

- d. Entrance to and exit from the university will be through designated areas from dusk to dawn. Please note that you will be asked to show your student identification card or some form of identification (i.e., state driver's license), upon re-entry to campus.
- e. All visitors who drive to the university campus and expect to park for any prolonged purposes must report to the Department of Public Safety; and, be issued a Visitor's Permit. Accordingly, students expecting visitors who drive vehicles must advise such individuals to report to the Department of Public Safety to receive a parking permit.

Possession/Abuse of Animals

- a. Bringing any unauthorized animal on university property or into any building owned, leased or controlled by Alabama State University without approval of the Division of Student Affairs and Enrollment Management and/or the Office of Disability Services; and/or,
- b. Intentional abuse, inappropriate handling or causing death to an animal.

Sexual Assault/Misconduct (also see Gender-Based Misconduct/Title IX and Sexual Harassment Policies)

- a. Any sexual conduct that takes place without the victim's consent, including any penetration of the vagina, anus or mouth by the perpetrator's sexual organs, or by any object;
- b. Sexual conduct will be deemed to be without the victim's consent when:
 - i. The victim has instructed the perpetrator not to engage in the conduct;
 - ii. The victim is forced to submit to the act;
 - iii. The victim is reasonably in fear that the victim or another person will be harmed if the victim does not submit to the act;
 - iv. The victim is unable to give consent or permission, or is unable to resist, because of intoxication with drugs or alcohol; and/or,
 - v. The victim is unable to give consent or permission, or is unable to resist, because of any mental or physical disability.

Sexual Harassment (also see Gender-Based Misconduct/Title IX and Sexual Harassment Policies)

- a. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favor, or other verbal or physical conduct of a sexual nature when:
 - i. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, academic standing or admission to an organization; and/or
 - ii. Such conduct unreasonably interferes with an individual's work, living environment, academic performance or creates an intimidating or hostile work or academic environment.

Solicitation

- a. Conducting any unauthorized business sales or monetary drives, political/business campaigns on campus, classroom, administrative building or any other campus location without approval of the Division of Student Affairs and Enrollment Management;
- b. Placing door hangers or signs on cars on campus or in on-campus residential facilities, or other campus property; and/or,
- c. Any violation of the University Advertising, Sales, and Solicitation Policy.

Student Identification Card Violations

- a. Altering, lending or selling a Student Identification Card;
- b. Using a Student Identification Card by anyone other than its original holder;
- c. Using a Student Identification Card in any unauthorized manner; and/or,
- d. Failure to produce a Student Identification Card when requested by a Public Safety Officer, staff, or faculty member of Alabama State University.

Theft/Burglary/Robbery

- a. Taking, possessing or attempting to sell or distribute any property that is the property of another person, organization or entity (including but not limited to the university) without the owner's permission;
- b. Unlawful entry of a structure to commit a felony or theft; and/or,
- c. Taking or attempting to take something of value from another person by the use of force, threats or intimidation.

Unauthorized Entry

- a. Unauthorized entry into any university building, office, residence hall, off-campus residence hall, parking lot, motor vehicle or other university-related facilities;
- b. Remaining in any building after normal closing hours without authorization; and/or,
- c. Remaining overnight in public areas of the residence hall or surrounding areas without approval from Housing and Residential Life.

Unauthorized Use

- a. Unauthorized use of university equipment;
- b. Unauthorized use of bathrooms, exits or windows;
- c. Unauthorized use or duplication of keys; and/or,
- d. Unauthorized use or possession of any parking permit or hang tag.

Unauthorized Use of Computer Resources

- a. Unauthorized entry into a file to use, read, change the contents or for any other purpose(s);
- b. Unauthorized transfers of a file;
- c. Unauthorized use of another individual's identification and password;
- d. Use of computing facilities that interfere with the normal operation of the university computing system;
- e. Use of computing facilities that violate copyright laws; and/or,

- f. Use of tools for port-scanning, “sniffing,” “phishing” or to monitor or read transmissions from other users on the network.

Undisclosed Recording

- a. The acts of creating, attempting to create or disseminate audio or visual recordings of private or non-public communications and/or meetings within the university and its affiliated spaces without the knowledge or consent of the person participating or subjected to the recording. **NOTE:* This policy excludes public events or discussions or recording made for law enforcement and public safety purposes.

Violation of Confidentiality

- a. Violating the confidentiality of a student’s educational record; and/or,
- b. Working in a university office where students’ records are kept and managed; and, disclosing confidential personnel information.

Violation of Law

- a. Any act that violates a provision of the laws of the United States, the laws of Alabama, the ordinances of any county, city, municipality or other political subdivisions, or the laws of another nation or political subdivision thereof in which such act occurs, is deemed to be a violation of the *Student Code of Conduct* when that act:
 - i. Occurs on the campus of the university, including all property owned, leased, licensed or otherwise controlled by the university;
 - ii. Occurs on the premises of any domicile of a recognized Greek-letter organization;
 - iii. Occurs in the context of any event planned, presented, sanctioned or made available by the university, or its affiliates or any student organization;
 - iv. Occurs at any intercollegiate athletic event in which one of the university's teams is participating, home or away;
 - v. Involves more than one member of the university community; and/or
 - vi. Otherwise adversely affects the University.

ADDITIONAL CAMPUS POLICIES THAT YOU SHOULD BE FAMILIAR WITH

The policy statements described below are provided to assist you in better understanding our campus community. However, please keep in mind that Alabama State University complies with local, state and federal policies and laws, as they are voted on and approved. As a result, new institutional policies may be introduced and considered by the Board of Trustees; and, then added as *addendums* while *The Pilot* is in circulation. You will be made aware of these modifications your official Alabama State University email account, as well as postings on the Alabama State University website.

CAMPUS DRESS AND APPEARANCE POLICY

Alabama State University students are expected to conform to recognized university standards of conduct, behave with decency and dress appropriately while attending on-and off-campus functions in academic settings, social events, extracurricular activities and other public functions. The following community standards ensure that students at Alabama State University uphold a standard of social responsibility and manners, that align with the institution's historic presence as an academic, civic and cultural leader within the Historically Black College and University (HBCU) community.

As a university community staff, faculty and administrators reserve the right to deny students admission to various functions, facilities or events, if their manner of dress does not align with university standards.

Please note the following:

- No student will be allowed to enter any university building with their pants hanging below their waist--without a belt, shoes, shirt or wearing undergarments without appropriate coverings; spaghetti straps; or, with hats and/or durags/hair bonnets on their heads;
- No student will be allowed in any university building with pajamas/night garments on, except in the residence halls; and
- Students are to refrain from wearing clothing that uses lewd, derogatory, offensive language and/or imagery

*Please be mindful that some students do not ascribe to gender binary norms (traditional male/female) and thus may exude attires that they have preferred. This is recognized and accepted within the university community. This logic also applies to students who may wear clothing or garments that are worn on the head or face, because of religious preferences.

SMOKE AND TOBACCO-FREE POLICY

The health and well-being of all of our students matter here at Alabama State University. Alabama State University is a **smoke and tobacco-free** campus. Smoking and the use of tobacco products are prohibited in or around the entire campus, including all: 1) Residence Halls; 2) Classroom buildings; 3) Common Spaces (i.e., student center, library, dining hall); 4) Walkways; and 5) Parking areas that are owned, used, occupied or leased by Alabama State University. This includes the:

- Carrying, burning, or possessing of any type of lighted device including (but not limited to), pipe tobacco, electronic vapor devices, cigars, cigarettes, or any other smoking equipment (i.e., hookahs), whether filled with tobacco (or any other type of substance).
- Using (or intent to use) lit or unlit products such as electronic cigarettes, smokeless tobacco, snuff, chewing tobacco, smokeless pouches and any other form of loose-leaf form of tobacco.

All members of our campus community should make a good faith effort, to see that all faculty, staff, students and their guests, do not smoke and/or use tobacco products while on our campus. Any student who violates this policy, shall be subject to the disciplinary sanctions set forth under the *Student Code of Conduct*, ranging up to and including **suspension**.

ANTI-HAZING POLICY

At Alabama State University, we subscribe to and acknowledge the State of Alabama's (16-1-23) definition of hazing:

“Any willful action taken or situation created whether on or off any school, college, university or educational premises, which recklessly or intentionally endangers the mental or physical health of any student.”

Any person who shall commit the offense of hazing shall be guilty of a Class C misdemeanor as defined by Title 13A.

If you suspect that Hazing has occurred in a student organization; residence hall; sorority/fraternity; athletic group; honor society; or, special interest club, then you should report this information immediately to: 1) ASU Police Department at 334-229-4717 or the 2) Office of Judicial Affairs (334-229-4867).

You are also welcome to report Hazing, by completing an *On-Line Incident Form*, by using your smartphone or device, to scan the following QR Code. You can report anonymously.



Such activities and situations may include but are not limited to:

- Paddling in any form;
- Creation of excessive fatigue;
- Physical and psychological shocks;
- Quests, treasure hunts, scavenger hunts that require, expect or lead to the theft or destruction of property;
- Road trips or any other such activities carried on or off campus;
- Wearing, publicly or privately, apparel which is conspicuous and would not normally be worn by the new or prospective members or be considered in good taste by a reasonable person;
- Engaging in public stunts and buffoonery;

- Morally degrading or humiliating games activities;
- Any other activities which are not consistent with organizational laws, ritual, or policy or the regulations and policies of the educational institution; and/or
- Actions forced, required, or implied to be required, which violate federal, state or local law, are considered hazing

Hazing is Strictly Prohibited in Student Organizations

We are serious about hazing here at Alabama State University and we want to ensure that you understand why we want to emphasize this point. It is important to remember that all of our student organizations, including (but not limited to) sororities/fraternities; athletic groups; honor societies; and, special interest clubs are subject to this policy. Hazing shall include (but not be limited to): forcing, requiring or expecting new members, associate members, prospective members or initiated members to participate in any of the following actions or activities:

- Drinking alcohol or any other substance;
- Using any drug, narcotic, or controlled substance;
- Eating foods that a reasonable person would not eat;
- Branding, tattooing, piercing or other bodily alterations;
- Permitting less than 8 continuous, uninterrupted hours of sleep per night;
- Nudity at any time;
- Conducting activities which do not allow adequate time for study;
- Subjecting a person or group of people to verbal harassment;
- The use of demeaning names;
- Misleading new members, associate members or prospective members in an effort to convince them that they will not attain full membership status, or that they will be hurt during an initiation ceremony or any other activity that would cause extreme mental stress;
- Carrying any items (weighted bags, shields, paddles, bricks, etc.) that serve no constructive purpose or that are designed to punish or embarrass the carrier;
- Compelling a person or group to remain at a certain place or transporting a person or group anywhere without their consent (road trips, kidnaps, etc.);
- "Trashing" intentionally, any area for the purpose of annoying others or having others clean the "trashed" area;
- Disallowing new members, associate members or prospective members to talk for an extended period of time;
- Having new members, associate members or prospective members perform personal chores or errands;
- Blindfolding and parading individuals in public areas, blindfolding and transporting in a motor vehicle or privately conducting blindfolding activities that serve no constructive purpose;
- Exposure to the elements;
- Conducting "interrogations" or any other non-constructive questioning;
- House duties not shared by all members of the organization;
- New members, associate members or prospective members expected to do anything exclusively for the fun or entertainment of the members; and/or

- Forcing new members, associate members or prospective members to make monetary payments or incur extra expenses not included in general membership

Student Organizations' Disciplinary Procedures

A recognized student organization, and/or its members (collectively or individually when acting as part of the organization), may be held responsible for violations of the *Student Code of Conduct*; and when appropriate, subjected to disciplinary action. When a student organization is accused of committing a violation of university policy (including but not limited, to any violation of published university policies and procedures), or local, state or federal laws, a complaint may be filed with the Office of Student Life. Upon receipt of such a complaint, the Director of Student Life (or his/her designee) and in partnership with the Office of Judicial Affairs, shall conduct an investigation and determine if a hearing will be held regarding the complaint. The following should be noted:

- When the accused organization is a fraternity or sorority, the Director of Student Life may choose to refer the case to the appropriate Governing Board (University Greek Council or the National Pan-Hellenic Council) for adjudication;
- If it is determined that the alleged violations are by individuals, but not collectively by the organization, the case will be referred to the Office of Judicial Affairs for adjudication;
- If an organization is accused of a severe policy or risk management violation (including but not limited to, hazing, fighting, other physical violence or an egregious violation involving alcohol or illegal drugs), the adjudication for the organization shall be handled through the Office of Judicial Affairs; or,
- If the allegation involves club sports, the administrative hearing will be done in consultation with the Office of Judicial Affairs and Coordinator of Intramurals and/or his/her designee.

Adjudication Procedures

If a formal hearing is warranted, the following procedures apply for disciplinary cases involving a student organization:

- a. Selection of Hearing Board: The Hearing Board will consist of five (5) members, three (3) to be selected from the Judicial Court of the Student Government Association, one (1) member being a current faculty/staff advisor of a recognized student organization and one (1) Student Affairs and Enrollment Management professional staff member selected in consultation with the Vice President of the Division of Student Affairs and Enrollment Management. A chairperson will be selected from within the committee. The Judicial Affairs Officer will serve as an advisor and ex-officio member to the Board, will answer procedural questions, but will not vote.
- b. Determination of a Quorum: Four of the five voting members of the Hearing Board must be present to constitute a quorum.

c. Notice of Hearing: The organization president or the highest-ranking officer of the student organization shall be notified in writing by the Director of Student Life (or his/her designee) of the date, time and place of the hearing--at least three business days before the hearing. The notice shall also include a statement of the allegations of policy violations and information regarding the student organization's rights in the hearing.

d. Absence of the Accused Organization: The accused student organization may choose not to attend the hearing and may instead submit a written presentation of its case. The hearing may proceed in the absence of the accused and by such absence, the accused organization forfeits its right to question witnesses.

e. Witnesses: The representative officer of the accused student organization, the complainant and/or the Director of Student Life (or his/her designee), may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The Board may also limit the testimony of character witnesses to the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Judicial Affairs Officer and the Director of Student Life, in a minimum of twenty-four hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony, unless otherwise permitted by the Hearing Board to do so as a result of extenuating circumstances (i.e., class, medical emergency). Witnesses invited by either party shall be present only while they are testifying.

f. Student Organization Assistance: The officer of the student organization may be accompanied and assisted at the hearing by an advisor of the student organization's choice, provided the advisor is an employee or student of the University. For Greek organizations, a chapter advisor and/or chapter representative may also accompany the officer. In the event a student organization faces pending criminal or civil charges based on the incident that has given rise to the university disciplinary proceedings, the organization's attorney may accompany the officer of the student organization, as long as the university's attorney has been summoned and has agreed to sit in on the hearing. The student organization must provide the name of the advisor to the Judicial Affairs Officer and Director of Student Life, at least twenty-four hours before the hearing. At no time, may the advisor or attorney participate directly in the hearing proceedings. He/she may only consult with the student representing the organization.

g. Disqualification Challenges: Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student organization, complainant or when the Board member feels a personal bias makes it impossible to render a fair decision. The accused student organization or the complainant may challenge a Hearing Board member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson may, at his/her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Hearing Board.

- h. **Conduct of the Hearing:** The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. Irrelevant, immaterial and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Hearing Board shall be private. The Judicial Affairs Officer or Director of Student Life, shall make a record of the hearing that may be reviewed in that office by a designated representative of the accused student organization upon request. Decisions of the Hearing Board shall be made by majority vote.
- i. **Continuances:** The Hearing Board, by a majority vote, may continue the hearing to a later time.
- j. **Additional Rules:** Procedural rules, not inconsistent with these established procedures, may be created by the Hearing Board from time to time-- to fulfill its functions in an orderly manner.

Decisions

The decision of the Hearing Board shall be submitted as a recommendation to the Assistant Vice President for Student Affairs and Enrollment Management, who may do one of the following:

- a. Accept the recommendation and direct that the sanctions be implemented.
- b. Lessen or otherwise modify the sanctions imposed by the Hearing Board.
- c. Refer the case back to the Hearing Board for further consideration of sanctions.

Appeals Process

A student organization has the right to appeal its sanctions, by adhering to the following process:

- Appellate Review. The appellate review will be based on the information and materials in the case file; a summary of the evidence submitted; findings and recommendations; the student organization's written request for an appellate review; and, the record of the hearing.
- Decisions by the Hearing Board may be appealed to the Vice President for Student Affairs and Enrollment Management and his/her designee.
- In both cases, the student organization has five, business days from receipt of the original decision in which to submit an appeal in writing.
- The organization may appeal based on the following reasons:
 1. A substantial procedural error that unreasonably impaired the student organization or the hearing body.
 2. An unduly harsh sanction against the accused student organization.
 3. New information of a substantive nature not available at the original hearing.
 4. Information of substantial bias on the part of the disciplinary body hearing the case.

- An appeal may be resolved in one of the following ways:
 1. The original decision may be upheld.
 2. Modified sanctions, either greater or lesser, may be imposed.
 3. The case may be remanded back for a new hearing.
 4. All allegations may be dismissed.

- The appellate decision shall be final and will not be subject to any further appeal.

NONDISCRIMINATION AND HARASSMENT POLICY

Alabama State University is an equal opportunity institution which does not discriminate on the basis of age, race, religion, color, disability, national origin, sex (including pregnancy), sexual orientation, gender identity/expression, marital status and/or veteran or military status in any programs, including admissions or employment. On May 6, 2016, the university’s Board of Trustees, voted on and approved language concerning our students and discrimination. As a campus community, we do not condone: *“Conduct (physical, verbal, graphic, written or electronic) that is 1) unwelcoming to all students; 2) discriminatory on the basis of age, race, religion, color, disability, national origin, sex (including pregnancy), sexual orientation, gender identity/expression, marital status and/or veteran or military status; 3) directed at any individual; and, 4) so severe, pervasive and objectively offensive that a reasonable person, even with the same characteristics of the victim, would be adversely affected to a degree that interferes with his or her ability to participate in or realize the intended benefits of an institutional activity, opportunity or resource.”*

To file a complaint or for additional information about discrimination and harassment, please contact the Title IX Coordinator, located in C1.64 of the John Garrick Hardy Student Center (phone: (334) 229-4713). In matters regarding sex discrimination, the university does comply with Title IX of the Education Amendments of 1972. Information regarding the application of Title IX may be obtained from the Assistant Vice President of Human Resources (334) 229-4667); or, Director of Diversity and International Affairs (334) 229-4713).

In reference to students with dis(A)bilities, Alabama State University will provide reasonable accommodations for individuals qualifying under the *Americans with Disabilities Act (ADA)* and other state and federal laws and regulations. This service is dependent upon verifiable student needs. Students with documented, special needs, who intend to enroll, should contact the Office of Disability Services at (334) 229-5127.

PEACEFUL PROTESTS AND FREEDOM OF EXPRESSION AT ALABAMA STATE UNIVERSITY

As a public institution in the state of Alabama, Alabama State University acknowledges students’ *First Amendment Rights*, as they pertain to religion, expression, assembly, intellectual freedom and the right to petition.

Students are free to exercise and demonstrate these rights (i.e., communication through lawful means; peaceful assembly; speech-making; distributing literature; engaging with the media; hanging of materials and administering petitions), as long as, in accordance with state and federal law, the activity is “lawful and does not significantly and substantially disrupt the functioning of the institution or materially and substantially disrupt the rights of others to engage in or listen to the expressive activities.”

Students are encouraged to consult with the Office of Student Life, Division of Student Affairs and Enrollment Management, Public Safety and/or Institutional Advancement, to ensure that any university materials and spaces needed for such activities, are properly secured; and, the safety of students, faculty and staff, whether they are participants or bystanders, is paramount. Those found in violation of this policy, or prevent students, faculty or staff from exercising their *First Amendment Rights*, will proceed through the judicial process and be sanctioned accordingly (as outlined in the *Student Code of Conduct*).

****Source:** *House Bill 498, Education Policy, 2019.*

GENDER BASED MISCONDUCT POLICY (AND RELATED GUIDANCE)

TITLE IX AT ALABAMA STATE UNIVERSITY

Alabama State University is committed to promoting gender equity in employment and education. In cases dealing with sex discrimination, informal mediation is available through the Title IX Coordinator or the Assistant Vice President of Human Resources, depending on the circumstances of the alleged incidents. In the event an individual is not satisfied with the mediation or elects not to pursue the informal process to remedy an alleged discriminatory practice, the student or employee may file a formal grievance. The purpose of the grievance procedure is to facilitate resolution of a grievance in an orderly and consistent manner as established in the Title IX Grievance Manual of the Office for Civil Rights of the U.S. Department of Education and Alabama State University. Information regarding the application of Title IX may be obtained from the Assistant Vice President of Human Resources at (334) 229-4667 and the Director of Diversity and International Affairs at (334) 229-4713.

DEFINITIONS THAT YOU SHOULD KNOW

Before filing a Title IX grievance, we want to ensure that you are familiar with the following definitions:

Grievance: A complaint alleging any action, policy, procedure or practice which would be prohibited by Title IX.

Title IX: Title IX of the Education Amendments of 1972, the 1980 implementing regulations and any memoranda, directives, guidelines or subsequent legislation that may be issued or enacted by the U.S. Department of Education.

Complainant: A student or employee of Alabama State University who submits a grievance relevant to Title IX or an individual or group submitting a grievance on behalf of a student(s) or employee(s).

(Name of Institution/Agency): Any reference to Alabama State University means any school, department, subunit or program operated by the University.

Title IX Coordinator: The employee(s) designated to coordinate Alabama State University's efforts to comply with and carry out its responsibilities under Title IX and the Title IX implementing regulation.

Title IX Deputy: Any person designated by Alabama State University or by the Title IX Coordinator as a person with whom Title IX grievances may be filed. The Title IX grievance representative may be delegated other tasks by the Title IX Coordinator.

Respondent: A person alleged to be responsible, or who may be responsible, for the Title IX violation alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

Hearing Officer: The representative(s) of Alabama State University, or its governing body, who is delegated authority for hearing/resolving a grievance at a specified level of grievance processing.

Grievance Answer: The written statement of the respondent regarding the grievance allegations and possible corrective action.

Grievance Decision: The written statement of a hearing officer on his or her findings regarding the validity of the grievance allegation and the corrective action to be taken.

Day: A class day; the calculation of days in grievance processing shall exclude Saturdays, Sundays and all holidays.

Corrective Action: The action which is taken by Alabama State University to eliminate or modify any policy, procedure or practice found to be in violation of Title IX and/or to provide redress to any grievant injured by the identified violation.

HOW TO FILE A TITLE IX GRIEVANCE

A grievance may be filed by an individual student, employee or a group that files a complaint on behalf of a student(s) with the Title IX Coordinator. A grievance alleging discrimination or harassment, must be done so in writing; and, submitted to the Title IX Coordinator or other designated Title IX Deputy.

All grievances shall be processed in accordance with the following procedures:

- 1.** A grievance may be filed in writing at any time after the occurrence of a possible Title IX violation. The written grievance shall contain (1) the nature of the alleged incident; (2) the individual (s) against whom the complaint is made (i.e., “Respondent”); (3) the names of any witnesses; (4) any and all available evidence or sources of evidence; and (5) how the alleged discrimination denies or limits access to, or benefits of, any program, activity, or employment opportunity of Alabama State University.
- 2.** The Title IX Coordinator shall notify all parties in writing within five (5) class days of receiving the grievance.
- 3.** The respondent must send in writing a grievance answer within five (5) class days back to the Title IX coordinator.
- 4.** If the Title IX coordinator fails to respond within five (5) class days or if the response is unfavorable, a grievance petition may be filed with the hearing officer within five (5) class days of the date on which the Title IX coordinator(s)’ response was received or should have been received.
- 5.** The Title IX coordinator shall notify the hearing officer of the complaint and shall set up a hearing. The coordinator shall set the date, time and place of the hearing and notify the respondent of the hearing at least five class days before the hearing.
- 6.** Each party may be represented by professional legal counsel. However, if any party elects to be advised or represented by legal counsel, the hearing officer must be notified in writing no later than 48 hours before the hearing. In such a case, the University may exercise the option to present its case through the use of legal counsel.
- 7.** At the conclusion of the hearing, the hearing officer shall compile his or her findings regarding the validity of the grievance allegation and the recommended corrective action in a document called the “grievance decision” on the appropriate hearing form. The hearing officer shall transmit written copies of the “grievance decision” to the grievant, Judicial Affairs Officer and Vice President for Student Affairs and Enrollment Management, and the Title IX Coordinator. The Title IX Coordinator shall send a copy to the President. A verbatim record in the form of a tape recording may be made during each hearing. All correspondence sent to the grievant must be by signature or certified mail or electronic university mail address.
- 8.** The hearing officer’s “grievance decision” shall contain a statement of the facts, findings of fact with respect to the matters at issue and recommended corrective actions.
- 9.** If notice of appeal of the hearing officer’s decision is received by the Title IX coordinator within five (5) class days of receipt of the decision, another hearing shall be scheduled the grievant request an appeal with the university President. In the hearing, the burden of proof is on the grievant.

10. The respondent shall have the right to testify in his or her own behalf, to present evidence and witnesses, to hear and question adverse witnesses, and to rebut administrative or hearing committee by his or her peers. The judgment of the hearing officer shall be based solely on the evidence presented in the hearing.

11. The Title IX coordinator shall do a follow-up and monitor each case brought to a hearing on the designated form.

***Source:** *U.S. Department of Education, Office for Civil Rights, Title IX Grievance Procedures: An Introductory Manual, 1987.*

SEXUAL ASSAULT AND RAPE POLICY

This policy is applicable to heterosexual and same-sex, sexual assault and rape. Sexual assault is defined as any unwanted touching of a sexual nature. This includes but is not limited to:

- Unwanted kissing, touching or fondling
- Penetration with a finger or a foreign object
- Rape (vaginal or anal intercourse, oral or genital contact)

These acts constitute sexual assault when they are attempted or committed through force, threat, or intimidation; when the perpetrator has been informed that his/her actions are unwanted: or, by taking advantage of the victim's incapacity or helplessness caused by alcohol or other drugs.

Rape is defined as "unlawful sexual intercourse by force or deception." A person is responsible of rape in the first degree when one intentionally engages in sexual intercourse with another person without consent.

Alabama State University categorization of rape is as follows:

- **Stranger Rape:** The sexual assault of an individual by someone the victim does not know.
- **Acquaintance Date Rape:** The sexual assault of an individual by someone the victim knows, usually an acquaintance or a date. Date rape is the most common type of rape occurring on college or university campuses, but the least frequently reported.
- **Group/Gang Rape:** The sexual assault of an individual by multiple perpetrators. Many gang rapes on college campuses occur in residence halls, fraternity houses or at off-campus parties and in vehicles.

THE STATE OF ALABAMA'S RAPE CRIMINAL LAWS

In the case of rape allegations and findings, you should be aware that besides sanctions that are rendered by Alabama State University, the state of Alabama also has criminal laws that are applicable, including:

Rape in the first degree

A person commits the crime of rape in the first degree if: He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or he or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.

Rape in the first degree is a Class A felony.

Rape in the second degree: A person commits the crime of rape in the second degree if: Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex. He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.

Rape in the second degree is a Class B felony.

Sodomy in the first degree: A person commits the crime of sodomy in the first degree if: He engages in deviant sexual intercourse with another person by forcible compulsion; or He engages in deviant sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or He, being 16 years old or older, engages in deviant sexual intercourse with a person who is less than 12 years old.

Sodomy in the first degree is a Class A felony.

Sodomy in the second degree: A person commits the crime of sodomy in the second degree if: He, being 16 years old or older, engages in deviant sexual intercourse with another person less than 16 and more than 12 years old. He engages in deviant sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

Sodomy in the second degree is a Class B felony.

UNIVERSITY POLICY ON SEXUAL HARASSMENT

Alabama State University is firmly committed to providing an environment that is free of discrimination. Sexual harassment is reviewed as a form of sex discrimination and most reprehensible offense, whether committed on or off campus. Alabama State University will vigorously investigate and impose sanctions when investigation confirms that sexual harassment has occurred. The university is especially sensitive to this matter where students are involved and will not hesitate to impose the maximum disciplinary sanction where warranted. Deliberate false accusations of sexual harassment will not be condoned and will result in disciplinary action being taken against anyone who knowingly makes a false report.

SEXUAL HARASSMENT DEFINED

Here at Alabama State University, we define sexual harassment as any unwelcome sexual advances, requests for sexual favor and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic decisions, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions or academic decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment or the assignment of better academic grades or favorable consideration for academic or social advancement. Sexual harassment may be of a heterosexual, same-sex or transphobia in nature and may consist of the following:

1. sexually suggestive language;
2. derogatory sexual comments;
3. unsolicited touching of the body;
4. outright solicitation of sexual intercourse;
5. subtle pressure for sexual favors or social encounters;
6. demands for sexual favors or social activity accompanied by threats or insinuations that failure to submit will adversely affect one's employment, wages, work conditions or academic advancement;
7. demands for sexual favors or social activity accompanied by implied or direct promises that submission will result in better job treatment or academic advancement; and,
8. patting or pinching.

REPORTING INCIDENTS OF SEXUAL HARASSMENT

A student who believes he or she has experienced sexual harassment can report the allegation to the Director of Diversity and International Affairs/Title IX Coordinator, Judicial Affairs Officer, their designee under the Division of Student Affairs and Enrollment Management or the Department of Public Safety. A formal investigation of the matter will begin when a written complaint is filed. If charges of sexual harassment are formally filed against any officer of the University who serves at or above the level of an area Vice President or the Director of Intercollegiate Athletics, the Assistant Vice President for Human Resources shall within 10 days report that fact and the results of any preliminary investigation to both the President and the Chairman of the Board of Trustees.

INVESTIGATING INCIDENTS OF SEXUAL HARASSMENT

Prior to initiating an investigation, the Director of Diversity and International Affairs will notify the accused person(s) of the sexual harassment charge and of the impending investigation. The investigation will be non-adversarial. Therefore, attorneys for neither side will be permitted. The investigation committee will be composed of three disinterested members. Two members will be appointed by either of two, divisional vice presidents. The third member will be selected by the two members appointed by the vice presidents. If the two cannot agree on naming a third member, the Director of Diversity and International Affairs will name the third member. If the