The Title IX Coordinator is the clearly designated option for reporting sexual harassment, discrimination and/or misconduct to initiate JSU response obligations. The up-to-date contact information for this individual/office will always be available online at www.jsu.edu/titleix.. The current contact information is as follows:

Title IX Coordinator Jacksonville State University Angle Hall, Suite 301-A 700 Pelham Road North Jacksonville, AL 36265

domestic violence). JSU reserves the right to send campus wide notifications on any report.

Other Required Reporting: There are also other limited situations where anonymous statistical information is required. The information contained in these reports will provide very limited numbers and will not include the names or other identifying information about any person (s) involved in the report.

F. Request for Confidentiality: Whenever possible, JSU will pursue a course of action consistent with the reporting party and/or complainant uest. Anytime there is a request that to not be shared with another party, the Title IX Coordinator (and all members of the Title IX team) will balance this request with the dual obligation to provide a safe and non-discriminatory environment for all JSU community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before disciplinary action is taken against a respondent. The Title IX Coordinator, in consultation with one or more other members of the Title IX team, will evaluate requests for confidentiality. During this evaluation the Title IX Coordinator may consider, among other factors, the seriousness of the conduct, the respective ages of the parties, whether there have been other complaints or reports of harassment or misconduct against the respondent, the existence of independent evidence, and the rights of the respondent to receive notice and relevant information before disciplinary action is sought.

Release of Information: Unless otherwise required by law, at no time will anyone on the JSU Title IX team release the name of the complainant, any witness, or the respondent to the general public without the express consent of that individual.

PROHIBITED CONDUCT

SEXUAL HARASSMENT

Jacksonville State University prohibits sexual harassment. Sexual harassment includes any of the following conduct that is based on sex:

Quid pro quo harassment: An employee of JSU conditioning the provision of

unwelcome sexual conduct;

Unwelcome conduct determined by a reasonable person (in the shoes of the complainant) to be so severe, pervasive, and objectively offensive that it educational programs or

activities:

Sexual assault as defined within this policy;

Dating violence as defined within this policy;

Domestic violence as defined within this policy; and/or

Stalking as defined within this policy.

blogs, landlines, cell phones, text messaging, Global Positioning System (GPS), spyware

DATING VIOLENCE

Jacksonville State University prohibits dating violence, which the Clery Act defines as violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

The existence of a such a relationship shall be determined based on the reporting

- o The length of the relationship,
- o The type of relationship, and
- The frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE

Jacksonville State University prohibits domestic violence, which the Clery Act defines as a felony or misdemeanor crime of violence (including, but not limited to, sexual or physical abuse or the threat of such abuse) committed by:

A current or former spouse or intimate partner of the complainant;

A person with whom the complainant shares a child in common;

A person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;

A person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the violence occurred; or

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The following are essential elements of consent:

Affirmative: Consent does not always have to be verbal, but there should be some affirmative words and/or actions that indicate a clear willingness to engage in the proposed sexual activity or contact.

- o A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- Please note that relying solely upon non-verbal communication can lead to a misunderstanding or false conclusion as to whether consent was sought or given.
- o If at any time during the sexual activity or contact, an individual is no longer an engaged participant, all parties should stop and clarify verbally

Coherent: An individual must be able to recognize exactly what is happening (i.e. understand the who, what, when, how, where) in order to consent. An individual who is incapacitated and/or incoherent is considered unable to give consent.

Alcohol and Other Drugs: Alcohol and drugs may
decision-making capacity, awareness of the consequences, and ability to
make informed judgments. This applies even when voluntarily ingested.
Depending on the degree of intoxication, someone who is under the
influence of alcohol, drugs, or other intoxicants may be incapacitated and
therefore unable to consent. If there is any doubt as to the level or extent

the prudent course of action is to forgo or cease any sexual contact or activity.

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Ongoing: Consent must exist from the beginning to the end of each sexual activity or each form of sexual contact. Either party may withdraw consent at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.

Mutual: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

- Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to sexual activity with any other person.
- Even in the context of a relationship, consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time such activity occurs.
- The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

AGE FOR CONSENT: Persons under the age of sixteen (16) are deemed incapable of consenting under Alabama law. Sexual intercourse with anyone under the age of sixteen (16) is prohibited by this policy, as noted in the definition of sexual a

OTHER DEFINITIONS

ACTUAL KNOWLEDGE

Notice of the occurrence of conduct prohibited by this policy or notice of the allegation(s) of the occurrence of conduct prohibited by this policy to the JSU Title IX Coordinator or any JSU Deputy Title IX Coordinator. However, if the JSU Title IX Coordinator or a JSU Deputy Title IX Coordinator is the respondent in the case, then the report would need to be made to an individual (the Title IX Coordinator or any Deputy Title IX Coordinator) who is not the respondent.

BUSINESS DAY(S)

Monday through Friday (8:00 a.m. 4:30 p.m.), excluding any day (or time) when the institution is closed.

COMPLAINANT

An individual who has been reported to be the victim of conduct that is prohibited by this policy. Any individual can be a complainant, regardless as to whether such individual is a student, faculty member, another JSU employee, or other person with or without any affiliation with JSU. An individual may be a complainant even where no formal complaint has been filed and no grievance process is pending.

EDUCATIONAL PROGRAM OR ACTIVITY

Locations, events, or circumstances over which Jacksonville State University exercises substantial control over both the respondent and the context in which the prohibited conduct/behavior occurs. This includes any building owned or controlled by a student organization that is officially recognized by JSU. However, an educational program or activity does not simply depend on the geographic location.

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EMPLOYEE

Any faculty or staff member, including but not limited to members of the administration and instructional staff.

respondent, witness or third party, will have equal access to support and counseling services through the university. Interim measures are also available to all parties. JSU recognizes that deciding whether to make a report, either to the Title IX office or to law enforcement, and choosing how to proceed can be difficult decisions. The university encourages all individuals affected by sexual harassment or misconduct to seek the support of campus and community resources. These professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

JSU is committed to providing a comprehensive and integrated prevention, education, and awareness program that attends to the multifaceted dynamics of sexual harassment, sexual violence, dating violence, domestic violence, and stalking. The university strives to create a non-discriminatory and harassment-free living, learning, and working environment for all members of the JSU community, including students, staff, faculty, and visitors.

Emergency Support and Response Services in the Event of Sex-Based

Violence: JSU encourages anyone who has experienced an incident of sexual violence, dating violence and/or domestic violence to seek assistance from a medical provider and/or law enforcement as soon as possible after the incident. This is the best option to provide physical safety, emotional support, and medical care to anyone impacted by sexual violence, domestic violence, and/or dating violence. It is also the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

Assistance is available from JSU UPD and/or the Jacksonville Police Department year round, 24 hours a day, 7 days a week.

Jacksonville State University Police Department: (256) 782-5050

Jacksonville City Police Department: (256) 435-6448 or 911

Protection from Abuse Orders: For information regarding protection from abuse orders and assistance in applying for a protection from abuse order, please contact a Victim Services Officer (VSO) at the Calhoun County District Office at (256) 231-1770.

Medical Resources in the Event of Sexual Violence/Domestic Violence/Dating Violence/Stalking:

A medical provider can provide emergency and/or follow-up medical services. The initial medical exam can have two goals: first, to diagnose and treat the full extent of any injury, or physical effect (e.g., stitches for a cut, a cast for a broken arm, concussion protocol for a head injury, prevention of sexually transmitted illnesses, or possibility of pregnancy after a sexual assault) and second, to properly collect and preserve evidence. There is a limited window of time; the exact amount of time depends on the injuries and/or evidence that will need to be collected, but ideally, evidence would be collected as quickly as possible. Taking the step to gather evidence immediately does not commit an individual to any

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particular course of action. However, the decision to seek timely medical attention after an incident that causes physical harm and gather any evidence will preserve the full range of options to seek resolution under this policy and/or through the pursuit of criminal prosecution.

An initial medical exam after a sexual assault may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a thorough physical examination, which includes the genital and/or anal area; and a blood draw. There is a limited window of time (typically up to 72 hours) following an incident of sexual assault to preserve physical and other forms of evidence. On campus, the RMC/JSU Health Center can provide medical care to students and employees during their regular business hours; however, the RMC/JSU Health Center is not equipped for forensic examinations. Anyone has the option-and is encouraged-to go to the Northeast Alabama Regional Medical Center in Anniston or Rape Response in Birmingham for care and to have evidence collected. Regional Medical Center is located in Anniston, Alabama and provides forensic exams through its Emergency Department. Rape Response is a standalone SANE (Sexual Assault Nurse Examiner) program located in Birmingham, Alabama that provides care and forensic exams to those not suffering from life-threatening injuries. Please call the Rape Response hotline at (205) 323-7273 if you are in need of SANE services.

Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examination paid for or administered. Individuals are encouraged to let hospital personnel know if they do not want their insurance policyholder to be notified about access to these services.

The Alabama Crime Victims Compensation Fund may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. In the state of Alabama, the cost of a forensic rape

Commission (ACVCC) or, if the victim chooses, to their private insurance. No cost is incurred if the bill is directly submitted to ACVCC. For additional

professionals listed below are trained to support individuals affected by sexual harassment, sexual violence, stalking, domestic violence, dating violence, or other forms of sex-based misconduct, harassment, or discrimination and to coordinate

safe and healthy educational and work environment. The Title IX Coordinator, Deputy Title IX Coordinators, and University Police Department (UPD) employees can:

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- Assist in accessing other support services; and
- o Help arrange for supportive measures or remedies.

While not bound by confidentiality, these resources will maintain the privacy of t assist in the active review, investigation, or resolution of the report.

REPORTING

Any complainant is encouraged to report any sex-based misconduct to the Title IX Coordinator (or any Deputy Title IX Coordinator). JSU only has jurisdiction to take disciplinary action against a respondent who is a current student or employee. However, JSU can provide supportive measures in some cases, even if the incident did not occur on our campus or was not alleged to have been perpetrated by a JSU student of employee. The Title IX Coordinator is specifically charged with coordinating the initial assessment; initiating the investigation; responding to allegations of sex-based misconduct, harassment, or discrimination; addressing its effects; and prevent

In situations where the Title IX Coordinator signs a formal complaint, it should be noted that the Title IX Coordinator is not assumed to be the complainant				

offer assistance to others, for fear that they may get in trouble themselves (e.g., an underage student who has been drinking might hesitate to help an alleged victim of sexual misconduct). A bystander or other person acting in good faith who discloses sexual harassment or misconduct addressed in this policy (including domestic violence, dating violence, stalking, and sexual assault) to the Title IX Coordinator, either as a complainant or as a third party, will not be subject to disciplinary action by the university for their own personal consumption of alcohol or drugs at or near the time of the incident.

Further, the JSU Code of Student Conduct includes a Samarita policy, which also provides for good Samaritan amnesty in certain situations.

False Reports: JSU takes the accuracy of information very seriously, as an allegation of sexual harassment, sexual violence, stalking, domestic violence or dating

The Title IX Coordinator (or the Deputy Title IX Coordinator for employees, if both parties are employees and either party is a student) will coordinate the effective implementation of all supportive measures; therefore, all supportive measures should be requested by contacting the Title IX Coordinator using the contact information located in this policy and/or at www.jsu.edu/titleix.

Range of Safety/ Supportive Measures/Accommodations: These measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant and/or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Furthermore, supportive measures can be provided at any stage of the process and do not require a responsible finding to implement. These measures are designed to restore or preserve equal access to the educational program or activities, without unreasonable burden to other party-including measures designed to protect the safety of all parties or -or deter further violations. These measures can be offered regardless of whether the reported conduct occurred out

offered regardless of whether the reported conduct occurred out program or activities. The following are examples of supportive measures that the Title IX office may consider, but the exact supportive measures that may be implemented in any particular case will determined on a case by case basis:

- Providing access to counseling services and assistance in setting up an initial appointment (on or off campus);
- Providing access to medical services and assistance in setting up an initial appointment (on or off campus);
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- o Providing alternative course completion options (with the agreement of the appropriate faculty);
- Changing a class schedule, including the ability to take an incomplete, drop a course without penalty, or transfer sections (with the agreement of the appropriate faculty);
- o Changing a job assignment;

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this meeting can occur via video conference. During said meeting, the complainant will be given the opportunity to request any accommodations needed, will be given the opportunity to review the policy and procedures, and will be given the option of filing an informal report or formal complaint. T

All appeals (from either party) will be filed no later than 4:30 p.m. on the 7th business day after the hearing (e.g., if a hearing was held at 2:00				

Burden of Proof: Throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to meet the standard of evidence (including determining responsibility and the existence of consent) rests on the university, not on the parties. However, it is important to note the following:

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Informal Resolution: This is a resolution option that allows corrective action to be taken without formal disciplinary action against the respondent. Corrective action under an informal resolution could include educational programming or training, direct confrontation of the respondent, or facilitated discussions between the complainant and/or respondent and/or witnesses. However, the university will never compel a complainant to engage in an informal resolution process or directly confront the respondent and/or particular form of informal resolution.

Once a formal complaint is filed, an informal resolution may be a potential resolution option. This option can be pursued at any time prior to 24 hours before the scheduled start time of the disciplinary hearing. If either party would like to discuss the option of informal resolution, then that party can contact the Title IX Coordinator and discuss the informal resolution they would propose. If the Title IX Coordinator determines that said proposal may be a viable option for resolution, then the Title IX Coordinator will discuss the proposal with the other party. If an agreeable resolution is determined after each party has had an opportunity to consult with the Title IX Coordinator, then the Title IX Coordinator will prepare the informal resolution agreement and give each party the opportunity to sign said agreement.

If the informal resolution agreement is signed by the complainant, the respondent and the Title IX Coordinator, then the investigation and resolution process will be placed on hold to allow the terms of the informal resolution agreement to be fulfilled.

Once the terms of the informal resolution agreement are fulfilled in a timely manner and as specified in the agreement, the Title IX Coordinator will e-mail the complainant and the respondent to notify them that the terms have been fulfilled and the case is being closed.

involved and the campus as a whole. The Title IX Coordinator reserves the right to not sign/approve the informal resolution agreement for any reason. Furthermore, the Title IX Coordinator cannot sign/approve any informal resolution agreement involving an employee prohibited conduct directed toward a student.

either party will have the opportunity to file an appeal of the dismissal decision. An appeal must be filed no later than 4:30 pm on the 4th business day after receiving notification of dismissal (e.g., if the notification of dismissal was e-mailed to the parties

will be invited to meet with the investigator(s), where they will be provided with a hard copy of the preliminary investigative report and all evidence. During the meeting, the investigator(s) will seek to answer any questions the parties may have regarding the investigation. The investigator(s) will verify that there are no additional witnesses that need to be interviewed nor any additional evidence that needs to examined. The investigator(s) will discuss any requested changes to the preliminary investigative report. The parties are encouraged to make corrections and provide appropriate context. The investigator(s) will invite the parties to provide a written response and/or will invite each party to meet with the investigator(s) and/or review the evidence and/or report as frequently as needed. This initial meeting to receive the report and evidence should be held as quickly as possible after the initial notification and invitation to meet. Each party is allowed to submit a response, which the investigator(s) will consider prior to completion of the investigative report, but that response would need to be provided to the investigator(s) within ten(10) days.

Final Investigative Report:

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the investigative report, then the investigator(s) send notification to each of the parties explaining that the final investigative report is ready for review and schedule any meeting that the parties request at this time. Any meeting to discuss the final investigative report should be scheduled as quickly as possible, as any suggested changes to the final investigative report will need to be provided within ten (10) business

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team also requests that the information not be shared with anyone else except as needed for purposes of preparing for the hearing.

There are certain situations where a party does not want to have possession of the documents or evidence and/or does not want their advisor to have possession of the documents or evidence. If a party does not want to (or does not want their advisor to) receive the evidence and documents, then they will need to complete a form with the Title IX office. Even if this form is completed, then the party will still be allowed to review the documents and evidence, at any point, in the Title IX office.

All evidence and reports will be made available to each party at the hearing and each party will have the opportunity to refer to such evidence during the hearing, including for purposes of questioning any/all parties and witnesses.

Hearing Panel: The hearing panel will consist of three (3) hearing panel members who are designated by the Title IX Coordinator, who is tasked with ensuring that each hearing panel member has the appropriate training regarding allegations of sexual harassment, sexual violence, stalking, domestic violence and dating violence. Any hearing panel member assigned will be impartial and free of any conflict of interest. Neither the Title IX Coordinator nor the investigator(s) on the case can serve as a member of the hearing panel.

The Title IX Coordinator will be responsible for scheduling the hearing and providing the investigative report to the hearing panel members for review. The Title IX Coordinator will also be available on the day of the hearing to assist with logistical matters.

Pre-Hearing Details: Preparing for a hearing that will include three hearing panel members, two parties, two advisors, support persons, and potentially three (or more) locations requires a great deal of planning and preparation. In an effort to make the hearing proceedings more efficient and less hectic for everyone involved, we ask for the in providing their preferences and requests in advance.

Witness Scheduling: If either party wants the university to schedule a particular person to address the hearing panel to answer questions, then that party should provide the Title IX Coordinator with the name and contact information for that witness so that arrangements can be made for that witness to be available for said hearing. (For example, if a party wants the university to make a non-party faculty member come to the hearing to answer questions, then arrangements will need to be made to ensure availability on the day of the hearing.)

Evidence: If either party wants the university to make additional copies or otherwise ensure that a particular piece of evidence is available in a certain form at the hearing, then that party should provide that information to the Title IX Coordinator with appropriate notice so that arrangements can be made for that evidence to be available in the preferred form. (For example, if a piece of evidence is housed in the evidence locker at UPD, then additional scheduling will be required for that evidence to be viewed in person.)

Requested Witness Order/Schedule: If either of the parties and/or witnesses have a preference regarding the order of wrties anors abns-10(y)4(d) on scherdule				

<u>Location</u>: The hearing will be scheduled for an appropriate location that will allow for a comfortable atmosphere for each of the pa

questions challenging credibility. However, questions to the other party wasked by the questi	ill be

To demonstrate prior sexual behavior with respect to the respondent and are offered to prove consent. (This exception only applies to situations where consent is an issue at the hearing).

<u>New Evidence</u>: All evidence should be provided during the investigation phase. If either party attempts to present new evidence at the hearing, the hearing will end and the case will be sent back for further investigation. In the event that the other party agrees to allow for the new evidence to be presented, the hearing will break for at least 30 minutes to allow the new evidence to be properly reviewed before the hearing resumes.

<u>Credibility Assessments</u>: The panel members will make credibility assessments of all parties and witnesses. However, these assessments will not be based on a p ant, respondent, or witness

<u>Decision</u>: After the hearing process is complete, the panel members will

on a preponderance of the evidence. The panel will use a disciplined, unbiased evaluation of admissible, relevant evidence to reach this decision.

<u>Sanctioning</u>: If, after the entire hearing, the panel members make a finding of with a copy of the impact statements.

These statements are statements provided by one or both parties to the Title IX Coordinator in a sealed envelope before the beginning of the hearing. After fully reading the impact statements, then the panel members will be responsible for making a decision regarding the appropriate sanction. Again, the sanctioning determination does not need to be unanimous, but must be agreed upon by at least two of the three panel members.

Decision Letter: The panel members will provide a written decision letter to each of the parties (via their jsu.edu e-mail address) within three (3) business days of the hearing. If the hearing panel members find the respondent responsible for a violation of the policy, the decision letter will also include the sanction decided upon by the panel members. This letter will be signed by the panel members and then provided to the Title IX Coordinator, who will e-mail the letter to each of the parties and their advisors.

Potential Sanctions:

The following are a list of potential sanctions that can be implemented upon a finding of responsible after a proper investigation and hearing:

<u>Warning</u>- Notice, in writing, that any continuation or repetition of prohibited conduct for a specific or indefinite period of time may be cause for further disciplinary action.

manage the behavior, understand why the behavior was inappropriate, and/or assist the individual in learning more about how their behavior impacted themselves and/or the community.

<u>Disciplinary Probation</u>- A period during which an individual must behave in a manner acceptable to the university and comply with specific terms. Under the status of disciplinary probation, an individual is encouraged to seek advice from appropriate university officials. Conditions of probation may be set forth that restrict the individual specific activities. Violation of the terms of probation or additional incident(s) of misconduct while on probation may result in suspension or dismissal.

<u>Facilitated Discussion</u>- Informal facilitated conversation between the respondent and other impacted parties to resolve conflict, to formulate an action plan, and/or

Coordinator. Suspension typically includes a trespass from all university property during the designated suspension timeframe. Should an individual who is suspended be found on university property, further disciplinary action may be warranted.

- i. A suspension may be imposed in any increment (weeks, months, academic year or calendar year) but must be specific as to when the individual will be allowed to return to the educational program or activity, including whether the individual may be allowed to participate in online activities or not.
- ii. A suspension may be deferred based on the timing of the semester (e.g., end of semester). This decision is at the discretion of the panel members and will only be considered if the individual deemed not to be a threat. Should the individua be readmitted, further incident(s) of misconduct may result in additional suspension periods or dismissal from the university. Additionally, the failure to observe the terms and conditions of a suspension may cause the extension of the suspension period or further disciplinary action.
- iii. A suspension will take place once the appeal time frame or process is complete. In the event of an academic

<u>Assignment to Different Supervisor</u>- The temporary or permanent reassignment to alternative supervisor.

<u>Demotion</u>- A change in employment status to reflect of loss of a promotion.

<u>Denial of Pay Increase</u>- The loss of an opportunity for a pay increase that would have ordinarily been provided.

<u>Loss of Pay Grade</u>- A decrease in pay and/or benefit for a specific amount of time.

<u>Restriction of Stipends, Research, and/or Professional Development Resources</u>- A general or specific restriction placed on an employees ability to receive stipends, research resources, and/or professional development resources.

<u>Enhanced Supervision, Observation, or Review</u>- A general or specific enhancement of supervision, observation, or review for employees.

Remedies: If there is a finding of responsible, the panel and/or the Title IX Coordinator can address remedies. Remedies are individualized services that are designed to restore or preserve equal access to JSU educational programs or activities. These may include the same or similar individualized services that are described in the . However, these remedies need not be non-disciplinary nor non-punitive and need not avoid burdening the respondent.

Remedies may include: Counseling;

hearing (e.g., if a hearing was held on 2:00

Be treated with dignity, receive from the university courteous, fair and respectful health care and counseling services, and to be referred to other health care and/or counseling resources if the needed services are not available on campus;

Have access to an appeal of any determination; and Be accompanied by an advisor and/or support person of choice who may assist and advise the party throughout the conduct process, including during all meetings and hearings related to such process.

RESPONSIBILITY

The Title IX Coordinator is responsible for implementation and application of this policy.

EVALUATION

This policy will be reviewed every two (2) years by the Title IX Coordinator.