon request, the Complainant and Respondent may participate in the hearing via on-campus video conferencing provided that all parties, including the Decision Maker(s), are able to see and hear the party or witness answering questions in real-time.

The Hearing Decision Maker(s), Complainant, Respondent, and their respective advisors will attend the hearing. The Title IX investigator, Title IX Coordinator and witnesses will be called to provide testimony if requested by the Hearing Decision Maker(s), parties or their respective advisors.

If a party does not have an advisor present at the live hearing, the College shall provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be an attorney. Neither party may dismiss a College appointed advisor.

The hearing process will consist of:

- Opening statement by Hearing Decision Maker (or Primary Decision Maker)
- Review of hearing procedures, formal complaint and notice of allegations by Hearing Decision Maker (or Primary Decision Maker)
- Review of potential hearing outcomes and sanctions by Hearing Decision Maker (or Primary Decision Maker)
- Complainant testimony
- Cross examination of Complainant by Respondent advisor
- Testimony of witnesses of Complainant
- Cross examination of Complainant witnesses by Respondent advisor
- Respondent testimony
- Cross examination of Respondent by Complainant advisor

- ~~Witnesses of Respondent testimonies~~
- ~~Cross examination of Respondent Witnesses by Complainant advisor~~
- ~~Decision Maker inquiries~~
- ~~Review of appeal process by Hearing Decision Maker (or Primary Decision Maker)~~
- ~~Closing statement by Hearing Decision Maker (or Primary Decision Maker)~~
- ~~Dismissal of parties~~
- ~~Decision Maker deliberations~~

~~At the hearing, the Hearing Decision Maker (or Primary Decision Maker) shall read the hearing procedures, notice of allegations, formal complaint, potential hearing outcomes, and potential sanctions. After the Hearing Decision Maker (or Primary Decision Maker) concludes opening statements, the Complainant shall have the opportunity to present such oral testimony and offer such other supporting evidence as deemed relevant to the formal complaint. Subsequent to Complainant testimony, the Respondent advisor may conduct cross examination. The Decision Maker(s) may question the Complainant after the cross examination.~~

~~The Complainant may call witnesses to provide testimony as deemed appropriate to the formal complaint. The Respondent advisor may conduct cross examination of the witnesses. The Decision Maker(s) may question the witnesses after the cross examination.~~

~~The Respondent shall then be given the opportunity to present such testimony and offer such other evidence as deemed relevant to the Respondent's defense against the formal complaint. Subsequent to Respondent testimony, the Complainant advisor may conduct cross examination. The Decision Maker(s) may question the Respondent after the cross examination.~~

~~The Respondent may call witnesses to provide testimony as deemed appropriate to the formal complaint. The Complainant advisor may conduct cross examination of the witnesses. The Decision Maker(s) may question the witnesses after the cross examination.~~

~~Only relevant cross examination and other questions may be asked of a party or witness.~~

~~During cross examination, the advisor will pose each question orally to the Hearing Decision Maker(s). The Hearing Decision Maker (or Primary Decision Maker) will determine if the Complainant, Respondent, or witnesses may respond to the question. If the Hearing Decision Maker (or Primary Decision Maker) determines that the question is not relevant, the Hearing Decision Maker(s) (or Primary Decision Maker) will explain the rationale for dismissing the question. Rape shield protection is provided for Complainants which deems irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of Complainant's prior sexual behavior with respect to the Respondent and offered to prove consent.~~

~~Decision makers cannot draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the live hearing or refusal to answer cross examination or other questions.~~

~~Upon conclusion of the presentation of the evidence and cross examinations, the Hearing Decision Maker (or Primary Decision Maker) shall read the appeal process and closing statements. The Complainant, Respondent, their respective advisors and all witnesses shall be dismissed.~~

~~The Hearing Decision Maker(s) will deliberate to determine if the Respondent is deemed responsible and submit a written hearing report which contains:~~

- ~~• identification of the allegations potentially constituting sexual harassment;~~
- ~~• a description of the procedural steps taken from the receipt of the formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;~~
- ~~• findings of fact supporting the determination;~~
- ~~• conclusions regarding the application of the College's code of conduct to the facts;~~
- ~~• a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and~~
- ~~• the College's procedures and permissible bases for the Complainant and Respondent to appeal.~~

~~The Hearing Decision Maker (or Primary Decision Maker) will submit the hearing report to the Title IX Coordinator within ten (10) business days of the live hearing.~~

~~The Title IX Coordinator will submit the hearing report simultaneously to the Complainant, Respondent, and their respective advisors within three (3) business days of receipt of the hearing report.~~

~~The College must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.~~

~~The Title IX Coordinator will retain the recording of the hearing, the hearing report, the investigative report, and all evidence obtained during the investigation and all evidence offered at the hearing.~~

K. APPEAL PROCEDURE

~~Appeals of a determination regarding responsibility and from the College's dismissal of a formal complaint or any allegations therein are available to both parties on the following grounds: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the decision regarding responsibility or dismissal was made, that could affect the outcome; and/or (3) the Title IX Coordinator, Investigator, or a Decision Maker had a conflict of interest or bias that affected the outcome.~~

~~The President of Lurleen B. Wallace Community College or his/her designee shall be the appeal authority in upholding, rejecting, or modifying the recommendations of the Hearing Decision Maker(s). The President or his/her designee shall not be bound in any manner by the recommendation(s) of the Hearing Decision Maker(s), but shall take it (them) into consideration in rendering his/her decision.~~

~~Either party may file a written request with the President requesting that the President (or his/her designee) review the decision of the Hearing Decision Maker(s). The written request must be filed within ten 10 business days following the party's receipt of the hearing report. If the appeal is not filed by the close of business on the tenth (10th) business day following the party's receipt of the report, the party's opportunity to appeal shall have been waived.~~

~~As to all appeals, the College will:~~

- ~~• notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;~~
- ~~• ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.~~
- ~~• ensure the decision-maker(s) for the appeal complies with the standards set for in 34 C.F.R. § 106.45(b)(iii);~~
- ~~• give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;~~
- ~~• issue a written decision describing the result of the appeal and the rationale for the result;~~
- ~~and~~
- ~~• provide the written decision simultaneously to both parties.~~

~~A decision on a party's appeal shall be rendered within 30 calendar days of the initiation of the appeals process. The time for decision may be extended for exigent circumstances or as may be otherwise agreed by the parties.~~

~~If the Complainant is also an employee of the College, the individual may also file a claim with the Equal Employment Opportunity Commission within 180 days of the alleged discriminatory act.~~

~~Informal Resolution. The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation, and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the College may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as~~

mediation, that does not involve a full investigation and adjudication, provided that the College does the following:

- ~~i. provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;~~
- ~~ii. obtains the parties' voluntary, written consent to the informal resolution process; and~~
- ~~iii. does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.~~

~~L. RETALIATION PROHIBITED~~

~~Neither the College nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under this policy. Complaints alleging retaliation may be filed according to the grievance procedures included in the formal complaint process. The College shall keep confidential the identity of any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness except as may be permitted by FERPA statute, 20 U.S.C. 1232g or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.~~

~~M. RANGE OF POSSIBLE SANCTIONS~~

~~On final determination of responsibility the following sanctions may be imposed against a respondent:~~

~~For Students:~~

- ~~• Disciplinary reprimand~~
- ~~• Disciplinary probation~~
- ~~• Disciplinary suspension~~
- ~~• Class suspension~~
- ~~• Library suspension~~
- ~~• Disciplinary expulsion~~
- ~~• Payment of damages~~
- ~~• No trespass order~~
- ~~• No contact order~~

~~For Employees:~~

- ~~• Oral warning~~
- ~~• Written warning~~
- ~~• Letter of reprimand~~
- ~~• Mandatory attendance at an educational program on discrimination, harassment, and/or sexual misconduct, or retaliation~~
- ~~• Mandatory referral for psychological assessment and compliance with any resulting treatment plan~~
- ~~• Restriction of responsibilities~~
- ~~• Reassignment or transfer to another department~~
- ~~• Suspension without pay~~
- ~~• Final written warning~~
- ~~• Dismissal/termination of employment~~
- ~~• No trespass order may be issued for individuals who have been accused of and/or~~

~~For Individuals other than employees or students:~~

- ~~1. A no trespass order may be issued for individuals who have been accused and/or found in violation of sexual harassment.~~
- ~~2. A no contact order may be issued for individuals who have been accused of and/or found in violation of sexual harassment.~~

~~At any time in the grievance process the College may impose a temporary delay or limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.~~

~~Neither the College assigned Investigator or Decision Makers and any person who facilitates an informal resolution process shall require, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.~~

~~The College's Title IX Coordinators, Investigators, Decision Makers shall all have received training for their respective roles prior to participating in a Title IX Complaint or grievance process. All materials used to train the Title IX Coordinators, Investigators, Decision Makers and any person who facilitates an informal resolution process may be found on the College's website at www.lbwcc.edu/footer/links/title-ix.~~

Sexual Misconduct Policy

Grievance Procedures for Complaints of Title IX Sexual Harassment

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|---|--|
| A. Policy Statement | J. Initial Evaluation & Complaint Dismissals |
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| C. Jurisdiction and Application of these Procedures | L. Hearing |
| D. Title IX Coordinator | M. Appeals |
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A. Policy Statement

Lurleen B. Wallace Community College is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, the Jeanne Clery Campus Safety Act, and the Violence Against Women Act (VAWA). Sexual harassment and retaliation under these Procedures will not be tolerated by the College and is grounds for disciplinary action, up to and including, permanent dismissal from the College and/or termination of employment.

The College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator.

B. Purpose

The College takes all reported sexual harassment seriously. The College will promptly take action against any individuals within its control who are found responsible for violating these Procedures. Additionally, reported sexual harassment that does not meet the definitions and jurisdiction of these Procedures will be referred for review under the Student Code of Conduct, or the Employee Policy, whichever may be applicable.

C. Jurisdiction and Application of these Procedures

These Procedures apply to sexual harassment occurring under the College’s education program or activity. Conduct that occurs under the College’s education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by the College or by a student organization that is officially recognized by the College and where the College exercises control over the Respondent at the time the alleged conduct occurs. A Complainant may only file a formal complaint if the Complainant is participating or attempting to participate in the College’s education program or activity. These Procedures do not cover conduct that occurs outside of the United States.

If the alleged conduct does not meet the definition of sexual harassment under these Procedures, the College will provide supportive measures when reasonably available and when possible take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

D. Title IX Coordinator

The College’s Title IX Coordinator is the person designated by the College who is responsible for coordinating the College’s compliance with its obligations under Title IX. The Title IX Coordinator is responsible for the administrative response to complaints of sexual harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain the College’s policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Assistant Title IX Coordinators to facilitate any of these responsibilities.

Any member of the College’s community may contact the Title IX Coordinator with questions. The Title IX Coordinator and Assistant Title IX Coordinator(s) contact information is as follows:

Latrece Hall, Title IX Coordinator
1000 Dannelly Boulevard
Andalusia, AL 36420
334-881-2271
lhall@lbwcc.edu or TitleIX@lbwcc.edu

Lisa Carnley, Assistant Title IX Coordinator
1000 Dannelly Boulevard
Andalusia, AL 36420
334-881-2216
lcarnley@lbwcc.edu

Tammye Merida, Assistant Title IX Coordinator
1708 N Main St
Opp, AL 36467
334-493-5357
tmerida@lbwcc.edu

In addition to the Title IX Coordinator and Assistant Title IX Coordinators, the Title IX staff may include Investigators, Hearing Decisionmakers, Appellate Decisionmakers, Advisors, and Informal

Resolution Facilitators who have roles in the formal grievance process, which are detailed in these Procedures.

The Title IX Coordinator, Assistant Title IX Coordinators, Investigators, Hearing Decisionmakers, Appellate Decisionmakers, Advisors, and Informal Resolution Facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of complaints of sexual harassment. All materials used to train these administrators will be available on the College's Title IX website for inspection by members of the public in accordance with Title IX regulations.

Conflict of Interest

The Title IX Coordinator, Assistant Title IX Coordinators, Investigators, Decisionmakers, Appellate Decisionmakers, and Informal Resolution Facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or 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 these Procedures who believes they may have a potential conflict of interest or bias that would prevent them from impartially exercising their authority, must disclose the potential conflict/bias to the Title IX Coordinator as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias free alternative in the case at issue.

If the Complainant or the Respondent believes the Title IX Coordinator has a conflict of interest or bias, such objection should be made to the Assistant Title IX Coordinator as soon as practicable after the potential conflict or bias is discovered. If the Assistant Title IX Coordinator determines that the objection is reasonable, the Title IX Coordinator will be replaced with a conflict/bias free Assistant Title IX Coordinator.

If the objection as to a conflict or bias is made with respect to an Investigator, such objection should be reported to the Title IX Coordinator as soon as practicable after the potential conflict or bias is discovered. If the Title IX Coordinator determines that the objection is reasonable, the Investigator will be replaced with a conflict/bias free alternative Investigator.

If the objection as to a conflict or bias is made with respect to a Hearing Decisionmaker or Appellate Decisionmaker, such objection must be reported to the Title IX Coordinator before the scheduled hearing or appeal decision. If the Title IX Coordinator determines that the objection is reasonable, the challenged person will be replaced with a conflict/bias free alternative Hearing Decisionmaker or Appellate Decisionmaker.

The decision of the Title IX Coordinator or Assistant Title IX Coordinator (in objections to the Title IX Coordinator), regarding an objection 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.

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

E. Definitions

Actual Knowledge: notice of sexual harassment allegations to the Title IX Coordinator or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent

Business Day: any weekday not designated by the College as a holiday or administrative closure day. When calculating a time period of business days specified in these Procedures, the business day of the event that triggers a time period is excluded

Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment

Confidential Employee: an individual identified by the institution who will not report any information about an incident to the Title IX Coordinator without the Complainant's permission. The college does not currently have a Confidential Employee; all employees are expected to report any information about an incident to the Title IX Coordinator. Uwill offers confidential services to employees and students.

Consent: must be informed, voluntary, and mutual and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether or not a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

Disciplinary Sanctions: consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the College's prohibition on sexual harassment

Education Program or Activity: locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; includes conduct that occurs on College property, during any College activity, or in any building owned or controlled by the College or by a student organization that is officially recognized by the College

Formal Complaint: a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment

Incapacitation: An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, intoxication, or any other state where the individual is unaware that sexual contact is occurring or is otherwise unable to give informed and voluntarily consent. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. Example: A person who is taking pain medication and falls asleep under the influence of the medication can be incapacitated and not be able to give consent to sexual contact.

Official with Authority: an individual who has the authority to institute corrective measures and is required to report sexual harassment to the Title IX Coordinator to initiate the College's response to the sexual harassment allegations. The College's Officials with Authority include the following positions at the College: Title IX Coordinator and Assistant Title IX Coordinators; President of the College, all Deans and Campus Police.

Party: a Complainant or Respondent

Relevant: related to the allegations of sexual harassment under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sexual harassment occurred, and evidence is relevant when it may aid a Hearing Decisionmaker or Appellate Decisionmaker in determining whether the alleged sexual harassment occurred

Remedies: measures designed to restore or preserve equal access to the College's education program or activity; remedies may include, but are not limited to, the same individualized services as supportive measures, however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

Responsible Reporting Official: any individual who is employed by the College and not deemed to be a Confidential Employee or Official with Authority. Responsible Reporting Officials are mandated by the College to report sexual harassment to the Title IX Coordinator promptly upon receiving a report of sexual harassment.

Retaliation: intimidation, threats, coercion, or discrimination, including 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 formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or these Procedures.

Nothing in this definition precludes a College from requiring an employee or other person authorized by a College to provide aid, benefit, or service under the College's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

Student: a person who has gained admission

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 or where no formal complaint has been filed.

Such measures are designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, 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.

F. Prohibited Conduct

Under Title IX, Prohibited Conduct includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking as defined below.

To the extent that federal or state laws addressing conduct that could be deemed Prohibited Conduct are created or amended, engaging in such conduct shall be considered a violation of these Procedures even if the definitions below have not been updated to reflect the most recent additions to or changes in law.

Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (quid pro quo sexual harassment);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity (hostile environment sexual harassment)

A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the following:

- (i) the frequency of the offensive conduct;
- (ii) the nature of the unwelcome sexual act or words, such as whether the harassment was physical, verbal or both;
- (ii) Whether the harassment was an offensive utterance, and;
- (iii) the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim; and

In evaluating whether conduct is severe, pervasive, and objectively offensive, the College will look at the totality of the circumstances, expectations, and relationships.

(3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in these Procedures.

Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system and the Summary Reporting System User Manual of the Federal Bureau of Investigation as used in the Clery Act

Sex Offenses— Any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent

1. *Nonconsensual sexual intercourse (Rape)*— Penetration, regardless of how slight (or an attempt to commit the same), of the vagina or anus with any body part or object, or oral penetration by a sex organ of another individual, or by a sex-related object.

- i. This definition covers cases where the Complainant cannot provide consent due to temporary or permanent mental or physical incapacity (including resulting from drugs or alcohol) or due to age. Physical resistance by the Complainant is not required to establish lack of consent.
2. *Nonconsensual sexual contact (Fondling)*— The intentional touching (or an attempt to commit the same) of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent without the consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or
 - i. The intentional touching by the Complainant of the Respondent’s clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
 - ii. This offense includes instances where the Complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
3. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
4. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent

Dating Violence: violence committed by a person—

- (i) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship,
 - The type of relationship,
 - 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.

Domestic Violence: felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the jurisdiction of the College or a person similarly situated to a spouse of the Complainant,
- shares a child in common with the Complainant,

- is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- commits acts against a youth or young adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (iii) fear for the person’s safety or the safety of others; or
- (iv) suffer substantial emotional distress.

Course of Conduct means two or more acts, including, but not limited to, acts in which the individual 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.

Reasonable Person means a reasonable person under similar circumstances and with similar identities to the Complainant.

Substantial Emotional Distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

G. Reporting Procedures

A report of sexual harassment can be made to the persons below in person (during business hours) or by mail, telephone, or by email using the contact information below at any time, including during non-business hours.

- (1) **Reporting to the Title IX Coordinator:** Reports of sexual harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, or mail. Reports may be made to the Title IX Coordinator in person on the Andalusia Campus in the McWhorter Learning Resource Building. After an incident of sexual harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.
- (2) **Reporting to Officials with Authority:** If Officials with Authority are notified of sexual harassment, they shall promptly report such sexual harassment to the Title IX Coordinator who will take immediate action under this Procedure. The College’s Officials with Authority include the following positions at the College: Title IX Coordinator and Assistant Title IX Coordinators; President of the College, all Deans and Campus Police.
- (3) **Reporting to Responsible Reporting Officials:** College employees who are not Confidential Employees or Officials with Authority are mandated by the College to report the alleged sexual harassment to the Title IX Coordinator promptly upon receiving a report of sexual harassment.

- (4) **Reporting to Confidential Employees:** Reports of sexual harassment made to Confidential Employees are considered confidential reports and will not be reported to the Title IX Coordinator without the Complainant's permission and will not constitute actual notice to the College. Currently the college does not have a confidential employee, all employees are expected to report.
- (5) **Anonymous Reporting:** Anonymous reports may be made by telephone to the Title IX Coordinator. A decision to remain anonymous, however, may greatly limit the College's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Procedure.
- (6) **Reporting to Local Law Enforcement:** Reports of sexual harassment may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from the College's investigations.

Mandatory Reporting under Alabama Law: Alabama law imposes a mandatory duty on all College employees to immediately report all incidences of known or suspected child abuse. Such reports must be made to the Saints Care Team. The College also encourages students, volunteers, and representatives (as well as third-party vendors and their employees, representatives, or volunteers that contract for use of College facilities with responsibilities that involve interaction with children) to report (verbally and in writing) known or suspected child abuse to the Saints Care Team. 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."

Consolidation of Complaints

The College may consolidate complaints of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sexual harassment arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a party, Complainant, or Respondent include the plural, as applicable.

The College will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when

the College obtains prior written consent from parties to the disclosure of their educational records.

Amnesty for Students

The College strongly encourages students to report incidents violating the policy related to discrimination, harassment, sexual harassment, and related inappropriate conduct. The College's primary concern is the safety of the members of the college community, and it encourages behavior that demonstrates care and concern for members of the community. Accordingly, the College reserves the right to provide a reprieve from disciplinary actions for Complainants and other individuals who exhibit responsible and proactive behavior in reporting sexual harassment or other prohibited conduct or for students acting as a witness during the formal grievance procedures. The College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

H. Supportive Measures

Supportive measures may vary depending on what the College deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment. Complainants are eligible for supportive measures at the time their identity is known to the Title IX Coordinator. Respondents are eligible for supportive measures at the time that notice of an alleged complaint has been given.

Supportive measures cannot unreasonably burden either party and must be designed to protect the safety of the parties or the College's educational environment, or to provide support during the College's grievance procedures or during the informal resolution process. The College will not impose such measures for punitive or disciplinary reasons. The College may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process or the College may continue them beyond that point.

The College will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity.

If the party is a student with disabilities, The Title IX Coordinator may consult, as appropriate, with the individual or office that the College has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

I. Emergency Removals and Administrative Leave

The College may remove a Respondent from the College's education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health and safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator in writing within three (3) business days following the removal.

The College may place a non-student employee Respondent on administrative leave from employment responsibilities during the pendency of the College's grievance procedures.

Any challenges to an emergency removal should be sent to the Title IX Coordinator in writing within three (3) business days of the notification to the Respondent of the emergency removal. The Respondent should state the reasons for the challenge and any supporting documentation. The Title IX Coordinator will forward all documentation to the Dean of Finance and Administrative Services to render a decision within five (5) business days. The Title IX Coordinator will notify both parties in writing of the decision.

J. Initial Evaluation & Complaint Dismissals

Initial Evaluation

When a report has been made, the Title IX Coordinator will contact the Complainant for an initial discussion to provide information of their rights and options, availability of supportive measures, consideration of the Complainant's wishes with respect to supportive measures, explanation of the policy and grievance procedures and the process for filing a Formal Complaint.

During the initial discussion with the Complainant, the Title IX Coordinator will gather facts that will enable the Title IX Coordinator to evaluate the allegations and make a determination on whether to dismiss the complaint or investigate the complaint. A Formal Complaint must contain an allegation of sexual harassment against a Respondent, a request for the College to investigate the allegation, and be signed by the Complainant or the Title IX Coordinator. A Complainant may only file a formal complaint if the Complainant is participating or attempting to participate in the College's education program or activity.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. To make a fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- (i) the Complainant's request not to proceed with initiation of a complaint;

- (ii) the Complainant's reasonable safety concerns regarding initiation of a complaint;
- (iii) The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- (iv) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- (v) The age and relationship of the parties, including whether the Respondent is an employee of the College;
- (vi) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (vii) The availability of evidence to assist in a Decisionmaker in determining whether sex discrimination occurred; and
- (viii) Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

Mandatory Complaint Dismissals

The Title IX Coordinator will dismiss a Formal Complaint for purposes of sexual harassment if:

- (1) The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in these Procedures, even if proved;
- (2) The conduct alleged did not occur in the College's education program or activity; or
- (3) The conduct alleged in the Formal Complaint did not occur against a person in the United States.

Permissive Complaint Dismissals

The Title IX Coordinator may dismiss a Formal Complaint or any allegation within the Formal Complaint, if at any time during the investigation or hearing:

- (1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in the Formal Complaint;
- (2) The Respondent is no longer enrolled in the College; or
- (3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

Upon dismissal, the Title IX Coordinator will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will notify the parties simultaneously in writing.

The Title IX Coordinator will notify the Complainant that a dismissal may be appealed on the bases outlined in Section M of these Procedures. If dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in Section M of these Procedures. When a complaint is dismissed, the College will, at a minimum:

- (1) Offer supportive measures to the Complainant as appropriate;
- (2) If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- (3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sexual harassment does not continue or recur within the College's education program or activity.

K. Complaint Investigation

The College will treat Complainants and Respondents equitably.

The College presumes that the Respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of its grievance procedures.

It is the goal of the College to complete investigations in a prompt timeframe. Any timeframes or deadlines may be extended when necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of parties and/or witnesses, account for College breaks or vacations, and the complexity of the investigation or severity and extent of the alleged conduct. The Title IX Coordinator will notify both parties in writing of any College delays.

If a Complainant or Respondent shall request a delay in the investigation or extension of any timeframes, the party must notify the Title IX Coordinator in writing as soon as practicable stating the requested new timeframe and reason for the delay or extension. The Title IX Coordinator will notify the party in writing of the denial or both parties in writing of the approval within three (3) business days of notification of the request. Any delays or extension will apply equally to both parties.

All requests will be on a case-by-case basis for good cause.

Parties have the opportunity to be accompanied to any meeting or proceeding by one (1) Advisor of their choice, who may be, but is not required to be, an attorney.

- The College will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding. Both parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. However, the

College has the right to remove any Advisor who does not adhere to the College's policies and procedures.

- The College cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that party.
- If a party requests that all communication be made through their attorney Advisor instead of to the party, the College will agree to copy both the party and their Advisor on all communications.
- Advisors should help the parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak for the party unless given specific permission to do so.
- The parties are expected to ask and respond to questions on their own behalf throughout the grievance process. Although the Advisor generally may not speak for the party, the Advisor may consult with the party, either privately as needed, or by conferring or passing notes during any meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Parties have the opportunity to have one (1) support person of their choice, a person other than the Advisor, present during any meeting or proceeding.

Written Notice of Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- (1) Notice of the party's rights and options
- (2) Notice of the College's grievance process
- (3) Notice of the College's informal resolution process and options
- (4) Notice of the allegations of sexual harassment including: the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the incident, if known
- (5) Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- (6) Notice that the parties may have an Advisor of their choice, who may be, but is not required to be an attorney, and that the Advisor may inspect and review evidence

(7) Notice of the College's Student Code of Conduct provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process

If, in the course of an investigation, the College decides to investigate additional allegations of sexual harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, the Title IX Coordinator will provide written notice of the additional allegations to the parties.

Investigation

The College will conduct an investigation following a Formal Complaint and Notice of Allegations. The Title IX Coordinator will assign an Investigator(s) to conduct the investigation. During all meetings and interviews the parties may be accompanied by an Advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the Advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An Advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

Each party will be provided an equal opportunity to provide information to the Investigator and present witnesses for the Investigator to interview. The information provided by the parties can include inculpatory and exculpatory evidence. The witnesses can include both fact witnesses and expert witnesses.

Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the College does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their Advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review and submit a written response to the Investigator. The Investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the Investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

At least ten (10) business days prior to a hearing, the Investigator will provide each party and the party's Advisor (if any) an electronic copy of the investigative report that includes the parties review and written response, if any.

L. Hearing

After the investigation, the College will provide for a live hearing for all Formal Complaints of sexual harassment that have not been dismissed or resolved by informal resolution. At the request of either party, or at the discretion of the Title IX Coordinator, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Hearing Decisionmaker and parties to simultaneously see and hear the other party or witness answering questions.

The Hearing Decisionmaker will be appointed by the College and will not be the Title IX Coordinator or Investigator. The Hearing Decisionmaker will be trained, impartial, and without a conflict of interest. The Hearing Decisionmaker may be a panel of three (3) College employees with one panel member serving as a chairperson, or a single Hearing Decisionmaker or an external individual designated by the College.

Either party may challenge the appointment of a Hearing Decisionmaker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) business days prior to the scheduled hearing.

The College will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

The Title IX Coordinator will serve as the hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The Title IX Coordinator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

Participants at the hearing include the Hearing Decisionmaker, the Investigator who conducted the investigation, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, the Title IX Coordinator, serving as the hearing facilitator is present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the

Investigator or have provided a written statement or answered questions from the Investigator in writing.

Advisor's Role at the Hearing

Each party must have an Advisor present at the hearing. The Advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the Hearing Decisionmaker. Failure to follow the rules of decorum by an Advisor may result in removal of an Advisor from the hearing. If a party does not have an Advisor present at the live hearing, the College will appoint the party with an Advisor without fee or charge.

Pre-Hearing Conference

The Hearing Decisionmaker may hold a pre-hearing conference. In order to streamline the hearing process, the Hearing Decisionmaker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference. During the pre-hearing conference, parties and their advisors will be asked to submit, in writing, any questions they wish to ask during the live hearing so that the Hearing Decisionmaker can be prepared to respond to relevancy at the hearing. The Hearing Decisionmaker may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

This conference does not preclude an Advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the Hearing Decisionmaker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

Hearing Process

The hearing process will proceed as follows:

(1) Notice of Hearing: After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the Hearing Decisionmaker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

(2) Opening Statement: Each party will have the opportunity to present an opening statement, no more than five (5) minutes, to the Hearing Decisionmaker.

(3) Review of Hearing Procedures, Formal Complaint, and Notice of Allegations by Hearing Decisionmaker.

(4) Questioning of Parties and Witnesses: The College will provide a process that enables the Hearing Decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sexual harassment.

The Hearing Decisionmaker will ask initial questions of the participants at the hearing.

After the Hearing Decisionmaker asks questions of a participant, each party's Advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by Advisors will be conducted in the following manner:

- (i) a question is asked by an Advisor
- (ii) Before the participant answers the question, the Hearing Decisionmaker determines whether the question is relevant
- (iii) If the question is determined to be relevant by the Hearing Decisionmaker the participant answers the question
- (iv) If the question is determined not to be relevant by the Hearing Decisionmaker, the Hearing Decisionmaker must explain the decision to exclude a question as not relevant.

Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Decisionmaker will give a party an opportunity to clarify or revise a question that the Hearing Decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked by party's Advisor.

Evidence and Questions Excluded

Sexual Predisposition or Prior Sexual Behavior of the Complainant: Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Privileged Information: No person will be required to disclose information protected under a legally recognized privilege. The Hearing Decisionmaker must not allow into evidence or rely upon any

questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.

Medical Records: Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within these Procedures.

The Hearing Decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Decisionmaker, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

(5) Closing Statements: Each party will have the opportunity to present a closing statement, no more than five (5) minutes, to the Hearing Decisionmaker.

Determination Whether Sexual Harassment Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Hearing Decisionmaker will deliberate in private and will:

- (1) Use the preponderance of the evidence standard of proof to determine whether sexual harassment occurred. This means that the Hearing Decisionmaker will decide whether it is more likely than not based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s). The standard of proof requires the Hearing Decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Hearing Decisionmaker is not persuaded under the applicable standard by the evidence that sexual harassment occurred, whatever the quantity of the evidence is, the Hearing Decisionmaker will not determine that sexual harassment occurred.
- (2) Notify the parties simultaneously in writing of the determination whether sexual harassment occurred under Title IX including:
 - Identification of the allegations potentially constituting sexual harassment;
 - A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the Procedure to the facts;
- A statement of, and rationale for, the result of each allegation, including a determination regarding responsibility, any disciplinary sanctions that the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Hearing Decisionmaker will send the written notification of hearing outcome to both parties within fourteen (14) business days of the conclusion of the hearing.

The College will not impose disciplinary sanctions on a Respondent for sexual harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sexual harassment. If there is a determination that sexual harassment occurred, as appropriate, the Title IX Coordinator will:

- Coordinate the provision and implementation of remedies to a Complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sexual harassment;
- Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sexual harassment does not continue or recur within the College's education program or activity.

The College shall not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sexual harassment occurred.

Sanctions

Factors considered by the Hearing Decisionmaker when determining sanctions and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Hearing Decisionmaker

The sanctions will be implemented upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:

- Reprimand
- Required Counseling
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Other Actions: In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in sex-based harassment include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination

- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

M. Appeals

The College will offer an appeal from a dismissal of a Formal Complaint or determination whether sexual harassment occurred on the following bases:

- (1) Procedural irregularity that affected the outcome of the matter;
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- (3) The Title IX Coordinator, Investigator, or Hearing Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- (4) Sanctions were disproportionate to the policy violation(s).

If either party wishes to appeal a dismissal of a Formal Complaint or determination whether sexual harassment occurred, the party must submit an appeal in writing to the Title IX Coordinator within three (3) business days of receiving written notification of the hearing determination. The party requesting the appeal should state the basis for the appeal and any supporting documentation.

If a party appeals a dismissal of a Formal Complaint or determination whether sexual harassment occurred, the Title IX Coordinator will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the Appellate Decisionmaker for the appeal is not the same person as the Hearing Decisionmaker that reached the determination regarding responsibility or dismissal of the Formal Complaint, the Investigator or the Title IX Coordinator;
- Ensure that the Appellate Decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the non-appealing party with five (5) business days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination whether sexual harassment occurred or dismissal of the Formal Complaint;

The written determination on responsibility and sanctions, if applicable, are postponed until the decision on the appeal is sent to the parties. Supportive measures will remain in place during the appeal period.

The Appellate Decisionmaker will issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following: (1) affirm the determination of the Hearing Decisionmaker and affirm the disciplinary sanctions and remedies, if applicable (2) affirm the determination of the Hearing Decisionmaker regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable (3) remand the process back to the hearing stage for the Hearing Decisionmaker to remedy any procedural irregularity or consider any new evidence (4) reverse the Hearing Decisionmaker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable or (5) affirm or amend the sanctions and/or remedies outlined in the determination

The Appellate Decisionmaker will notify both parties in writing of their decision within fourteen (14) business days of receipt of the appeal.

The determination regarding responsibility becomes final on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

At the conclusion of the appeals process, employee Respondents will receive all rights, if applicable and if any, which are granted by either their contract or the Alabama Students First Act in the event any disciplinary sanction is proposed.

N. Informal Resolution

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Informal resolution does not involve an investigation, adjudication hearing, or disciplinary action against a Respondent and is not appropriate for all forms of conduct under these Procedures. Informal resolution is not an option for sexual harassment incidents involving a student Complainant and an employee Respondent. Both parties must voluntarily agree in writing to participate in the informal resolution process.

The Title IX Coordinator will inform the parties in writing of the informal resolution process it offers. The College will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the Title IX Coordinator will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;

- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Informal resolution will be facilitated by Informal Resolution Facilitator. The time frame for completion of informal resolution may vary, but the College will seek to complete the process within a prompt timeframe.

The College retains the discretion to determine which cases are appropriate for informal resolution. The College may gather information necessary through interviewing individuals and other evidence gathering to determine if the case is appropriate for informal resolution. Factors the College will consider when determining whether a report of Prohibited Conduct is suitable for informal resolution include, but are not limited to, the following:

- The nature of the alleged offense;
- The dynamics of power or control commonly associated with the alleged offense and/or with the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to the campus community after resolution of the specific report of Prohibited Conduct;
- Whether multiple parties are involved;
- Whether the resolution proposed is designed to eliminate, prevent, and address the reported Prohibited Conduct; and
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall campus safety or safety of the parties involved.

Informal resolution may result in the following remedies: establishing supportive measures; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions; and any other remedy that can be tailored to the involved individuals to achieve the goals of these Procedures.

Informal resolution may also include restorative principles that are designed to allow a Respondent to accept responsibility for misconduct and acknowledge harm to the Complainant or to the College community. Informal resolution may also include mediation.

Participation in informal resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation at any time, including if informal resolution is unsuccessful at resolving the report. Similarly, a Complainant may request to end an investigation and pursue informal resolution at any time if the Respondent also consents to informal resolution. In addition, either party may request supportive measures regardless of whether any particular course of action is sought.

The College may also decide to proceed with a formal investigation and withdraw its approval for the informal resolution at any time during the process. If additional potential policy violations are revealed during the informal resolution process, the College may withdraw its approval for the process and proceed with a formal investigation or the College, with the consent of the parties, may continue the informal resolution process and resolve the additional potential policy violations.

Information disclosed by any party during the informal resolution process will not be considered during a subsequent investigation or adjudication hearing. Because the outcome of informal resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted.

O. Confidentiality and Privacy

The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

P. Retaliation

Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Procedures 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 these Procedures.

Alleged acts of Retaliation will be referred to the Title IX Coordinator and may be investigated and resolved under the respective Student Code of Conduct or Employee Policy.

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

Charging an individual with a Student Code of Conduct/Employee Policy violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute Retaliation prohibited under these Procedures.

Q. Freedom of Speech and Academic Freedom

Freedom of speech and principles of academic freedom are central to the mission of the College. Constitutionally protected expression cannot be considered sexual harassment under these Procedures. To establish a violation of Title IX, the harassment must be subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.

R. Records Retention

The College will maintain all of the documentation related to reports of sex discrimination and sexual harassment, the grievance process, and information resolution process for seven (7) years in accordance with state and federal records laws and requirements. The documentation of all records is private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under the Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws and included in the employee's official employment record.