

TUSKEGEE UNIVERSITY

University Policy: Gender Discrimination and Sexual Misconduct Policy

Policy Category: Student Affairs and Human Resources

Subject: Gender Discrimination and Sexual Misconduct Policy

Office Responsible for Review of this Policy: Student Affairs and Human Resources

I. SCOPE

This policy and associated procedures apply to the conduct of, and protect, University students and employees, including faculty members, and non-faculty employees, graduate, professional and doctoral students, and student employees. The non-discrimination provisions also apply to contractors and other third parties under circumstances within the University's control.

II. POLICY STATEMENT

Tuskegee University has adopted this policy, which includes the University's response to allegations of sex or gender discrimination, including sexual harassment such as sexual misconduct which includes sexual assault, intimate partner violence, sexual inappropriate conduct, sexual exploitation, stalking, complicity, and other related retaliation. In case of alleged sex or gender discrimination or sexual misconduct, this policy supersedes policies and procedures for other forms of misconduct.

III. PURPOSE

The purpose of this policy is (1) to articulate the University's commitment to the values of fairness, equity, and equal opportunity; (2) to describe categories of conduct that may constitute discrimination, harassment, sexual misconduct, or retaliation; (3) to explicitly prohibit discrimination, harassment, sexual misconduct, and retaliation; (4) to establish procedures to follow when a member of the University community believes that he/she has been subject to discrimination, harassment, sexual misconduct, or retaliation; and (5) to provide a pathway to share concerns regarding the structural or procedural processes which might have a byproduct of potential discriminatory biases.

IV. TO WHOM THIS POLICY APPLIES

This policy applies to the office of Student Affairs and Human Resources.

V. EFFECTIVE DATE

This policy is effective immediately.

VI. SIGNATURE, DATE, AND APPROVAL

Approved:



Brian L. Johnson, PhD

President

Date Approved:

TUSKEGEE UNIVERSITY'S GENDER DISCRIMINATION AND SEXUAL MISCONDUCT POLICY

This Policy prohibits all forms of Discrimination and Harassment based on gender. It expressly prohibits all forms of sexual misconduct. This Policy also prohibits Stalking, Interpersonal Violence, Domestic Violence, and Intimate Partner Violence. Additionally, this Policy prohibits Complicity for knowingly assisting in an act that violates this Policy and Retaliation against an individual because of their good faith involvement in reporting, investigating or resolution of this Policy. University students and employees who violate this Policy will face appropriate sanctions including separation from the University.

TABLE OF CONTENTS

1. POLICY STATEMENT 3

2. NOTICE OF NON-DISCRIMINATION 3

3. UNIVERSITY TITLE IX COORDINATOR..... 3

5. SCOPE AND APPLICABILITY 4

5.1. INDIVIDUALS COVERED BY THIS POLICY 4

5.2. JURISDICTION 4

5.3. REPORTS INVOLVING MINORS 4

6. DISSEMINATION OF THIS POLICY 5

7. ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION..... 5

8. DEFINITIONS 5

9. PROHIBITED CONDUCT..... 6

9.1. SEX DISCRIMINATION 6

9.2. SEXUAL MISCONDUCT..... 6

11. LACK OF CONSENT 8

12. UNDERSTANDING CONSENT..... 8

13. AMNESTY FOR ALCOHOL OR OTHER DRUG USE 9

14. CONFIDENTIALITY, PRIVACY AND TIMELY WARNING 9

14.1. CONFIDENTIALITY 9

14.2. REQUEST FOR CONFIDENTIALITY..... 9

14.3. PRIVACY 9

14.4. RECORDS..... 10

14.5. TIMELY WARNING..... 10

15. REPORTING..... 10

15.1. PROMPT REPORTING IS ENCOURAGED..... 10

15.2. RESPONSIBILITY OF STUDENTS..... 10

15.3. RESPONSIBILITY OF RESPONSIBLE EMPLOYEES..... 10

15.4. ANONYMOUS REPORTING 10

16. REPORTING OPTIONS & RESOURCES..... 11

17. EDUCATION AND PREVENTION PROGRAMS 12

18. ANNUAL REVIEW 12

19. INTERIM MEASURES, REMEDIES AND ACCOMMODATIONS 12

19.1. RANGE OF MEASURES 12

19.2. INTERIM SUSPENSION OR SEPARATION..... 12

COMPLAINANT'S AND *RESPONDENT'S RIGHTS*..... 13

1. POLICY STATEMENT

Tuskegee University does not tolerate sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence. These behaviors are harmful to the well-being of our community members, the learning/working environment, and collegial relationships among our students, faculty, and staff. All forms of prohibited conduct under this policy are regarded as serious University offenses, and violations will result in discipline, including the possibility of separation from the University. State and federal laws also address conduct that may meet the University's definitions of prohibited conduct, and criminal prosecution may take place independently of any disciplinary action instituted by the University.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex or gender in the University's programs and activities. The University will take prompt and effective steps reasonably calculated to end sexual harassment and sexual violence that creates a sexually hostile environment (such as conduct that is sufficiently serious as to limit or deny a student's ability to participate in or benefit from the school's educational program or activity).

The University has an obligation to make reasonable efforts to investigate and address complaints or reports of sex or gender discrimination, including sexual misconduct, whenever it becomes aware of such a complaint or report. Once made aware, the University must conduct an investigation regardless of how the information was brought to the University's attention or the extent to which the Complainant (i.e., an individual who has been subjected to prohibited conduct, according to the complaint or report) wishes to participate or be involved. All individuals have access to Confidential Resources that they may use for support and guidance without initiating University action.

Retaliation against anyone involved in filing an internal or external complaint, participating in the internal disciplinary process, or opposing in a reasonable manner an act believed to constitute a violation of this policy, is prohibited and will not be tolerated.

In light of these commitments, the University has adopted this policy, which includes the University response to allegations of sex or gender discrimination, including sexual harassment such as sexual misconduct which includes sexual assault, intimate partner violence, sexually inappropriate conduct, sexual exploitation, stalking, complicity, and other related retaliation. In a case of alleged sex or gender discrimination or sexual misconduct, this policy supersedes policies and procedures for other forms of misconduct.

2. NOTICE OF NON-DISCRIMINATION

Title IX prohibits discrimination on the basis of sex in its education programs and activities. Tuskegee University does not discriminate on the basis of sex in its employment, education programs and activities, and it is required by Title IX not to discriminate in such a manner.

Questions about Title IX should be directed to the Title IX Coordinator or to the Office of Civil Rights (OCR).

Tuskegee University Title IX Coordinator:	Office Of Civil Rights:
Kasey M. Robinson, J.D. Title IX Coordinator 1200 W. Montgomery Road Kresge Center Suite 206 Tuskegee, AL 36088 Phone: (334) 727-8026 Email: krobinson@mytu.tuskegee.edu	Atlanta Office for Civil Rights U.S. Department of Education 61 Forsyth St. S.W., Suite 19T10 Atlanta, GA 30303-8927 Phone: 404-974-9406 Fax: 404-974-9471; Tdd: 800-877-8339 Email: OCR.Atlanta@ed.gov

3. UNIVERSITY TITLE IX COORDINATOR

The Title IX Coordinator oversees University compliance with Title IX. The Title IX Coordinator will be informed of all complaints or reports of violations of this policy, and will oversee the University's centralized response to ensure compliance with Title IX and the Violence against Women Reauthorization Act of 2013 (VAWA). The Title IX Coordinator's activities include (but are not limited to):

- Communicating with all members of the University community regarding Title IX and VAWA, and providing information to individuals on how to access their rights;
- Reviewing applicable University policies to ensure institutional compliance with Title IX and VAWA;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy; and
- Overseeing training, prevention and education efforts, and regular reviews of the University climate and culture.
- Being knowledgeable and trained in University policies and procedures and relevant state and federal laws;

- Advising any individual, including a complainant, a respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community;
- Providing assistance to any University employee regarding how to respond appropriately to a report of sexual harassment, sexual assault, or relationship violence;
- Monitoring the University's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements.

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators, who will be appropriately trained.

4. RELATED STATUTES, ORDERS, AND POLICIES

The University's response to sexual assault, sexual misconduct, interpersonal violence (including domestic and dating violence), and stalking is governed by Title IX; the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f)) ("VAWA") also known as the Campus Sexual Violence Elimination Act ("Campus SaVE Act"); Title VII of the Civil Rights Act of 1964, as amended, the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) ("the Clery Act") and applicable state laws. The University recognizes that sexual assault, sexual misconduct, interpersonal violence, and stalking encompasses a broad spectrum of conduct and will respond according to both the severity of the offense and the threat it poses to the campus community. An exhaustive list of University policies is under the University Policy Committee webpage.

5. SCOPE AND APPLICABILITY

5.1. Individuals Covered By This Policy

This Policy and associated procedures apply to the conduct of, and protect, University students and employees, including faculty members, and non-faculty employees, graduate, professional and doctoral students, and student employees. The non-discrimination provisions also apply to contactors and other third parties under circumstances within the University's control.

Within this Policy, *Complainant* refers to any individual who may have been the subject of any Prohibited Conduct by an individual or organization covered under the Policy regardless of whether the complainant makes a report or seeks action under the Policy. *Respondent* refers to any individual who has been accused of violating the Policy.

5.2. Jurisdiction

This University will process all complaints of sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. If alleged off-campus sexual violence occurred in the context of a University education program or activity, the complaint will be treated the same as complaints involving on-campus conduct. This applies to student complaints of sexual assault or harassment against other students, employees, or third parties.

5.3. Reports Involving Minors

Under Alabama law, an individual is required to report suspected child abuse and neglect, including sexual assault when that individual, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a minor under the age of 19 whom the individual knows or reasonably suspects has been the victim of child abuse or neglect.

The University will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to Macon County Department of Human Resources. The University must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator and Chief of Campus Police, any individual may make a direct report to the following agencies:

- If a child is in immediate danger, call 911.
- Macon County Sheriff's Office (334) 727-2500
- Department of Human Resources (334) 725-2100

6. DISSEMINATION OF THIS POLICY

The University will inform students, faculty, and staff about gender-based discrimination including sexual harassment. **The rights and responsibilities under this policy and these procedures will be communicated to the campus community via email and posted on the University webpage.** The University will further provide ongoing prevention and awareness programs. It will also provide annual trainings to University personnel responsible for the administration of this policy and procedures on issues relating to sexual harassment and how to conduct investigations and hearings in a manner that protects the safety of victims and promotes accountability.

7. ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION

The University is committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. However, these freedoms come with a responsibility that all members of the education community benefit without intimidation. In recognition and support of academic freedom for faculty in the pursuit of teaching, academic freedom and freedom of expression these freedoms shall be strongly considered in investigating and reviewing complaints and reports of discrimination and/or harassment. However, raising issues of academic freedom and/or freedom of expression will not excuse behavior that constitutes a violation of the law or the University's policies.

8. DEFINITIONS

Complainant: Any individual who may have been the subject of any Prohibited Conduct by an individual or organization covered under the Policy regardless of whether the complainant makes a report or seeks action under the Policy.

Employee: Any employee means any individual employed by the University including student workers.

Faculty: Persons employed by the University to perform teaching, research, and/or outreach duties.

Gender: An individual's socially-constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth.

Gender Expression: How someone expresses gender through appearance, behavior, or mannerisms. A person's gender expression may not be the same as the gender identity or assigned sex at birth.

Gender Identity: The gender with which an individual identifies psychologically, regardless of what gender was assigned at birth.

Intimate Relationship: An intimate relationship is a short- or long-term relationship between persons of any gender that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between persons with a child in common.

Minor: An individual under the age 19 years is considered a minor in the State of Alabama.

Respondent: Any individual who has been accused of violating the Policy.

Responsible Employee: An official of the University who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings; advisors to recognized student organizations, and athletic health counseling.

Sex: An individual's biological status of male or female. Conduct of a sexual nature is by definition based on Sex as a Protected Status.

Sexual Contact: Intentional contact with the intimate parts of another, causing another person's clothed or unclothed body including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual contact also includes causing another person to touch their own or another's body in a manner as listed above.

Sexual Orientation: The inclination or capacity to develop intimate emotional, spiritual, physical and/or sexual relationships with people of the same sex or gender, a different sex or gender, or irrespective of sex or gender.

Student: All persons taking courses at the University, both full-and part-time, pursuing undergraduate, graduate or professional studies and those who attend post-secondary educational institutions other than Tuskegee University and who reside in university residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered students for the limited purposes of construction and application of this policy.

9. PROHIBITED CONDUCT

In determining whether alleged conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. The following includes a list of prohibited conduct:

9.1. Sex Discrimination

Is adverse treatment of an individual based on sex or gender, rather than individual merit. Sex discrimination encompasses sexual misconduct but also includes other discriminatory behavior that does not constitute sexual misconduct. Sex discrimination may also include abusive or harassing behavior, whether verbal or physical, that demeans or intimidates another individual because of sex, gender identity or gender expression.

Examples of this conduct include but are not limited to:

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase);
- Failing or refusing to hire or allow participation by an individual in a University activity;
- Terminating or removing an individual from employment or an educational program; or
- Verbally harassing, abusing, or demeaning a targeted individual with conduct designed to adversely impact that individual.

9.2. Sexual Misconduct

The behaviors below constitute sexual misconduct and are prohibited under this policy. All forms of sexual misconduct are serious offenses and will result in appropriate University disciplinary action. Incidents of sexual misconduct involving force, duress, inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another person's state of incapacitation, will be deemed especially egregious and may result in expulsion, or termination of employment. The consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation regarding sexual misconduct.

9.2.1. **Non-Consensual Sexual Penetration:** Any act of vaginal or anal penetration by a person's penis, finger, other body part, an object, or oral penetration without consent.

9.2.2. **Non-Consensual Sexual Contact:** Any sexual touching, other than non-consensual sexual penetration, without consent.
Examples of non-consensual sexual contact may include: genital-genital or oral-genital contact not involving penetration; contact with breasts, buttocks, or genital area, including over clothing; removing the clothing of another person; and kissing.

9.2.3. **Sexual Exploitation:** Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute non-consensual sexual penetration or non-consensual sexual contact.

Examples may include: recording, photographing, transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved; voyeurism (i.e., spying on others who are in intimate or sexual situations).

9.2.4 **Sexual Harassment:** Includes verbal, non-verbal (e.g. written) physical aggression, intimidation, or hostility based on sex stereotyping even if these acts are not sexual in nature. It can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit;
- b. Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
- c. These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.

Examples of Sexual Harassment

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

Physical conduct:

- Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements.
- Unwanted sexual advances within the employment context.

Verbal conduct:

- Making or using derogatory comments, epithets, slurs or humor.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations.
- Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes.

Visual conduct:

- Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum.
- Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate.

Written conduct:

- Letters, notes or electronic communications containing comments, words, or images described above.

Quid pro quo conduct:

- Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists.
- Offering employment benefits in exchange for sexual favors.
- Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose.
- Making or threatening reprisals after a negative response to sexual advances.

9.2.5 **Sexually Inappropriate Conduct:** Unwelcome sexual conduct that may not rise to the level of sexual harassment or sexual exploitation, but that is sexual in nature.

Examples may include: obscene or sexually offensive gestures and comments and lewdness.

9.2.6 **Intimate Relationship Violence:** (also known as dating violence or intimate partner violence): Acts of violence, threat or intimidation that harm or injure a partner in a current or former intimate relationship (defined below). These acts may be physical, emotional/psychological, sexual, or economic in nature. Intimate relationship violence can be a single act or pattern of behavior. Intimate relationship violence is often referred to as dating violence, domestic violence or relationship violence.

Intimate partner violence includes:

- a. Any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the Respondent; or*
- b. A broad range of behavior including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse; or*
- c. Involve one act or an ongoing pattern of behavior; or*
- d. Take the form of threats, assault, property damage, violence or threat of violence to one's self, oneself sexual or romantic partner or to the family members or friends of the sexual or romantic partner.*

Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

9.2.7 **Domestic Violence:** in the Context of Intimate Relationships: A particular type of intimate relationship violence that occurs when partners in a current or former intimate relationship are or have been cohabiting in the same space. Students are deemed to be cohabiting when they share access to the same private living space or bathroom.

9.2.8 **Stalking:** a course of conduct directed at a specific person that would cause a responsible person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

For purposes of this prohibited conduct the following definitions apply:

- “Course of conduct” means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

10. OTHER PROHIBITED CONDUCT

- 10.1.1. **Complicity:** Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.
- 10.1.2. **False Reports:** Any individual who chooses to intentionally, maliciously, or in bad faith file a report or serve as a third party witness against a member of the University community will be in violation of the Code of Student Conduct and subject to disciplinary actions.
- 10.1.3. **Retaliation:** Any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including abuse or violence, threats, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or University-controlled living environment of an individual; or if they hinder or prevent the individual from effectively carrying out their University responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy.

11. LACK OF CONSENT

Under Alabama law lack of consent results from forcible compulsion; or incapacity to consent; or if the offense is sexual abuse any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly nor impliedly acquiesce in the actor’s conduct. Additionally, a person is deemed incapable of consent if he is: less than 16 years old; or mentally defective; or mentally incapacitated; or physically helpless. Please see Ala. Code §13A-6-70.

Forcible Compulsion: Under Alabama Law this is defined physical force that overcomes earnest resistance or a threat, express or implied that places a person in fear of immediate death or serious physical injury to himself or another person. Ala. Code §13A-6-60

Mentally Incapacitated: Under Alabama Law a person is considered mentally incapacitated when he or she is rendered temporarily incapable of apprising or controlling his conduct due to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other incapacitating act committed upon him without his consent. Ala. Code §13A-6-60

12. UNDERSTANDING CONSENT

Consent is an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. The following are essential elements of effective consent:

Informed And Reciprocal

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.

Willingly And Actively Given

Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

Mutually Understandable

Consent must be mutually understandable either by words and/or actions to indicate an unambiguous willingness to engage in sexual activity. Without a clear communication or outward demonstration, consent does not exist. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. In instances where an individual does not physically resist or verbally refuse sexual activity consent cannot necessarily be inferred.

Not Indefinite

Consent may be withdrawn by any party at any time. A person can withdraw consent by stating “no” or through their behavior. When consent is withdrawn, the sexual activity must stop immediately. There should be a stated consent before sexual activity resumes.

Not Unlimited

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 activity with another person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Coercion: Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against his/her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

Example of Coercion:

Threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

13. Amnesty for Alcohol or Other Drug Use

To encourage reporting, an individual who reports sexual harassment or misconduct, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the University for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.

14. CONFIDENTIALITY, PRIVACY AND TIMELY WARNING

In some circumstances, the reporting responsibilities of University employees, or the University's responsibility to investigate, may conflict with the preferences of the Complainant and/or Respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of Confidential Resources, if applicable, in determining their preferred course of action.

14.1. Confidentiality

The term "confidentiality" refers to the circumstances under which information will or will not be disclosed to others. There are some professionals on campus who are designated Confidential Resources. Information shared with these persons is privileged; and will only be disclosed with express written permission of the individual, unless there is an imminent threat of harm to the individual or others, or a legal obligation to reveal such information. Confidential Resources may submit non-identifying information about violations of this policy to TUPD for purposes of the anonymous statistical reporting under the Clery Act.

14.2. Request For Confidentiality

The University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality, but its ability to do so may be limited based on the nature of the request by the Complainant. There may be circumstances when the school's obligations will override the request for confidentiality. This determination will be made by considering the severity of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought. Other factors include whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence.)

Where the University is unable to take action consistent with the request of the Complainant, the Title IX Coordinator, Deputy Coordinator, or Dean of Students will inform the Complainant about the chosen course of action, which may include the University seeking disciplinary action against the Respondent(s). Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

14.3. Privacy

The term "Privacy" refers to the discretion that will be exercised by the University during an investigation or disciplinary process under this policy. Information related to a report, under this Policy, will only be shared to persons who "need to know" in order to assist in the active review, investigation, or resolution of the report. These persons are not bound by confidentiality but will be discreet and respect the privacy of all individuals involved in the process. If the decision is made to pursue disciplinary action against a Respondent, information related to the report will be shared with the Complainant. Information about a report will not be shared with either party's parents or guardians unless: the party is a minor (and sharing is permissible under the Family Education Rights and Privacy Act

(FERPA)); a waiver has been signed by the party that is compliant with FERPA; or there is an actual threat to the health or safety of the party or other individuals.

14.4. Records

The Title IX Office will maintain records of all reports under this Policy and the resolutions. The records are used in conducting a semi-annual review in order to identify and address any patterns or systemic behaviors.

14.5. Timely Warning

If a report of misconduct discloses a serious or continuing threat to the University community, the University may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant. Even where there is no imminent threat, the University may send campus-wide e-mail notifications on all reported sexual misconduct. At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by FERPA and the Clery Act.

15. REPORTING

15.1. Prompt Reporting Is Encouraged

The University encourages all individuals to seek medical assistance and/or law enforcement immediately after an incident of sexual violence. Complaints and reports of discrimination and harassment **must be filed within 180 calendar days** of the date of the alleged discrimination, unless the time for filing is extended by the Title IX Office for good cause shown under certain circumstances.

15.2. Students

All students are encouraged to report incidents of discrimination and/or harassment that they experience and/or observe to the Title IX Coordinator or a responsible employee. An assumption should not be made that a University official has been apprised of a particular situation. Any student, faculty member, or employee who knows of, or receives a complaint of discrimination or harassment should immediately report the information or complaint to a supervisor and/or the Title IX Coordinator or Deputy Coordinator(s).

15.3. Responsible Employees

All employees including administrators, supervisors, or person(s) in a position of authority who know of, or receive a complaint of discrimination or harassment must report the information or complaint to the Title IX Coordinator in no less than three (3) business days of notification.

15.4. Anonymous Reporting

Any individual who has knowledge or concern of an incident of sexual harassment, sexual violence, stalking or intimate partner violence may make an anonymous report. The individual can report the incident without disclosing any identifying information but may identify the respondent. Based on the reported information the University may take appropriate action however it will be limited. The Title IX Coordinator will be the recipient of the anonymous reports and will make a determination of the appropriate steps, including the appropriate remedies, and will consult with Sexual Misconduct Response Team and TUPD in compliance with Clery Act obligations.

16. REPORTING OPTIONS & RESOURCES

CAMPUS RESOURCES

Title IX Coordinator

Kasey Robinson, J.D.
206 Kresge Center
Phone: (334) 727-8026
krobinson@mytu.tuskegee.edu

Deputy Title IX Coordinator

Shantay N. Bolton, Ph.D., MBA
Human Resources Department
Kresge Center Suite 101
Phone: (334) 727-8510

Title IX Investigator

Lieutenant Daniel Motely
University Police Station
Phone: (334) 727-8757
motleyd@mytu.tuskegee.edu

University Police Station

2nd Floor Tompkins Hall
Available 24 hour/7 days a week
Phone: (334) 724-4911 or (334) 727-8757
Chief of Police cell (334) 421-3538

*Available as first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student.

CONFIDENTIAL CAMPUS RESOURCES

Student Health Services

John A. Kenney Hall, Suite 71-235
Phone: (334) 727-8641 or (334) 727-8642

Counseling Services

Old Administration Bldg. Rm. 100
Phone: (334) 727-8244

*Offers free confidential counseling for students, faculty, and staff. This department also provides referrals for long-term counseling services

OTHER IMPORTANT RESOURCES

[Stalking Resource Center \(National\)](#)

[Community United Against Violence](#)

A community working to build the power of LGBTQQ communities to transform violence and oppression.

[INCITE! Women of Color against Violence](#)

A national activist organization working to end violence against women of color.

[National Coalition Against Domestic Violence](#)

Hotline 1.800.799.SAFE (7233)

[National Coalition of Anti-Violence Programs](#)

NCAVP works to respond to and end all forms of violence against and within lesbian, gay, bisexual, transgender, queer and HIV-affected (LGBTQH) communities.

[Rape, Abuse & Incest National Network \(RAINN\)](#)

Phone: 1.800.656.HOPE (4673)

OFF-CAMPUS RESOURCES

Unity Wellness Center

122 N. 20th St.
Opelika, AL 36801
Phone: (334) 887-5244

Women's Hope Medical Clinic

820 Stage Road
Auburn, AL 36830
Phone: (334) 502-7000

Domestic Violence Intervention Center

1996 Pepperell Pkwy,
Opelika, AL 36801
Phone: (334) 749-1515

EMERGENCY RESOURCES

City of Tuskegee Police Department

For Emergencies: 911
Dispatch: (334) 727-0200

East Alabama Medical Center

2000 Pepperell Parkway
Opelika, AL 36801
Phone: (334) 749-3411

Baptist Medical Center East

400 Taylor Road
Montgomery, AL 36117
Phone: (334) 277-8330

CONFIDENTIAL OFF CAMPUS COUNSELING SERVICES

Domestic Violence Intervention Center

Safehouse Hotline (334) 759-1515 or
(800) 650-6522 (collect calls accepted)

East Central Mental Health

103 East Oak Street
Tuskegee, AL 36083
Phone: (334) 727-7001

RCEA (Rape Counselors of East Alabama)

Phone: (334) 705-0510

*The rape crisis center and domestic violence resources center. RCEA provides clinical counseling, advocacy, shelter services, self-defense classes, and 24-hour crisis line.

17. EDUCATION AND PREVENTION PROGRAMS

The University is committed to offering educational programs to promote prevention and awareness of Prohibited Conduct. Educational programs include an overview of the University's policies and procedures; relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use; consent, safe and positive options for bystander intervention; review of campus and off campus resources and reporting options available for students, faculty, and staff and other helpful information. Incoming first year students will complete online training to promote prevention and awareness of Prohibited Conduct as part of their orientation course. Returning students and employees will also have ongoing opportunities' for training and education.

18. ANNUAL REVIEW

This Policy is maintained by the Title IX Office and the Tuskegee University Policy Committee (TUPC). This Policy will be reviewed on an annual basis, with the assistance of an advisory group consisting of members of the Making a Difference for Title IX Team (M.A.D. IX) as well as student, faculty, and staff representatives. M.A.D. IX is comprised of student leaders, faculty members, administrators and staff. The review will focus on evolving legal requirements, evaluate resources available to the parties and assess the effectiveness of the resolution process (including expediency, fairness, resolution and remedies imposed). The review will include the opportunity for those affected by the Policy to provide feedback to be incorporated in the aggregate view.

19. INTERIM MEASURES, REMEDIES AND ACCOMMODATIONS

The University will impose reasonable and appropriate interim measures designed to eliminate the hostile environment and protect the parties involved. Title IX Coordinator will make reasonable efforts will be made to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the University.

19.1. Range of Measures

A Complainant or Respondent may request a "No-Contact Letter" or other protection, or the University may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community and/or the integrity of the process. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure to the Title IX Coordinator or TUPD. The University will take immediate and responsive action to enforce a previously implemented measure. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of campus "No-Contact Letter"
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies
- Assistance from University support staff in completing housing relocation (limited to on campus housing)
- Limit an individual or organization's access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes and activities
- Providing medical services
- Providing academic support services, such as tutoring
- Interim suspension or University-imposed leave
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

19.2. Interim Suspension or Separation

Where the report of sexual harassment, sexual violence, stalking or intimate partner violence poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal University functions, the University may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities and/or all other University activities or privileges, for which the student or employee might otherwise be eligible, as the University determines appropriate. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Please see the full provisions regarding suspensions or leave in the Student Handbook, Faculty Handbook, or Staff Handbook.

20. COMPLAINT'S AND RESPONDENT'S RIGHTS

The Title IX Office has a responsibility to:

- Investigate allegations of sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and intimate partner violence and take prompt and effective steps reasonably calculated to ensure that the educational environment is free of discrimination, to prevent the recurrence of a hostile environment, and to remedy the effects of the misconduct on the Complainant and/or the University community;
- Issue a mutual "No Contact Letter" to the Complainant and Respondent at the start of an investigation;
- Ensure a prompt, thorough, and equitable investigation and resolution of allegations of sexual misconduct, typically within 60 days of receipt of a formal complaint;
- Ensure that the appropriate disciplinary procedures are conducted by officials who receive annual and ongoing training on sexual misconduct and prevention;
- Notify the Complainant and Respondent of any substantive developments regarding aspects of an investigation in a timely manner.

COMPLAINANT'S RIGHTS

As a Complainant, you have the right to:

- Be treated with respect throughout the process;
- Not be retaliated against by any University employees or students as a result of your participation in an investigation;
- Be accompanied by an advisor of your choice throughout the conduct process;
- Be informed of the University student conduct process, anticipated timeframes, and possible outcomes of a complaint;
- File a Title IX complaint regardless of your relationship with the Respondent;
- File a criminal complaint with the Tuskegee University Police Department (TUPD) and/or the City of Tuskegee Police Department, which does not preclude filing a formal complaint with the Title IX Office.
- Contact the Title IX Office with request for protective measures, remedies, support, and/or resources;
- Not be charged with underage possession and/or consumption of alcohol in cases of alleged sexual misconduct;
- Submit a written statement regarding the incident for the "Case File"
- Review a copy of the "Case File" within the parameters of the Family Educational Rights and Privacy Act (FERPA)
- Not have information related to your prior sexual behavior or history with anyone other than the Respondent considered.
- Receive written notification regarding the outcome of a case; and
- Receive a copy of the institutional Title IX and VAWA policy.

RESPONDENT'S RIGHTS

As a Respondent, you have the right to:

- A presumption of innocence requiring a standard of proof of "more likely than not" for a finding of "Responsibility;"
- Be treated with respect throughout the process;
- Not be retaliated against by any University employees or students as a result of your participation in an investigation;
- Be accompanied by an advisor of your choosing throughout the process;
- Receive notification of your charges and have the allegations explained to you;
- Be informed of the appropriate University disciplinary process, anticipated timelines, and possible outcomes;
- Contact the Title IX Office with request for protective measures, remedies, support, and/or resources;
- Submit a written statement regarding the incident for the "Case File"
- Review a copy of the "Case File" within the parameters of the Family Educational Rights and Privacy Act (FERPA)
- Not have information related to your prior sexual behavior or history with anyone other than the Complainant considered.
- Receive written notification regarding the outcome of a case; and
- Receive a copy of the institutional Title IX and VAWA policy.