



UNIVERSITY
of MOBILE

Higher Education for a Higher Purpose

**2017-2018
Title IX Policy**

**University of Mobile
5735 College Parkway
Mobile, AL 36613**

Introduction

Title IX Policy

Policy Definitions

Understanding Consent

Related Behaviors Representing Violations of the Sexual Misconduct Policy

Overview of Reporting and Support Resources Reporting:

When a Student is Subjected to Sexual Misconduct

Remedial Procedures When a Student is Accused of Sexual Misconduct

Sexual Misconduct Hearing Board Procedures

Rights of the Reporting Party

Rights of the Responding Party

Appeals

Remedial Procedures When an Employee is Accused of Sexual Misconduct

Employee Sexual Misconduct Hearing Board Procedures

Rights of the Reporting Party and Respondent

Sexual Misconduct Hearing Board

Disciplinary Sanctions

Title IX Policy

Sexual and other forms of harassment violate federal civil rights laws and University EEO/Nondiscrimination policy. The University is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the workplace and students can engage fully in the learning process. The University of Mobile is further committed to Christian values. The University desires a strong spirit of community among its faculty, staff, administration and students, a spirit characterized by truth, grace, mercy, encouragement, righteousness, and brotherly love. Each member of the UM community should work and act in ways that reflect these values to promote the full development of each individual's God-given potential. No one should act in ways inconsistent with or harmful to this spirit of community. To this end, all members of the UM community are expected to abide by the following policy.

The University of Mobile does not and will not tolerate harassment of employees or students. The term "harassment" includes, but is not limited to, slurs, jokes, pranks, signs and other verbal, graphic or physical conduct relating to an individual's race, color, sex, national or ethnic origin, citizenship, age, disability or other protected status that has the purpose or effect of creating an intimidating, hostile or offensive environment, or unreasonably interferes with an individual's work and/or academic performance.

Although statutory and constitutional laws exempt the University from the legal prohibition against discrimination in employment based on religion, this policy prohibits harassing conduct based on an employee's religion. Sexual misconduct incorporates a range of behaviors including non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, intimate partner violence, stalking, and any other conduct of a sexual nature that is non-consensual, or has the purpose or effect of creating an intimidating, hostile, or offensive environment, or unreasonably interferes with an individual's work and/or academic performance. Sexual misconduct encompasses behavior that is not only sexual in nature, but may be directed at a person because of their sex.

Through this policy and related programs and procedures, the University of Mobile intends to comply with Title IX of the Education Amendments Act of 1973 ("Title IX"), Title VII of the Civil Rights Act of 1964 ("Title VII"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), the Campus Sexual Violence Elimination Act ("SaVE Act"), and the Family Educational Rights and Privacy Act ("FERPA") and all regulations implementing these laws.

Violation of this policy by an employee or student will subject the employee or student to disciplinary action up to and including immediate discharge.

The university's Title IX Coordinator oversees compliance with all aspects of the sex harassment, discrimination and misconduct policy. The Coordinator reports directly to the President of the University, and is housed in the Office of Student Life. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the university

Title IX Coordinator.

Neal Ledbetter
Vice President of Student Life & Title IX Coordinator
Office of Student Life
251-442-2429
nledbetter@umobile.edu

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the President of the university, 251-442-2201, umpresident@umobile.edu.

Policy Definitions:

- 1. Non-Consensual Sexual Intercourse** - Any sexual intercourse, however slight, with any body part or object by one person (perpetrator) against the will or without consent of another person (victim).
- 2. Non-Consensual Sexual Contact** - Any intentional sexual touching, however slight, with any body part or object by one person (perpetrator) against the will or without consent of another person (victim). Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another person with any of these body parts, or making another person touch any of these body parts. Sexual contact is not limited to these body parts and may include any intentional bodily contact in a sexual manner.
- 3. Sexual Exploitation** - Behavior that does not constitute one of the other sexual misconduct offenses, but takes sexual advantage of another person in a non-consensual or an abusive manner for the benefit or advantage of someone other than the one being exploited. Sexual exploitation includes but is not limited to: invasion of sexual privacy, prostituting another individual, non-consensual video or audio-taping of nudity or sexual activity, unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity, going beyond the boundaries of consent (e.g., allowing friends to hide in the closet to watch consensual sex), engaging in non-consensual voyeurism, knowingly transmitting an STI or HIV to another, exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals, or stalking and/or bullying.
- 4. Sexual Harassment** - Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or behavior that is not sexual in nature, but is directed at a person because of their sex when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or access to or enjoyment of an educational benefit; (b) submission to or rejection of such conduct is used as a basis for employment or academic decisions or decisions concerning the educational benefits affecting the individual; or (c) conduct that has the purpose or effect of unreasonably interfering with an individual's

work or academic performance or other educational benefit or creating an intimidating, hostile or offensive working, learning, or living environment. Sexual harassment often occurs when one individual has actual or apparent authority over another person, such as a faculty member who can affect a student's grades, or a supervisor who can affect terms and conditions of employment of a subordinate. But sexual harassment can occur between two individuals of any rank or status. For example, it is possible for students to sexually harass each other, a student to sexually harass a faculty member, and a subordinate employee to sexually harass the supervisor.

Sexual harassment is absolutely prohibited, whether the harassing individual is a student, employee, contractor, volunteer, or any other person who benefits from a relationship with the University.

Examples of sexual harassment include but are not limited to:

- An attempt to coerce an unwilling person into a sexual relationship;
- Unwelcome questions about sexual behavior or sexual preference;
- Unwelcome verbal conduct such as sexual innuendo, suggestive comments, jokes of a sexual nature;
- Unwelcome commentary about an individual's body, appearance, or sexuality;
- Displaying, distributing, or posting of graphic or sexually suggestive objects, pictures, cartoons, or graffiti by any means, including but not limited to computer networks, cell phones, tablets, or any other electronic device;
- Repeatedly subjecting a person to egregious, unwelcome sexual attention;
- Suggestive, insulting, or obscene comments or gestures;
- Punishing a refusal to comply with a sexual-based request;
- Conditioning a benefit on submitting to sexual advances;
- Sexual or intimate partner violence; stalking; bullying.

- 5. Quid Pro Quo Harassment** is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

Examples include:

- an attempt to coerce an unwilling person into a sexual relationship;
- to repeatedly subject a person to egregious, unwelcome sexual attention;
- to punish a refusal to comply with a sexual based request;
- to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; sex-based bullying.

- 6. Intimate Partner Violence** - Physical, verbal, emotional, financial, or psychological abuse (e.g., threats of violence, intimidation) committed by a person who is or has been

in a relationship or a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

7. Stalking –

- a. Stalking 1: A course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome, AND would cause a reasonable person to feel fear.
- b. Stalking 2: Repetitive and menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.

Understanding Consent:

1. **Consent** - Consent is an essential aspect of any sexual activity. Consent is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given verbally or non-verbally, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to one form of sexual activity does not imply consent to future sexual acts. Consent can be revoked at any time during sexual interaction. Consent cannot be obtained through (a) force or (b) coercion. A person who is (c) incapacitated cannot give consent. In Alabama, the legal age of consent is usually 16 years of age.

2. **Force** - The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion to overcome resistance or produce consent (e.g., Have sex with me or I'll hit you; Have sex with me or I'll post compromising photos of you). Note: There is no requirement that an individual resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is inherently non-consensual, but non-consensual sexual activity does not require force.
3. **Coercion** - Exerting unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that he or she does not want to have sex, that they want to stop, or that they do not want to go beyond a certain point of sexual interaction continued pressure can be coercive.
4. **Incapacitation** - A person is incapacitated when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Engaging in sexual activity with someone who is known (or one should have known) to be mentally or physically incapacitated due to mental disability, involuntary physical restraint, alcohol or drugs, unconsciousness, sleep, or blackout constitutes a violation of

this policy.

Related Behaviors Representing Violations of the Sexual Misconduct Policy

- 1. Attempted Sexual Misconduct** – An attempt to commit an act of sexual misconduct is considered a violation of the sexual misconduct policy.
- 2. Aiding Sexual Misconduct** – Providing aid to someone attempting to or engaging in an act of sexual misconduct is considered a violation of the sexual misconduct policy.
- 3. Retaliation** – Taking an action against a person who has opposed sexual misconduct, reported sexual misconduct, or participated in an investigation concerning sexual misconduct. Retaliation can include physical violence, threats, intimidation or coercion; adverse employment or educational actions (such as demotion, discharge, giving an unwarranted bad grade); or increasing or intensifying a pattern of sexual misconduct. An act of retaliation toward any person who has opposed, reported, or participated in an investigation of sexual misconduct is prohibited and will be subject to disciplinary action, up to and including immediate expulsion or discharge.
- 4. Malicious Reporting** – Submitting a false report of sexual misconduct with the intent of causing emotional, psychological, educational, or other harm to another person. University will not tolerate intentional false reporting of incidents. A Board finding of “Not in Violation” regarding the sexual misconduct policy is not sufficient evidence to demonstrate that a report was malicious or that a violation did not occur. A finding of this nature simply indicates the Board felt there was not enough evidence to find a person in violation.

Overview of Reporting and Support Resources

The university prohibits discrimination and harassment in its programs and activities on the basis of race, color, national origin, sex, disability, veteran status, predisposing genetic characteristic, age, religion, pregnancy status or any other characteristic protected by university policy or state, local, or federal law. Anyone who believes they have been subjected to discrimination or harassment in violation of this policy should follow the procedure outlined in this Code to report these concerns.

This process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the university will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the university nondiscrimination policy has been violated. If so, the university will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

- 1. Confidentiality and Reporting of Offenses Under This Policy** - All university

employees (faculty, staff, administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at the University of Mobile:

- a. **Confidential Reporting:** - For those individuals seeking confidential support, the following on-campus and off- campus resources are available.

On-campus licensed professional counselors and staff:

Mary Claire Marshall
University Counselor
Student Success Office Suite, Adam’s Building 251-442-2639

On-campus members of the clergy/chaplains working within the scope of their licensure or ordination:

Chase Alford
University Minister
Student Life Office Suite, Weaver Hall 251-442-2202

Off-campus:

- Licensed professional counselors
- The Rape Crisis Center, 251-473-7273
- Domestic Violence Hotline, 1-800-799-7233
- Penelope House, 251-342-3144
- Local or state assistance agencies,
- Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. These resources may assist an individual in filing an official report through the means detailed above, but they are under no obligation to report incidents of sexual misconduct nor are they authorized to receive or investigate reports of sexual misconduct. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit yearly anonymous, aggregate statistical information for Clergy Act purposes unless they believe it would be harmful to a specific client, patient or parishioner.

- b. **Formal Reporting:** - All university employees have a duty to report, unless they fall under the “Confidential Reporting” explained in section 2 and described further in section 3. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators.

Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal university action.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A Reporting Party has the right, and can expect, to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the Reporter, and only a small group of officials who need to know will be told, including but not limited to: Office of Student Life, University Police, and the Behavioral Intervention Team. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a Reporting Party’s rights and privacy.

Reports to the Title IX Coordinator can be made via email, phone or in person at the contact information below:

Neal Ledbetter
Vice President of Student Life & Title IX Coordinator Student Life Office
251-442-2429
nledbetter@umobile.edu

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sexual harassment or discrimination of which they

become aware, is a violation of university policy and can be subject to disciplinary action for failure to comply with university policies.

You may also file a report with:

Department of Public Safety
251-510-4273

Diane Black
Director of Human Resources
251-442-2209
dblack@umobile.edu

However, in situations where there is an imminent threat of bodily harm, please contact Department of Public Safety (251-510-4273) immediately for assistance. Campus Police can also assist with filing a police report with local authorities. If you would prefer to contact the Prichard Police Department directly to file a report, the non-emergency phone number is 251-452-7900.

Reporting: When a Student is Subjected to Sexual Misconduct

Any person may make an official report that a student has been subjected to sexual misconduct. A report may be made by the student who believes that she or he is the target or victim of sexual misconduct, or by a person who witnesses or hears about an incident of sexual misconduct toward a student. A reporting person may file a report with one of the designated officials listed in Section 3. A report may initially be filed by sending an email, calling, or coming to the appropriate office to see designated University personnel. An official report will likely involve both a meeting with University personnel, as well as a written statement by the reporting person and the suspected target or victim.

- 1. Reporting Party** - In this process, the person alleging a violation of University policy is referred to as the Reporting Party.
- 2. Responding Party** - In this process, the person who is alleged to have violated University policy is referred to as the Responding Party.
- 3. Mandatory Reporters** –UM employees are considered “responsible employees,” and have a duty and a responsibility to act when notified of an alleged incident of sexual misconduct by relaying that information to one of the designated officials listed in Section 2. Reports of sexual misconduct will be handled with discretion, and the information reported will be shared only with those necessary, including investigators and witnesses, as well as the Responding Party if a full investigation is initiated.
- 4. Confidentiality** – An investigation, hearing, appeal, and reconsideration of any sexual misconduct violation in which the target or victim of misconduct is a student shall remain confidential. Those defined herein as within the bounds of confidentiality may

not divulge anything that is said or done throughout the conduct process. Not all parties within the bounds of confidentiality are informed of every sexual misconduct matter; however, those bound by confidentiality include Sexual Misconduct Hearing Board members, Campus Police, Advisors, the Title IX Coordinator, the Director of Human Resources, and the President, and when appropriate or necessary, legal counsel for the University. Should anyone outside the bounds of confidentiality receive information which is considered to be confidential, he or she will automatically be bound by confidentiality. In addition, the Reporting Party or Responding Party may include within the bounds of confidentiality his or her parents, faculty, staff, minister or spiritual advisor, personal or legal counsel. Should anyone within the bounds of confidentiality violate the requirement of confidentiality, the Title IX Coordinator may elect to pursue charges for failing to comply with directives regarding confidentiality. The University will respect the request of a student not to disclose his or her identity to the extent possible while still complying with its obligations to protect the University community as a whole against sexual misconduct and discrimination.

5. **Confidential Reporters** – If a student would like to speak with someone at the University confidentially when no further reporting of the incident will necessarily occur, options include a personal counselor or health professional in Counseling and Health Services, as well as the University Minister.
6. **Limitations of University Authority:** The University will not investigate or adjudicate alleged student conduct that occurs off campus when the Reporting Party is not a UM student, employee, or other member of the UM community (such as a contractor or volunteer). If the University learns of such conduct, UM may report allegations of such conduct to law enforcement authorities or other educational institutions. In addition, UM may be limited in its ability to take action against a suspected individual who is not a student or employee. However, the University will support the Reporting Party with its own resources (including removal and banning of suspected individuals), as well as refer victims to entities beyond campus for further support and adjudication regarding the incident.
7. **Interim Measures** – The Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination, and/or retaliation, *i.e.*, to redress harm to the Reporting Party and the community and to prevent further violations. An official report does not have to be made for interim measures to be initiated. The University will make necessary changes to the academic, living, transportation, and working situations of any Reporting Party if requested and reasonably available, whether or not the Reporting Party chooses to make an official report to campus officials or local law enforcement. The University will keep interim remedies and actions as private as possible.

Interim measures include, but are not limited to:

- Access to Counseling Services and assistance in setting up initial appointments
- No contact directives
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections
- Rescheduling of exams or assignments
- Providing alternative course completion options
- Change in work schedule or job assignment
- Altering the housing situation of the Responding Party (resident student or resident employee (or the Reporting Party, if desired)).
- Assistance from University support staff in completing housing relocation
- Limiting Responding Party's access to certain UM facilities or activities pending investigation and/or hearing outcome
- Implementing contact limitations between the parties
- Interim suspension for the Responding Party

The University may interim suspend a student, employee or organization pending the completion of an investigation and resolution, particularly in when in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the Responding Party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause as to why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension under the policies on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Coordinator (or designee), this restriction can include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator (or designee), alternative coursework options may be pursued to ensure as minimal an impact as possible on the Responding Party.

The institution will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

9. **Safe Haven** – The University community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time

of the incident. It is in the best interests of this community that as many victims as possible choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, University pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The university pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than punishment, to those who offer their assistance to others in need.

10. **Parental Notification** - The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

Remedial Procedures When a Student is Accused of Sexual Misconduct: Investigation, Conduct Meetings or Hearings, and Related Matters

1. **Time Frame** – The University aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties. In overview, the timeline for resolution begins with notice to a mandated Reporter. The Coordinator then engages in a preliminary inquiry that is typically 1-3 days in duration. From there, the allegation can lead to a formal investigation, which usually starts within days of the preliminary inquiry's conclusion. Investigations range from days to weeks, depending on the nature and complexity of allegations, with the university commonly aiming for a 10-14 day window to completion. The parties are regularly apprised of the status of the investigation as it unfolds. The process may then end or continue. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options, which the university aims to complete in 10-14 days from the end of the investigation. A failed informal resolution which triggers a formal resolution may require the university to extend this timeline accordingly. From there, appeals may be requested, with a three-day window to file appeal requests once a formal determination is reached, a three-day window to grant or deny the appeal

request, and another 7-10 days for a final resolution to be reached. In rare cases where a remanded decision results in a new hearing, the results of that hearing can be appealed once, which would typically add another 10-14 days to final results.

2. **Investigation Procedures** – The Title IX Coordinator is designated to formally investigate reports of discrimination and/or harassment by students, to address inquiries and to coordinate the University’s compliance efforts regarding reports of misconduct by students, regardless of the University role of the Reporting Party, who may be another student, faculty, staff, guest or visitor.

Notice of a formal report can be made in person, by phone, via email or in writing to the Title IX Coordinator. Upon receipt of a report, the Title IX Coordinator will decide on interim action and/or accommodations for the Reporting Party (at no cost to the Reporting Party where possible), or other necessary remedial short-term actions.

If the Reporting Party wishes to pursue a formal resolution or if the University, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators to conduct the investigation, usually within two business days of determining that a resolution should proceed. Investigations are completed expeditiously, normally within 10-14 business days of notice to the Title IX Coordinator. Investigations may take longer depending on their nature or complexity.

The University’s resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the University may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The University will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary

The investigators will take the following steps (not necessarily in order):

- In coordination with campus partners (e.g.: the campus Title IX Coordinator), initiate any necessary remedial actions;
- Determine the identity and contact information of the Reporting Party;

- Identify the exact policies allegedly violated;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the report;
 - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Meet with the Reporting Party to finalize their statement and
- Prepare the notice of charges on the basis of the initial inquiry;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of ten (10) business days;
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not)
- Present the findings to the responding party, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
- Share the findings and update the Reporting Party on the status of the investigation and the outcome.

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Where the Responding Party is found not responsible for the alleged violation(s), the investigation will be closed. Where the Responding Party accepts the finding of the investigation, the Title IX Coordinator will impose appropriate sanctions for the violation. The University will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community.

The parties will receive written notification of the outcome, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

In the event that the responding party rejects the findings in part or entirely, the Title IX Coordinator will convene a hearing according to appeal procedures to determine whether the responding party is in violation of the contested aspects of the report. At the hearing, the findings of the investigation will be admitted as evidence for consideration, but are not binding on the decider(s) of fact. The investigator(s) may give evidence. The hearing will determine whether it is more likely than not that the

responding party violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

The Title IX Coordinator has final decision-making authority with regard to formal reports, subject to appeal. Where the responding party is found in violation as the result of a hearing, the Title IX Coordinator will impose appropriate sanctions for the violation. The university will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community. Appeal proceedings as described below apply to all parties to the report. The parties will receive written notification of the outcome of the hearing, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

3. **Advisor** – All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors. The university maintains a pool of trained (non- attorney) advisors who are available to the parties. The parties may choose advisors from outside the pool, or outside the campus community, but those advisors may not have the same level of insight and training on the campus process as do those trained by the university. Outside advisors are not eligible to be trained by the university.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the university an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the university investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the

advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present.

Subsequently, the Title IX Coordinator (or designee) will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The university expects that the parties will wish the university to share documentation related to the allegations with their advisors. The university provides a consent form that authorizes such sharing. The parties must complete this form before the university is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the university.

These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the university. The university may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the university's privacy expectations.

The university expects an advisor to adjust their schedule to allow them to attend university meetings when scheduled. The university does not typically change scheduled meetings to accommodate an advisor's inability to attend. The university will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

The parties must advise the investigators of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

4. **Standard of Evidence** – When determining if a violation of the sexual misconduct policy has occurred, the university uses the preponderance of the evidence (also known as “more likely than not”) as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like “guilt, “innocence” and “burdens of proof” are not applicable, but the university never assumes a responding party is in violation of university policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.
5. **Informal Resolution** – Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict with students, faculty, staff, or administrators. The person impacted should keep a written log that can aid in later investigation and resolution. Whenever possible and safe, the

problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior, conflict or misconduct. The Office of the Title IX Coordinator will facilitate such conversations, upon request, and monitor them for safety. Various conflict resolution mechanisms are available, including mediation. Mediation is not used when violent behavior is involved, when the Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith. The university does not require a Reporting Party to contact the Responding Party or that person's supervisor if doing so is impracticable, or if the Reporting Party believes that the conduct cannot be effectively addressed through informal means. If informal efforts are unsuccessful, the formal resolution process may be initiated. Either party has the right to end the informal process and begin the formal process at any time prior to resolution.

6. **Sexual Misconduct Hearing Board** – The Title IX Coordinator may refer an investigation to the Sexual Misconduct Hearing Board (“the Board”), comprised of faculty and staff from a pool of trained Board members. The Board is a three or five member panel that consists of a minimum of one staff member, and one faculty member. The Board will hear the results of the Office of Title IX Coordinator’s investigation along with the testimony from relevant witnesses including the alleged target or victim of sexual misconduct and Respondent, and review any other appropriate materials. They will reach decisions regarding violations and sanctions, as appropriate. Details regarding the procedures of the Board are outlined below.

Sexual Misconduct Hearing Board Procedures

The procedure for a hearing will be as follows:

1. The Title IX Coordinator serves as convener and chair. The chair participates in the hearing but does not vote on the hearing outcomes.
2. A three or five-member panel is selected from the Sexual Misconduct Hearing Board pool. The Board will consist of a minimum of one staff member, and one faculty member.
3. The Title IX Coordinator will serve as the presenter. The presenter presents information gathered during the investigation, but does not recommend sanctions.
4. Due to the sensitive nature of these hearings, the Reporter or target of sexual misconduct and Respondent may be kept separate throughout the hearing, appearing before the Board at designated times but able to hear all statements made within the hearing.
5. No witness, other than the Responding Party or Reporting Party or target of sexual misconduct, if he/she chooses to testify, will be allowed to hear the testimony of other witnesses.
6. Before testifying, each student witness will be reminded that their statements are bound by the Student Handbook, and employee witnesses will be reminded that their testimony is expected to be truthful under penalty of termination of employment.
7. The Board will call witnesses, consider relevant information, and question the Responding Party and Reporting Party until it has exhausted every reasonable

- method of ascertaining the facts.
8. The Board will not consider the Responding Party's past findings of violations of the Student Handbook in determining whether the Respondent has violated the Code of Student Conduct or Sexual Misconduct Policies. Such evidence may be considered in determining sanctions.
 9. An attorney may be present during the hearing. The attorney may speak to the person represented by the attorney, but may not address directly anyone else involved in the hearing other than the Chair. Any comments or questions an attorney has should be directed to the Chair of the Board in a private conversation.
 10. The Board must act with complete impartiality. A Board member may be excused from a case in which personal involvement may constitute a conflict of interest. Additionally, Board composition will be shared with the Reporting Party and Respondent at least 72 hours in advance of the hearing. Either party may request a member of the Board be removed.
 11. The Respondent is considered not to have violated any policy throughout the hearing until there is a finding that a violation has occurred. The standard of proof is a preponderance of evidence that a violation occurred. The finding must be supported by a majority vote of the Board.
 12. As the conduct authority for issues of sexual misconduct, the Board has the authority to issue sanctions according to the guidelines outlined in the *Student Handbook*.

Rights of the Reporting Party

- The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct or discrimination made in good faith to university officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right of the Reporting Party not to have any personally identifiable information released to the public, without his or her consent.
- The right to be treated with respect by university officials;
- The right to have university policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by university officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by university officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials.
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services for victims of sexual assault, both on campus and in the

- community;
- The right to a campus no contact order (or a trespass order against a nonaffiliated 3rd party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the Reporting Party or others;
 - The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the victim and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from university support staff in completing the relocation;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
 - The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.
 - The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
 - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
 - The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing;
 - The right to be informed of the names of all witnesses who will be called to give testimony, at least two business day prior to the hearing, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the Reporting Party, which will always be revealed);
 - The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
 - The right to regular updates on the status of the investigation and/or resolution.
 - The right to have reports heard by hearing and appeals officers who have received annual sexual misconduct training;
 - The right to a panel comprised of representatives of both genders, if a panel is to be used;
 - The right to preservation of privacy, to the extent possible and permitted by law;
 - The right to meetings, interviews and/or hearings that are closed to the public;
 - The right to petition that any member of the Hearing Board be recused on the basis of demonstrated bias;
 - The right to bring a victim advisor of the Reporting Party's choosing to all phases of

- the investigation and resolution proceeding;
- The right to provide evidence by means other than being in the same room with the responding party;
- The right to be present for all testimony given and evidence presented during any resolution-related hearing;
- The right to make or provide an impact statement in person or in writing to the hearing officers following determination of responsibility, but prior to sanctioning;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 1 business day of the end of the process;
- The right to be informed in writing of when a decision of the university is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the university;

Rights of The Responding Party

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to university administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report.
- The right to be treated with respect by university officials;
- The right to have university policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to be fully informed of the nature, policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions;
- The right to a hearing on the report, including timely notice of the hearing date, and adequate time for preparation;
- The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least 2 business days prior to the hearing;
- The right to be informed of the names of all witnesses who will be called to give testimony, at least 2 business days prior to the hearing, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the Reporting Party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports heard by hearing and appeals officers who have received annual training;
- The right to petition that any member of the conduct body be recused on the basis of demonstrated bias;

- The right to a panel comprised of representatives of both genders if a panel is to be used;
- The right to meetings, interviews and hearings that are closed to the public;
- The right to have an advisor of their choice to accompany and assist in the campus resolution process.
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to make or provide an impact statement in person or in writing to the hearing officers board following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 1 business day of the end of the process;
- The right to be informed in writing of when a decision of the university is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the university.

Appeals

In the event that the responding party accepts the findings of the investigation, those findings cannot be appealed. Sanctions imposed by the Title IX Coordinator post-investigation can be appealed by any party according to the grounds below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described below.

All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the Title IX Coordinator to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the institution is that the sanctions will go into effect immediately.

Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the university or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The decision of the Title IX Coordinator may be appealed by petitioning the Sexual Misconduct Hearing Board. Any party who files an appeal request must do so in writing to the Title IX Coordinator within 3 business days of receiving the written decision, for a review of the decision or the sanctions imposed. The written decision will be provided 1) in person and/or mailed to the local mailing address of the respective party as indicated in university records and emailed to the parties' university-issued email accounts. If there is no local address on file, mail will be sent to the parties' permanent address. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The Title IX Coordinator will share the appeal request with the other party (e.g., if the responding party files an appeal, the appeal is shared with the Reporting Party, who may also wish to file a response and/or bring their own appeal on separate grounds; this response or appeal will be shared with the initial appealing party). Based on the written requests/responses or on interviews as necessary, the Title IX Coordinator will send a letter of outcome for the appeal to all parties. The Title IX Coordinator can take one of three possible actions. The Title IX Coordinator may dismiss an appeal request as untimely or ineligible, may grant an appeal and remand the finding and/or sanction for further investigation or reconsideration at the hearing level, or may modify a sanction.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear error as the original finding and/or a compelling justification to modify a sanction, as both finding and sanction are presumed to have been decided reasonably and appropriately during the original hearing.

The ONLY grounds for appeal are as follows:

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

If remanded to re-open the investigation, the results of a revised investigation can be subsequently forwarded for reconsideration at the hearing level, at the discretion of The Title IX Coordinator. If the appeal remands to the hearing body for review, the reconsideration of the hearing body is not appealable.

In rare cases where a procedural error cannot be cured by the original hearing officers (as in cases of bias), the appeals officer may order a new hearing with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the allegation (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;

- Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.
- Sanctions imposed are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals board will typically render a written decision on the appeal to all parties within five (3) business days from hearing of the appeal. The appeals board decision to deny an appeal request is final.

Remedial Procedures When an Employee is Accused of Sexual Misconduct:

The Title IX Coordinator and designated investigators are formally assigned to investigate reports or notice of discrimination and/or harassment by employees, to address inquiries and coordinate the university's compliance efforts regarding employee- related reports. The Title IX Coordinator will receive and process all reports of sexual misconduct directed toward an employee. In all cases the Title IX Coordinator will assess each such situation by holding fact finding conferences and obtaining statements from employees subsequent to receiving the initial report of alleged misconduct.

The Title IX Coordinator will report findings to the Vice President of Academic Affairs (if the accused is a faculty member) or to the appropriate Vice President (if the accused is not a faculty member) and make a recommendation concerning further action and disposition of the matter.

After reviewing all the evidence, the Title IX Coordinator or the appropriate Vice President, in consultation with the Director of Human Resources, will make a determination whether reasonable grounds exist to believe that sexual misconduct has occurred. If such grounds are found to exist, the Title IX Coordinator or appropriate Vice President will take all appropriate action to eliminate such conduct and impose appropriate discipline. In any situation in which the appropriate Vice President is accused of violating this policy, the President of the University of Mobile will fulfill that role. In any situation in which the President of the University is accused of violating this policy, the Title IX Coordinator, in consultation with the Chairperson of the Board of Trustees will fulfill that role.

If either the employee accused of engaging in sexual misconduct or the person who is believed to have been the target or subject of sexual misconduct is dissatisfied with the action taken by the Title IX Coordinator or appropriate Vice President, the person may appeal the decision to a Sexual Misconduct Hearing Board. If the accused person is a university employee, the Board will consist of at least three of the Sexual Misconduct Hearing Board. The Sexual Misconduct Hearing Board will be composed of five or more trained faculty and

staff members from across the various academic and administrative departments of the University will be appointed by the Vice President for Academic Affairs and the Title IX Coordinator.

If either the employee accused of engaging in sexual misconduct or the person who is believed to have been the target or subject of sexual misconduct is dissatisfied with the action taken by the Sexual Misconduct Hearing Board, the person may appeal the decision to the President in writing within 21 days after the Board's determination is communicated to the person. The other party will have 21 days to respond in writing to the appeal, and the President will make the final determination based upon the record before the Board and the written submissions of the accused and the person who is believed to have been the target or subject of sexual misconduct.

Because the University's obligation to protect its community members from sexual misconduct exists independently of the criminal justice system, the investigatory and hearing procedures (if applicable) will continue notwithstanding any related criminal proceedings. The University may briefly delay its response if necessary to avoid interference with a law enforcement investigation.

Advisor – The Reporting Party and Responding Party may be assisted throughout the process by advisors. The advisor may provide support and guidance through the investigation and hearing process. The advisor should be a member of the UM community, although exceptions may be granted by the President or appropriate Vice President (e.g., a Counseling Center staff member or volunteer). Additionally, upon request, an advisor can be appointed from the Sexual Misconduct Hearing Board pool.

Employee Sexual Misconduct Hearing Board Procedures

In a proceeding before the Sexual Misconduct Hearing Board, the following procedures will apply:

1. The Title IX Coordinator serves as convener. The senior member of the panel will serve as chair.
2. A three-member panel of faculty or staff members is selected from the Board pool.
3. The Title IX Coordinator or his or her designee will serve as the presenter. The presenter presents the information gathered during the investigation.
4. Due to the sensitive nature of these hearings, the Reporting Party and Respondent may be kept separate throughout the hearing, appearing before the Board at designated times but able to hear all statements within the hearing.
5. No witness, other than the Reporter or Respondent if either chooses to testify, will be allowed to hear the testimony of other witnesses.
6. Before testifying, each employee witness will be reminded that his or her testimony is expected to be truthful under penalty of termination of employment, or if the witness is a student, subject to the Student Handbook.
7. The Board will call witnesses, consider relevant information, and question the Respondent and Reporter until it has exhausted every reasonable method of

ascertaining the facts.

8. An attorney may be present during the hearing. The attorney may speak to the person represented by the attorney, but may not address directly anyone else involved in the hearing other than the Chair. Any comments or questions an attorney has should be directed to the Chair of the Board in a private conversation.
9. The Board must act with complete impartiality. A Board member may be excused from a case in which personal involvement may constitute a conflict of interest. Additionally, Board composition will be shared with the Reporting Party and Respondent at least 72 hours in advance of the hearing. Either party may request a member of the Board be removed.
10. The Respondent is considered not to have violated any policy throughout the hearing until there is a finding that a violation has occurred. The standard of proof is a preponderance of evidence that a violation occurred. The finding must be supported by a majority vote of the Board.

Rights of the Reporting Party and Respondent

The Reporting Party and Respondent will be afforded the same rights outlined in the student complaint section listed above.

Sexual Misconduct Hearing Board

As noted in the policy above, the Sexual Misconduct Hearing Board will often hear cases regarding alleged violations of this policy. The Board is comprised of the following members, selected and appointed as outlined below:

Five or more trained faculty and staff members from across the various academic and administrative departments of the University will be appointed by the Vice President for Academic Affairs and, the Title IX Coordinator.

Each year, new members of the Board will undergo training in the various tenets of the Title IX Policy and procedures employed to investigate and hear allegations regarding possible violations. In addition, continuing members of the Board will attend review sessions to ensure they remain aware of any changes to the Policy and are prepared to serve when called upon. Emphasis will be placed upon protection of confidentiality, appropriate and relevant questioning, effective deliberation, reaching conclusions, and other vital topics in all training and review sessions for the Board.

Disciplinary Sanctions

The following sanctions may be imposed upon any member of the community found to have violated the Sexual Harassment, Discrimination and Misconduct Policy. Factors considered in sanctioning are defined in the Student Handbook & Employee Handbook. The following are the typical sanctions that may be imposed upon individuals or organizations singly or in combination:

Student Sanctions (listed below and defined in Student Handbook)

- Warning
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Organizational Sanctions
- Other Actions

Employee Sanctions (listed below and defined in Employee Handbook)

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of Annual Pay Increase
- Suspension without Pay
- Suspension with Pay
- Revocation of Tenure
- Termination

Sanctioning for Sexual Misconduct

- Any person found responsible for violating the No Harassment policy regarding Non-Consensual Sexual Contact (where intercourse has not occurred) will likely receive a recommended sanction ranging from probation to expulsion (student) or suspension and/or pay penalty (employee), depending on the severity of the incident, and taking into account any previous disciplinary violations.*
- Any person found responsible for violating the No Harassment policy regarding Non-Consensual Sexual Intercourse (where sexual intercourse has occurred) will likely receive a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).*
- Any person found responsible for violating the No Harassment policy regarding Sexual Exploitation or Sexual Harassment will likely receive a recommended sanction ranging from warning to expulsion (student) or warning to termination (employee), depending on the severity of the incident, and taking into account any previous disciplinary violations.*

*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Student Care

Psychological Care Policy

The University of Mobile is an academic institution equipped to meet many of the needs of diverse college students. Throughout each semester, students at the University of Mobile may present a range of psychological difficulties that require staff assistance or staff intervention. Students experiencing psychological difficulties are expected to take personal responsibility to manage their behaviors and seek appropriate treatment as necessary. In addition to the care students might receive from counseling services, there are times when a student might need to spend time away from the campus, either voluntarily or involuntarily.

Short Term Absences

In some instances, a student may experience a psychological difficulty, family distress or a need for extended time for bereavement. In these cases, the student has the responsibility to contact the University's counseling services to coordinate absences with the student's faculty/staff members. This notification does not relieve the student from their responsibility to arrange to complete missed work and should not be considered an excused absence. Students should be reminded to consult faculty or syllabi regarding absence policies, and to communicate with faculty to minimize impact on grades. Students should be advised to check in with counseling services to confirm their return to UM.

Serious Psychological Difficulties

UM is concerned about the well-being of all students. Any behavior, including non-privileged verbal statements, that tends to demonstrate a desire of a student to inflict harm upon him or herself or others is considered a serious matter. Such behavior demonstrates that the student's well-being may be in jeopardy and interferes with the educational efforts of other students and with University of Mobile's mission to educate all students.

Any student who:

1. states (via any source including verbal, written note, text, social media, email, or any other form) an intent or desire to harm himself or herself or others, or becomes disruptive
2. attempts to harm himself or herself, or others
3. harms himself or herself, or others
4. has within their possession any item or substance that causes concern for potential harm

may be considered for temporary or permanent removal from University of Mobile residential facilities and/or University of Mobile academic and extra-curricular programs until cleared to return by the Vice President for Student Life or designee. This potential action is **not disciplinary in nature** and the fact that such action has been imposed will not be entered in the student's educational records. However, if a student violates community standards or fails to

comply with the terms of the clearance procedure, the student may be subject to disciplinary action in accordance with student disciplinary policy. If a student, faculty or staff member observes a student with the above-stated behavior, the person observing such behavior should report to the University Counselor who will confer with the Vice President for Student Life. The student experiencing difficulties will be notified of behaviors observed. An assessment will be conducted to determine if action will be taken, and the student will receive written notification of the decision. The assessment will consist of:

- A. Observations of conduct, actions or statements that indicate safety or code of conduct issues.
- B. Statement from the student explaining his/her conduct, actions, or statements.
- C. Consultations with qualified healthcare professionals (the University Counselor or referral) who can assist the school in judging
 - a. The nature, duration, and severity of risk of immediate harm to self and/or others.
 - b. The student is able to adequately care for self.
 - c. The student is able to function both socially and academically.
 - d. Whether reasonable modifications of policies, practices, or procedures can mitigate the risk.
 - e. The level of risk associated with disruption to the community or normal functioning of the college.
- D. Determination by school officials if the student is qualified to take classes, remain in the dorms, and/or participate in UM related activities.

A student who fails to complete the consultation with a qualified healthcare professional, in accordance with these standards and procedures and give permission for the results to be shared with appropriate officials may be considered for further action including involuntary withdrawal or referred for conduct sanction.

A student who is temporarily removed from University of Mobile residential facilities and/or University of Mobile academic and extra-curricular programs, voluntarily or involuntarily, and wishes to be considered for reinstatement, must provide a safety plan for their return. This plan should be developed with the University Counselor and include a description of specific goals, meetings and supportive steps the student will implement to help reduce the risk of another serious psychological episode, serious chronic psychological difficulties, or dangerous or excessive disruption to the community and normal functions of staff and faculty. The original assessment and newly developed safety plan will be taken into consideration by the Behavioral Assessment and Intervention Team [BAIT] to determine the student's residency and continuation in our academic and extracurricular programs. The student must receive written clearance by the Vice President for Student Life prior to returning to campus.

The Vice President for Student Life or an appointed representative may, at any time during this procedure, contact a parent on record or consult with the University counselor, nurse, or other university official.

This procedure will be in effect if it is believed that a student meets the criteria set forth in this policy. If a student subject to conduct proceedings indicates they have a mental/behavioral

disorder, that student will be required to complete a psychological assessment with the University counselor.

University-Initiated Procedures

If a student is a direct threat to self or others, or significantly interferes with the education or the rights of others, the Vice President for Student Life, in coordination with the Behavioral Assessment and Intervention Team [BAIT], may initiate these procedures. The University Counselor is empowered with the discretion to define within his/her professional judgment what is sufficiently threatening and/or disruptive to warrant invoking this procedure. The first step will be to complete an assessment as stated above. Based on the results of the assessment, the following actions may be taken, but these do not preclude other actions based on a specific situation:

1. Continue at the University with no restrictions. The University may take no action if it is decided, based on the assessment, that the student may be allowed to continue with no restrictions. In those cases, care should be taken to provide opportunities for the student to be advised of accommodations and supportive services that are available. In cases where there are conduct actions pending, those actions should go forward.
2. Continue in University pending further proceedings. The university may require that the student meet certain conditions regarding behavior over a specified period of time if he/she is to remain enrolled. Such conditions could include, for example, stopping classroom disruptiveness, or continuing only if the student avails him or herself of supportive services or accommodation arrangements. Failure to comply with the conditions, coupled with further disruptive behavior, may result in having additional conduct complaints added to any that were previously pending or deferred.
3. Remain enrolled at the University subject to conditions but with eligibility for University-owned residential agreement reviewed. Under certain circumstances, where other students' living and learning environment is very likely to be disrupted by a student's behavior, the housing agreement may be terminated.
4. Suspension or dismissal. If there is a pervasive pattern of disruptive or threatening behavior, or behaviors that are assaultive, which present an imminent risk of injury to others, the student may be suspended or dismissed. In urgent circumstances immediate measures may be taken to suspend a student, but will be closely followed by an assessment, including an opportunity for the student to present his/her position and any information the student would like to be considered.

University Related Programs and Activities

If a faculty or staff member has concerns regarding a student's emotional, psychological, or behavioral stability relating to participation in a University related program or activity, the faculty or staff member may refer the student to the University Counselor. As a qualified health care provider the University Counselor will complete an evaluation and outcomes will be reported to the Vice President for Student Life, faculty, or staff member on an as-needed basis. An effort will be made to preserve confidentiality when possible while also maintaining community standards. The Vice President for Student Life, University Counselor, and faculty or

staff member will confer to make a final determination regarding the student's ability to participate.

Nondiscriminatory

All determinations will be made and all policies will be applied in a nondiscriminatory manner based on observation of a student's conduct, actions, and statements, and in consultation with a professional qualified to interpret the evidence.

Student Conduct, Care, and Responsibilities

College Citizenship

All who work, study, and learn at the University of Mobile do so voluntarily. When a student applies for admission to the University of Mobile, that student agrees to respect and abide by the college's principles of conduct and community standards as well as federal, state, and local laws, and to comply with those standards and laws in the interest of orderly community living.

Many University of Mobile student community standards are based upon Biblical precepts or absolutes as represented in the University Statement of Christian Affirmation (as published in the University of Mobile catalog); while some expectations are simply held to be prudent in nature. These standards reflect a desire on behalf of the University to assist students in conducting themselves in a manner that reflects evidence of Christian principles and high moral character. Students are expected to:

1. Show respect for authorities, private property, self, and the rights of others
2. To exercise stewardship over their resources, abilities, as well as their mind, body & soul
3. To care for others as they do for themselves.

As members of the University community, students enjoy the rights and bear the responsibility of full citizenship. This citizenship is based on a shared commitment to integrity, respect, stewardship, and safety & security. As citizens, students are subject to sanction or revocation of citizenship when their actions infringe on the rights of others, compromise their own self-worth, or the integrity of the University community and its commitment to Christian values, and/or when safety and security are threatened or violated.

Each student is expected to adhere to the rules, regulations, and standards set forth in the student handbook, University catalog, any addendums, or other related publications. Observations, reports, associations or any information posted to the internet can be used to evaluate a student's conduct. Each member of the University community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others.

Violation Of Law And University Discipline

The University reserves the right to review actions taken by civil authorities regarding any student or student organization. If a student is arrested for a criminal violation, that student must report the arrest to the Office of Student Life within seventy-two (72) hours of release; athletes must also report the arrest to the Athletic Director. University disciplinary proceedings may be instituted against a student charged with violation of a law and may, at the sole discretion of the University, be carried out prior to, concurrently, or following civil or criminal proceedings. Violations occurring during non-enrolled periods may be considered by the University in determining whether a student will be eligible to continue his/her enrollment in the University and if so, under what conditions.

University Standards And Off-Campus Behavior

Students are responsible for displaying conduct and behavior that reflect favorably on them, the University, and the community. Accordingly, the University reserves the right to take disciplinary action in response to behavior off campus that violates University standards and policies or adversely affects the University community and/or the pursuit of its objectives. The University also reserves the right to take disciplinary actions for violations of University standards by graduates awaiting degrees and students who withdraw from school while a disciplinary matter is pending.

Reporting Misconduct

Students are strongly encouraged to go to one another in brotherly love and speak the truth. However, if a student is fearful or uncomfortable approaching the offending student, he or she should report the suspected violation to the Vice President for Student Life.

Though anonymous complaints are permitted, doing so may limit the University/College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Life and/or to the Department of Public Safety.

Students who are actively struggling with issues and behaviors that violate community standards or University policies are encouraged to seek support and help. They will be required to participate in an accountability contract and/or seek professional assistance rather than proceed through the judicial process. Students who request help will be asked to abstain from behaviors that violate University policies. If violations continue while engaged in the accountability contract or professional assistance, the student will be subject to disciplinary action. Student leaders that seek support may have reasonable and applicable expectations and boundaries set while they seek assistance.

The violations listed in this handbook are not comprehensive in nature. The University faculty and administration reserve the right to confront and/or address other behaviors that are viewed by the University as dangerous, destructive, or inconsistent with the University of Mobile mission and related statements of philosophy.

Authority for Student Conduct and Student Discipline Process

Students at the University of Mobile are provided a copy of the *Student Handbook* annually in the form of a link on the University website. Hard copies are available upon request from the Office of Student Life. Students are responsible for having read and abiding by the provisions of the *Student Handbook*.

The *Student Handbook* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all University affiliated student organizations. For the purposes of student conduct, the University of Mobile considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University of Mobile. The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate and all sanctions must be satisfied prior to re-enrollment eligibility.

The *Student Handbook* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials.

As stated previously, many of the principles and standards outlined in the Student Handbook are based on biblical principles and standards. So too is the University's student discipline process. The following philosophy and principles serve as a framework for the University of Mobile's student discipline process. In this process student's are viewed as valued individuals (Gen 1:26) and maturing adults not children (1 Cor 13:11). Disciplinary sanctioning is viewed as a teachable moment and an opportunity for redemption and restoration (Prov 5:23, Prov 12:1). To avoid discipline is actually more harmful to the individual in need of discipline (Ps 94:12, Prov 5:23, Prov 13:34, Prov 23:13). Discipline stings, but is healing and redemptive in purpose (Job 5:17-18). Discipline is best done in relationship (Prov 3:11). Discipline should be appropriate to the person and the circumstances (Eph 6:4). Discipline should be informed by holiness and grace (Ps 6:1, Eph 4:15). The person facilitating student discipline must first appeal to standards, expectations, and authority and only then ultimately to obedience to God (Rom 13:1-7). The person facilitating student discipline must be familiar with grace (1 Cor 6:9-11). The person facilitating discipline is under authority (Rom 13:1). Ultimately, discipline is complimentary to the gospel as a loving act of accountability that aims at redemption.

The guidelines for behavior outlined in this handbook, the University catalog, and any other student related publications, outline the student discipline process. The Vice President for Student Life and his or her designees with assistance from the Faculty Disciplinary Committee will be responsible for conducting investigations, gathering evidence, and enforcing all University rules and regulations related to student behavior. The Vice President for Student Life (or designees) is responsible for administering the student discipline process as it relates to any

allegations or complaints involving University students. For certain offenses, the authority to conduct a hearing and recommend sanctions may be delegated to Faculty Discipline Committee or other appropriate University of Mobile officials. When disciplinary action is necessary in response to behavior not specifically listed in this handbook, The Vice President for Student Life (or designees) is responsible for interpreting the spirit of this handbook and the University's philosophy. Residential Life Area Coordinators typically administer sanctions for the first offense of a residential policy.

Parental Notification

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

Student Disciplinary Process

This overview gives a general idea of how the University's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of University policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

1. When a violation of community standards occurs, a Campus Safety Officer, Student Life Staff member, or Resident Life Staff member will document the incident.
2. The Vice President for Student Life (or designee) will schedule a meeting with the student(s) involved to discuss the alleged violation, gather additional information, hear the Student Life Staff and explain the student discipline process.
3. If there is enough information to support the conclusion that it is more likely than not that a policy violation occurred, the staff member will assign appropriate sanctions. Notice of the sanctions will be provided to the student and kept on file. If a student chooses not to be present at the meeting, a decision will be made without his or her input.

Disciplinary Sanctioning

Penalties imposed must bear a reasonable relationship to the violation. Possible sanctions are listed below under Disciplinary Sanctions For Misconduct. Disciplinary records are maintained for students on a continual basis. Violations of the University of Mobile community standards are cumulative and are carried over from year to year. A student's complete discipline record will be considered when deciding sanctions. Information regarding a student's involvement in a violation of the standards of conduct may be shared as needed with other University departments or offices. Students attending the University who receive sanctions related to their conduct may become immediately ineligible for all or a portion of UM funded scholarships or grants. If a student subject to conduct proceedings indicates they have a mental/behavioral disorder, that student will be required to complete a psychological assessment with the University counselor.

Disciplinary Sanctions for Misconduct

Violation of University policies, including the University of Mobile Community Standards, may result in the imposition of one or more of the sanctions listed below. A sanction is a disciplinary action that requires the student to meet certain expectations and/or complete specific requirements within a stated time frame. Sanctions that may be imposed are not limited to those listed.

Sanctions affecting the conduct of students are based on general principles of fair treatment. Sanctions will take into account the intent of the accused, the effect of the conduct on the victim and/or University community, the student's disciplinary history, whether sanctions such as education and community service are likely to change the student's conduct, and the student's needs and prospects for improvement. While attempting to be consistent in its disciplinary decisions, the University also seeks to be fair and sensitive to the facts and circumstances of each individual case. Some sanctions may need to be more punitive due to the seriousness of the offense.

One or More of the Sanctions Listed Below May Be Imposed for Student Conduct Violations:

- **Reprimand:** An informal warning that continuation or repetition of inappropriate behavior may result in a more severe sanction. A reprimand is not subject to appeal.
- **Disciplinary Warning:** An official written notification that a student's behavior is in violation of University regulations or standards, with clarification of expected behavior in the future. Further misconduct may be treated with more serious sanctions. A warning is not subject to appeal.
- **Referral for Counseling:** Students may be referred for counseling, either on-campus or to an appropriate professional agency, at the expense of the student. Progress reports are to be provided as requested by the Vice President for Student Life.
- **Campus Service:** When deemed appropriate, the University official may require the performance of a specified number of campus service hours either on or off campus.
- **Fines or Restitution Fines:** ranging from \$25.00-\$500.00 may be levied for policy violations. Fines or restitution are payable to the University by the date specified by the University

- official. When deemed appropriate, the University official may require restitution for damages done or other payment for expenses incurred as a result of the student's actions.
- **Educative Sanctions:** Tasks, assignments or experiences which a student is obligated to complete. Examples are: letters of apology; research on an issue related to the offense; attending a workshop, accountability sessions, lectures or other meetings. Failure to comply may result in further sanctions such as suspension, denial of the privilege to re-enroll, or dismissal.
 - **Disciplinary Probation:** Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to violate any institutional regulation(s) during the probationary period. Disciplinary probation implies that the individual's standing within the University is in jeopardy and that further negligent or willful violations will normally result in immediate suspension or expulsion.
 - **Disciplinary Probation with Restriction:** In addition to Disciplinary Probation listed above, Disciplinary Probation with restriction involves the imposition of specified restrictions and/or prohibits the student from participation in designated activities for a stated period of time. Such privileges include but are not limited to visitation, employment, parking, involvement in clubs, organizations, extracurricular activities, athletics, performance groups, internships (including student teaching), or other privileges appropriate to the violation. The extent of the restrictions and the length of the period of restriction is determined by the magnitude of the offense. A record of the loss of privilege will be maintained by the Vice President for Student Life. Additional infractions of the University rules and regulations during a period of restriction may lead to probation, suspension, or dismissal.
 - **Disciplinary Suspension:** Separates the student from the University for a specified period of time, prohibits attendance at any classes, social events or other functions, and visiting University grounds or buildings unless by written permission. The University may interim suspend a student pending the completion of an investigation and resolution, particularly when in the judgment of the Vice President for Student Life, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the student whose behavior is in question. During an interim suspension a student or employee may be denied access to University housing and/or the University campus/facilities/events. A suspension will be recorded on the student's transcript until suspension expires. Suspensions may be indefinite.
 - **Suspension from Residential Housing:** Under certain circumstances it may be permissible to remove a student from residential housing on a permanent basis or as an interim suspension pending the completion of an investigation and resolution. Reasons for residential housing suspension include but are not limited to persistent neglect of university housing policies and/or an existing or perceived threat to safety or well-being of individual members of the campus community or the campus community in general. Suspensions may be indefinite.
 - **Revocation of Institutional Gift Aid:** In certain circumstances, particularly those that jeopardize the integrity or reputation of the University, all or a portion of a student's UM institutional aid may be revoked.
 - **Denial of Privilege to Reenroll:** This sanction places the student on indefinite disciplinary probation, may allow for the completion of the current semester but prohibits enrollment for subsequent semesters without permission from the Vice President for Student Life.

- **Disciplinary Dismissal:** Any student who receives disciplinary dismissal will be permanently excluded from the University of Mobile. Once a student has been dismissed, he or she is not eligible for readmission. Disciplinary dismissal is permanently recorded on the student's academic record maintained by the Registrar's Office.

Student Rights

A student accused of a violation of University regulations has the following rights:

- The student may have a person of choice from the University community to advise or assist in any hearings. However the advisor must be a member of the University of Mobile community (i.e., faculty or staff) and may not speak in the meeting on behalf of the student. The advisor may provide support and guidance through the investigation and hearing process. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present.
- Neither legal counsel nor parents may represent students or attend disciplinary hearings. However, students may request notes from the hearing or may request a post-hearing meeting with parents and University officials conducting the hearing to discuss the proceedings and the outcome. In cases involving harassment or sexual assault, please refer to the Title IX policy and procedures outlined above.
- The student can request a written statement of charges.
- The student can offer personal testimony and witnesses on his/her own behalf.
- The student may exercise his or her right to appeal sanctioning decisions as outlined in this handbook.

Appeals

A student wishing to appeal the discipline sanction decision must do so in writing via a written letter and via the Disciplinary Sanction Appeal Form **within 24 hours of the original sanctioning decision**. These documents should be submitted to the Vice President for Student Life (or designees) and will be reviewed by the appropriate member of the student discipline process. All sanctions remain in effect until otherwise noted as a result of the appeal. It is the student's responsibility to ensure that the all appeal documentation was received.

Appeals will normally be considered only when:

- there is relevant new information that was not available at the time of the original hearing and the introduction of the information could substantially impact the original finding;
- there was a substantial procedural error that may have significantly affected the decision;
- if the sanctions are substantially disproportionate to the severity of the violation.

Guidelines for Writing a Letter of Appeal

The letter must include:

1. Names of the parties involved
2. Clear statement of the nature of the appeal consisting of one or more of the reasons listed above.
3. A narrative of the incident including:
 - (a) Why it occurred
 - (b) How it occurred
 - (c) Where it occurred
 - (d) Who was present
 - (e) The information on which the appeal is based
4. The desired outcome

Upon receipt of a student appeal, the Vice President of Student Life (or designees) will forward the written appeal along with any other appropriate information to the Faculty Discipline Committee that will review the request for appeal. The Vice President of Student Life (or designees) will notify the student in writing of the decision. If the appeal cannot be considered within one week of the appeal request, the Vice President of Student Life (or designees) will notify the student. Decisions of the Faculty Discipline Committee may be appealed to the President of the University within 24 hours of the Faculty Discipline Committee decision. A decision of the President is not subject to further appeal.

Community Standards

Any student who commits, aids or attempts to commit any of the following acts of misconduct may face disciplinary action through the University's judicial system.

Community Standard: Integrity

- Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
- Cheating, plagiarism, or other forms of academic dishonesty.
- Unauthorized access to any University building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any college/university building or failing to timely report a lost University identification card or key;
- Violation of the visitation policy as outlined in the Residential Living Policies and Procedures above.
- Tampering with the election of any University recognized student organization.
- Living off campus while not meeting the off-campus eligibility requirements. Students found to be living off campus that do not meet the proper criteria may be subject to disciplinary action and held financially responsible for the semester housing charge.
- Illegal downloads: movies, music, software, etc.
- Intentional and unauthorized taking of University property or the personal property of another, including goods, services and other valuables;
- Violation of federal, state, or local law on University premises or at a University sponsored or supervised activity.
- Dressing inappropriately. Students are expected to be neatly, modestly, and appropriately

dressed at all times. Clothing with obscene pictures or messages and clothing with advertisements for products not in keeping with the University's philosophy are not appropriate. Shirts and shoes are required in all University buildings and at all University sponsored or approved functions. Responsibility for dress is placed upon each student. Faculty and staff members may determine whether a given mode of dress disrupts the learning environment.

- Unauthorized and/or inappropriate use of computers is prohibited. Such use includes, but is not limited to, damaging or altering records or programs; furnishing false information; invading the privacy of another user by using files, programs, or data without permission; engaging in disruptive and annoying behavior; and any unauthorized use of computer hardware, software, accounts, passwords, or keywords.
- It is considered a misuse of computers to view, obtain, or send pornographic material.
- Any incident that, in the judgment of the University administration, reflects negatively on the image of the University will be considered a violation of community standards.

Community Standard: Respect

- Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University of Mobile.
- Substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus;
- Posting and/or submitting personal information or photographic images of yourself or others for display on the internet that may be considered contrary to the philosophy of the University of Mobile.
- Harassment: The intentional infringement upon the rights of any member of the community, including the persistent interruption of a reasonable level of peace and quiet.
- Stalking: a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.
- Use of cellphones or other electronic devices or computing facilities to obtain or send obscene or abusive messages.

Community Standard: Stewardship

- Damage, destroying, or defacing property or littering on public grounds.
- Intentional, reckless and/or unauthorized damage to or destruction of University property or the personal property of another;
- The unauthorized use or the abuse, destruction, or theft of property of the University or any of its members, guests, or neighbors. This regulation includes the unauthorized appropriation or "borrowing" of common property for personal use. It also includes unauthorized use, abuse, destruction, or theft of property in University care of custody.
- Based on the University's religious beliefs and foundations, sexual misconduct includes, but is not limited to, the promotion, advocacy, practice, or acts of sexual abuse; sexual assault (see [student care](#) section of this handbook for more information); sexual

harassment; incest; adultery; rape; fornication; the possession of pornographic material; sex outside of a heterosexual marriage; promotion, advocacy or on-going practice of a gay, lesbian, bisexual, or transgender lifestyle; identifying oneself as a gender other than the gender assigned by God at birth; same-sex dating behaviors; or public advocacy of sex outside of marriage. Please see the [Sexual Stewardship](#) section of this handbook for more information.

Community Standard: Safety and Security

- Use, possession, distribution, being under the influence or in the presence of alcoholic beverages on-campus or at a University sponsored/sanctioned event or evidence of underage drinking on or off campus.
- Use, possession or distribution of narcotics or controlled substances except as expressly permitted by law. (Also see **drug and alcohol policy** in this handbook).
- Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
- Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Office of Student Conduct within seventy-two (72) hours of release.
- Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)
- Knowingly furnishing false information to a University officer or member of any hearing board acting in performance of their duties, or the failure to provide University personnel with adequate identification upon request.
- Failure to comply with directions of a University official or law enforcement officers.
- Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.
- Operating a vehicle in violation of traffic rules or as to endanger people or property.
- Ejecting any objects from the windows, roofs, or balconies of University buildings.
- Climbing on top of the roofs of buildings or in other unauthorized areas.
- Unintentional discharge or misuse of personal defense devices. The owner is responsible for maintaining control and assuring proper usage of these devices.
- Physical abuse, verbal abuse, threats, intimidation, coercion and/or other conduct which threatens or endangers the health, safety, or security of any person.
- Spoken or written comments that are lewd, obscene or indecent. This includes but is not limited to sexually explicit or derogatory racial/ethnic comments or gestures.
- Possession or use of any weapon on university property or at a university event is prohibited. “Weapons” include, but are not limited to, firearms, BB guns, paintball guns, replica firearms, dismantled/unassembled firearms, tazers, stunguns, dangerous chemicals, any type of explosive or ammunition, edged weapons such as swords, knives, axes, hatchets, or any improvised weapons or weapons of opportunity, including the storage of any item that falls within the category of a weapon in a vehicle parked on University/College property.
- Firearms are strictly prohibited on University premises (regardless of concealed carry

licenses). This includes, but is not limited to: pistols, shotguns, rifles, paintball guns, air soft guns, BB/pellet guns, replica firearms, toys which look like weapons, cross bows, compound bows and any other projectile launching device deemed dangerous by University officials.

- Violation of local, state, federal or campus fire policies including, but not limited to:
 - a) Intentionally or recklessly causing a fire which damages University/College or personal property or which causes injury.
 - b) Failure to evacuate a University/College-controlled building during a fire alarm;
 - c) Improper use of University/College fire safety equipment; or
 - d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment, fire extinguishers, smoke or heat detectors while on University property. Such action may result in a local fine in addition to University sanctions;
- Making a false report concerning a fire, bomb, or other emergency.
- Vagrancy on campus, to include unauthorized use of university buildings/ property for temporary or long-term housing, and use of campus facilities for primary hygiene needs.