



POLICY ON SEXUAL AND GENDER-BASED MISCONDUCT

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I. STATEMENT OF POLICY

Auburn University is an institution built upon honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities, which includes all University operations. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 (“Title IX”) and/or Title VII of the Civil Rights Act of 1964 (“Title VII”). Such behavior also requires the University to fulfill certain obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”), and other applicable laws.

The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, “Prohibited Conduct”). These forms of Prohibited Conduct undermine the character and purpose of the University and will not be tolerated.

The University adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering a nurturing and vibrant University community founded upon the fundamental dignity and worth of all its members, in which Prohibited Conduct is not tolerated; (3) cultivating a climate where all individuals are well- informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed. Employees or Students who violate this policy may face disciplinary action up to and including termination or expulsion. The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions.

II. TO WHOM THIS POLICY APPLIES

This policy applies to Students, which includes all persons taking courses at the University full- time or part-time in undergraduate, graduate, transient, or professional studies or who are conditionally admitted or taking non-academic credits as part of a sponsored University program (e.g., English as a Second Language, Auburn Global, etc.), persons who are not officially enrolled for a particular term but who have a continuing relationship with the University (i.e., enrolled for spring semester courses and registered for fall semester courses but not enrolled for summer courses), and persons who have accepted their offer of admission to the University (“Students”); University Employees (“Employees”); and contractors, vendors, visitors, guests, or other third parties (“Third Parties”). This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees, and Third Parties when:

- (1) the conduct occurs on the University campus or other property owned or controlled by the University or by an officially recognized University organization;
- (2) the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line programs, or internship programs; or
- (3) the conduct occurs outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on the University campus or other property owned or controlled by the University or in any University employment or education program or activity.

The University's Office of Affirmative Action/Equal Employment Opportunity ("AA/EEO") administers two separate policies that address other forms of discrimination and harassment (together, the "Prohibited Harassment Policies"):

- Policy Regarding Prohibited Harassment of Students
(<https://sites.auburn.edu/admin/universitypolicies/Policies/PolicyRegardingtheProhibitedHarassmentofStudents.pdf>)
- Policy Regarding Prohibited Harassment of Employees
(<https://sites.auburn.edu/admin/universitypolicies/Policies/PolicyRegardingProhibitedHarassmentofEmployees.pdf>)

This policy supersedes any conflicting provisions contained in the Prohibited Harassment Policies. Where Prohibited Conduct violates this policy and also violates either or both of the Prohibited Harassment Policies, the University's response will be governed by the procedures referenced in this policy, and the conduct will be evaluated in a single investigation provided that doing so does not unduly delay the prompt resolution under this policy. Questions about which policy applies in a specific instance should be directed to the University's Title IX Coordinator at (334) 844-4794.

III. APPLICABLE PROCEDURES UNDER THIS POLICY

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are provided in the accompanying Procedures for Investigating and Resolving Reports of Sexual and Gender- Based Misconduct ("Procedures"). These Procedures set forth the process by which the University assesses, investigates and adjudicates reports of Prohibited Conduct. The Procedures provide for prompt and equitable response to reports of Prohibited Conduct, designate specific timeframes for major stages of the process, and provide for thorough and impartial investigations that afford all parties notice, an opportunity to identify witnesses and evidence, and an opportunity to view the information that will be used in determining whether a policy violation has occurred.

In determining whether this policy has been violated, the University applies the Preponderance of the Evidence standard. "Preponderance of the Evidence" means that it is more likely than not that a policy violation occurred. A Student or Employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University.

Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn. The University's ability to take appropriate action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process consistent with federal law, federal guidance, and this policy.

In this policy and accompanying procedures, "Complainant" means the Student, Employee, or Third Party who presents as the victim of any Prohibited Conduct under this policy, regardless of whether that person makes a report or seeks action under this policy. "Respondent" means the Student, Employee, or Third Party who has been accused of violating this policy.

IV. TITLE IX COORDINATOR

Under Title IX:

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

The University has designated a senior administrator to serve as the Title IX Coordinator. The Title IX Coordinator is charged with monitoring the University's compliance with Title IX; ensuring appropriate education and training; coordinating the University's investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures. The University has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive appropriate training to discharge their responsibilities.

Concerns about the University's application of Title IX, VAWA, Title VII, or the Clery Act may be addressed to the following (areas of expertise are listed in parentheses):

- Title IX Coordinator (Title IX, VAWA, Title VII)
- Department of Campus Safety and Security (Clery Act)
- United States Department of Education, Clery Act Compliance Division, at clery@ed.gov (Clery Act)
- United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481 (Title IX)
- Equal Employment Opportunity Commission, at info@eeoc.gov or (800) 669-4000 (Title VII).

The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours:

Kelley Taylor, Title IX Coordinator
Director, Affirmative Action/Equal Employment Opportunity
317 James E. Foy Hall, Auburn, AL 36849
taylokg@auburn.edu
(334) 844-4794 (office)

Lady Cox, Deputy Title IX Coordinator
Assistant Vice President for Student Engagement
Suite 3248, Student Center, 255 Heisman Drive Auburn, AL 36849
lady@auburn.edu
(334) 844-3200 (office)

Monique Holland, Deputy Title IX Coordinator
Senior Associate Athletics Director
Auburn Athletics Complex, 392 S. Donahue Drive Auburn, AL 36849
pmh0036@auburn.edu
334-844-9592 (office)

V. CAMPUS AND COMMUNITY RESOURCES

The University is committed to providing assistance to help University community members make informed choices about how to respond to an incident of Prohibited Conduct, including providing information about how a disclosure of Prohibited Conduct to a University Employee will be handled.

In general, the University offers a wide range of resources to provide support and guidance to Students and Employees in response to any incident of Prohibited Conduct, regardless of whether the Complainant reports the conduct to law enforcement or chooses to make a report to the University. University community members can choose to seek assistance from a Confidential Employee or Resource, to make a report to the University by telling a Responsible Employee or reporting online at aub.ie/report, and/or to make a report to law enforcement. A Complainant should consider seeking immediate medical attention, counseling, and other forms of support.

Comprehensive information on accessing University and community resources can be found at:

- Resources, Information, and Support for Addressing Sexual Misconduct
(<http://www.auburn.edu/administration/aaeeo/docs/SexualAssaultResources.pdf>)

Campus and community resources include emergency and ongoing assistance; health, mental health, victim-advocacy, legal assistance, visa and immigration assistance, and student financial aid services (both within the University and in the community); options for reporting Prohibited Conduct to the University and/or law enforcement; rights regarding orders of protection; and available support with academics, housing, transportation, and employment.

A. UNDERSTANDING THE DIFFERENCE BETWEEN PRIVACY AND CONFIDENTIALITY

With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of University Employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All Employees who are involved in the University’s response to reports of Prohibited Conduct should follow guidelines as outlined in the University’s Standard Operating Guidelines for Sharing Sensitive Information Regarding Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence for sharing and safeguarding private information.

Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Alabama law. The University has designated individuals who have the ability to have privileged communications, as well as certain non-professional counselors and advocates who work with victims of Prohibited Conduct, as “Confidential Employees.” When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a person under the age of 18. As discussed below, University-designated Confidential Employees who do not have statutory privilege, such as Safe Harbor Advocates, do fulfill applicable reporting obligations by making general reports for statistical purposes and pattern tracking but do not divulge personally identifiable information without client consent.

Release of Records: The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the University’s FERPA policy. The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA. Access to an Employee’s personnel records may be restricted in accordance with the Alabama Open Records Act or other applicable laws, regulations, and policies.

B. EMPLOYEE REPORTING RESPONSIBILITIES

An Employee's responsibility to report incidents of Prohibited Conduct is governed by their role at the University. Every Employee is designated as either a Confidential Employee or a Responsible Employee:

Confidential Employees: As outlined in the discussion on Confidentiality above, Confidential Employees are those Employees who are permitted to engage in confidential communications under Alabama law. On campus, this includes medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, licensed professional counselors, and ordained clergy. These individuals may have privileged communications. A Confidential Employee will not disclose personally identifiable information about Prohibited Conduct to the Title IX Coordinator without the individual's permission (subject to the exceptions set forth in the Confidentiality section of this policy). Safe Harbor Advocates may make general reports for statistical purposes and pattern tracking but do not divulge personally identifiable information without client consent.

Responsible Employees: A Responsible Employee is any Employee who is not a Confidential Employee. Under Title IX, Responsible Employees are those who have the authority to address and remedy sexual and gender-based harassment or violence, the duty to report such conduct, or those who a Student or another Employee would reasonably believe to have such authority or obligation. All Responsible Employees are required to immediately report to the University's Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves a University Student or Employee as a Complainant or Respondent, or that occurred on property owned or controlled by the University, including at events hosted by University groups or University-recognized organizations. Relevant details include dates, times, locations, and names of parties and witnesses. Responsible Employees include Resident Advisors and all other student-employees when disclosures are made to any of them in their capacities as Employees.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the Night", candlelight vigils, protests, "survivor speak-outs", or other public forums in which students may disclose incidents of Prohibited Conduct; collectively "Public Awareness Events"); (2) during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"); or (3) in academic assignments. The University may provide information about Title IX rights and about available campus and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research.

Where a Responsible Employee has a specific concern that sharing information with the Title IX Coordinator may significantly impact the safety or well-being of the Complainant or another individual, the Responsible Employee must disclose the report to the Title IX Coordinator, who will work with the Responsible Employee to evaluate the need to share personally identifiable information with the Title IX Coordinator based on the potential risk of harm to the Complainant or broader campus safety concerns.

If a Complainant requests (a) that personally identifiable information not be shared with the Respondent, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken, the University will balance this request against the University's obligation to campus safety. Further detail about how the University evaluates a Complainant's request is provided in the Procedures.

To report Prohibited Conduct, Responsible Employees should complete the online reporting form at aub.ie/report. This report should be made immediately so that the University can begin its assessment of the incident. Completing the online reporting form also fulfills the reporting obligation for Campus Security Authorities under the Clery Act. If an Employee does not have immediate access to the internet, he or she should call (334) 844-4794, or (334) 750-9795 outside of regular business hours. At that point, a University official will ask the reporting Employee some preliminary questions to determine whether the details of the incident need to be collected immediately or if it is appropriate for the Employee to complete the online reporting form as soon as he or she is able to access the internet. Failure to adhere to this policy may result in disciplinary action, up to and including termination, depending on the circumstances of the policy violation.

C. REMEDIAL AND PROTECTIVE MEASURES

The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment and/ or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational or employment opportunities) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, transportation modifications , temporary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will maintain the confidentiality of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

D. CONFIDENTIAL RESOURCES

Consistent with the definition of Confidential Employees and community professionals, there are a number of resources within the University and Lee County communities where Students and Employees can obtain confidential counseling and support. These resources can be found in the Resources, Information & Support for Addressing Sexual Misconduct brochure. Campus and

community confidential resources available 24 hours a day include:

- Safe Harbor 334-844-7233
 - Provides confidential advocacy and support for Auburn University Students and Employees, but may also assist Third Parties in identifying resources
- Rape Counselors of East Alabama 334-705-0510
 - Provides free and confidential services to victims
- Domestic Violence Intervention Center (Opelika) 334-749-1515
 - Provides a crisis line and other resources to victims, including a confidential emergency shelter
- RAINN 800-656-4673
 - Operates the National Sexual Assault Hotline and provides victims free, confidential services

VI. **REPORTING**

There are multiple channels for reporting Prohibited Conduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and University disciplinary action. The University will support Complainants in understanding, assessing, and pursuing these options.

A. **IMMEDIATE CONSIDERATIONS**

A victim of sexual assault or any other form of violence should obtain medical care as soon as possible. Within 72 hours of a sexual assault, a Sexual Assault Forensic Exam may be completed to collect evidence and document injuries. To complete a Forensic Medical Exam in the Auburn area, go directly to the East Alabama Medical Center Emergency Room. To protect evidence, avoid bathing, brushing teeth, or washing clothes or sheets. Victims of any form of Prohibited Conduct should take steps to preserve any physical evidence, document any injuries, and keep phone records, texts, emails, gifts, personal notes/diaries/logs of incidents, or any other relevant information.

B. **REPORTING TO LAW ENFORCEMENT**

Complainants have the right to notify or decline to notify law enforcement. In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the University urges Complainants to report Prohibited Conduct *immediately* to local law enforcement by contacting:

- 911 (for emergencies)
- Auburn Police Division (334) 501-3100 (for non-emergencies)
- Opelika Police Department (334) 705-5220 (for non-emergencies)
- Lee County Sheriff's Office (334) 794-5651 (for non-emergencies in unincorporated areas of Lee County, AL)

Law enforcement agencies have unique legal authority, including the power to seek and execute

search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. Although a police report may be made at any time, Complainants should be aware that a statute of limitations may apply to certain crimes in Alabama, which could be as short as one year. The University will assist Complainants in notifying law enforcement if requested.

Conduct that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy. Some key definitions applicable to sexual assault, domestic violence, dating violence, and stalking in the State of Alabama can be found at www.legislature.state.al.us or attached as **Appendix A**.

C. REPORTING TO THE UNIVERSITY

The University also urges anyone who becomes aware of an incident of Prohibited Conduct to report the incident *immediately* to the University through the following reporting options:

- By contacting the University's Title IX Coordinator or any Deputy Title IX Coordinator by telephone, email, or in person during regular office hours at their respective locations, email addresses, and/or phone numbers listed in Section IV., above; or
- Through the University's website for online reporting, located at aub.ie/report, (which also allows for anonymous reporting).

There is no time limit for reporting Prohibited Conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a Student or an Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

The University will not pursue disciplinary action against Complainants or witnesses for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

VII. PROHIBITED CONDUCT UNDER THIS POLICY

Conduct under this policy is prohibited regardless of the sex, sexual orientation, and/or gender identity/expression of the Complainant or Respondent. Prohibited Conduct includes the following specifically defined forms of behavior: Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity, and Retaliation. Prohibited Conduct defined as such under this policy may or may not be considered a violation of criminal law.

A. SEXUAL ASSAULT

Sexual Assault consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without (3) Affirmative Consent.

1. **Sexual Contact** is:

- Any intentional sexual touching, however slight
- With any object or body part (as described below)
- Performed by a person upon another person

Sexual Contact includes (a) intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; (b) making another touch you or themselves with or on any of these body parts; and (c) any intentional bodily contact in a sexual manner, even where the touching does not involve contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

2. **Sexual Intercourse** is:

- Any penetration, however slight
- With any object or body part (as described below)
- Performed by a person upon another person

Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

3. **Affirmative Consent** is:

- Informed (knowing)
- Voluntary (freely given)
- Active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed- upon sexual activity

Alabama law specifies that individuals under the age of 16 are incapable of giving consent.

Affirmative Consent cannot be obtained by Force. Force includes the use of (a) physical violence, (b) threats, (c) intimidation, and/or (d) coercion.

- a) Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- b) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
- c) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an

exit). Previous occurrences of threats or physical violence may also constitute intimidation.

- d) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Affirmative Consent cannot be gained by taking advantage of or causing the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

A person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

The University offers the following guidance on Affirmative Consent and assessing incapacitation:

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. For example, one should not presume that Affirmative Consent to oral-genital contact constitutes Affirmative Consent to vaginal or anal penetration. Affirmative Consent to sexual activity on a prior occasion does not, by itself, constitute Affirmative Consent to future sexual activity.

Affirmative Consent may be withdrawn at any time. An individual who seeks to withdraw Affirmative Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately.

In evaluating Affirmative Consent in cases of reported incapacitation, the University asks two

questions: (1) *Did the Respondent know that the Complainant was incapacitated? and if not,* (2) *Would a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated?* If the answer to either of these questions is “yes,” there was no Consent; and the conduct is likely a violation of this policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady walking or standing, combativeness, emotional volatility, vomiting, incontinence, or unconsciousness. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know who is with you?”

One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.

Being impaired by alcohol or other drugs is no defense to any violation of this policy.

B. SEXUAL EXPLOITATION

Sexual Exploitation is purposely or knowingly doing any of the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give Affirmative Consent to sexual activity;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s intimate parts [including genitalia, groin, breasts, or buttocks] in a place where that person would have a reasonable expectation of privacy);
- Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
- Prostituting another person; or
- Intentionally exposing another person to a sexually transmitted infection or virus without the other’s knowledge.

C. INTIMATE PARTNER VIOLENCE¹

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, or other intimate relationship¹. Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

D. STALKING²

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. Stalking will be addressed under this policy if it is sexual or gender-based.

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another 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 person under similar circumstances and with similar identities to the victim.

Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact.

E. SEXUAL OR GENDER-BASED HARASSMENT

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2), below, are present.

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) and/or (2), below, are present.

¹ Intimate Partner Violence includes "dating violence" and "domestic violence," as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the Complainant's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

² This definition is consistent with VAWA.

- (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "*quid pro quo*" harassment); or
- (2) Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
 - The frequency, nature, and severity of the conduct;
 - Whether the conduct was physically threatening;
 - The effect of the conduct on the Complainant's mental or emotional state;
 - Whether the conduct was directed at more than one person;
 - Whether the conduct arose in the context of other discriminatory conduct;
 - Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
 - Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

F. COMPLICITY

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

G. RETALIATION

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

VIII. PREVENTION AND AWARENESS PROGRAMS

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs and mandated training. Incoming Students and new Employees receive primary prevention and awareness programming and training to ensure they understand the topics and issues related to maintaining an education and employment environment free from harassment and discrimination. Ongoing prevention and awareness campaigns are held for returning Students and current Employees. For a description of the University's Prohibited Conduct training, prevention, and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see **Appendix B**.

IX. RELATED POLICIES

Code of Student Conduct:

<https://sites.auburn.edu/admin/universypolicies/Policies/CodeofStudentConduct.pdf>

This policy is administered by the Office of Student Conduct and addresses non-academic student disciplinary matters.

Policy on the Confidentiality of Student Records:

[https://sites.auburn.edu/admin/universypolicies/Policies/PolicyontheConfidentialityofStudentRecords\(FERPA\).pdf](https://sites.auburn.edu/admin/universypolicies/Policies/PolicyontheConfidentialityofStudentRecords(FERPA).pdf)

This policy is administered by the Office of the Registrar and addresses student rights with respect to their educational records.

Policy Regarding Prohibited Harassment of Students:

<https://sites.auburn.edu/admin/universypolicies/Policies/PolicyRegardingtheProhibitedHarassmentofStudents.pdf>

This policy is administered by the Office of Affirmative Action/Equal Employment Opportunity and addresses discrimination and harassment against students based on the protected classes listed in the policy.

Policy Regarding Prohibited Harassment of Employees:

<https://sites.auburn.edu/admin/universypolicies/Policies/PolicyRegardingProhibitedHarassmentofEmployees.pdf>

This policy is administered by the Office of Affirmative Action/Equal Employment Opportunity and addresses discrimination and harassment against Employees based on the protected classes listed in the policy.

Child Protection and Reporting of Child Abuse Policy:

<https://sites.auburn.edu/admin/universypolicies/Policies/ChildProtectionandReportingofChildAbusePolicy.pdf>

This policy is administered by the Department of Risk Management and Safety and addresses reporting of child abuse.

X. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is subject to disciplinary sanctions under the Code of Student Conduct and disciplinary action under the appropriate Employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

XI. ANNUAL REVIEW

This policy is maintained by the Office of Affirmative Action/Equal Employment Opportunity. The University will review this policy at least annually and update the policy, as appropriate.

AUBURN UNIVERSITY

**PROCEDURES FOR INVESTIGATING AND RESOLVING REPORTS
OF SEXUAL AND GENDER-BASED MISCONDUCT**

Applies to Reports Against Students, Employees, and Third Parties

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I. INTRODUCTION

Auburn University (the “University”) is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual and Gender-Based Harassment, Complicity, and Retaliation (together, “Prohibited Conduct”). These forms of Prohibited Conduct are defined in the [University’s Policy on Sexual and Gender-Based Misconduct](#) (the “Policy”). This document identifies the procedures (the “Procedures”) the University follows when it receives a report alleging Prohibited Conduct committed by a Student, Employee, or Third Party. The University uses these Procedures to investigate and adjudicate any such reports, to provide interim measures, and to impose disciplinary sanctions against Students, Employees, and Third Parties found responsible for violating the Policy.¹

II. REPORTING

The University encourages anyone² who experiences or becomes aware of an incident of Prohibited Conduct to ***immediately*** report the incident to local law enforcement and to the University through the following reporting options:

To Law Enforcement:

- 911 (for emergencies)
- Auburn Police Division (334) 501-3100 (for non-emergencies)
- Opelika Police Department (334) 705-5220 (for non-emergencies)
- Lee County Sheriff’s Office (334) 794-5651 (for non-emergencies in unincorporated areas of Lee County, AL)

To the University:

- By contacting the University’s Title IX Coordinator or any Deputy Title IX Coordinator by telephone, email, or in person during regular office hours:

Kelley Taylor, Title IX Coordinator
Director, Affirmative Action/Equal Employment Opportunity
317 James E. Foy Hall, Auburn, AL 36849
taylokg@auburn.edu
(334) 844-4794 (office)

Lady Cox, Deputy Title IX Coordinator
Assistant Vice President for Student Engagement

¹ These Procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy.

² Pursuant to University policy, certain University employees, called “Responsible Employees,” are *required* to report to the Title IX Coordinator all information disclosed to them about an incident of Prohibited Conduct. See Section V. B. of the Policy for more discussion of employee reporting responsibilities.

Suite 3248, Student Center, 255 Heisman Drive Auburn, AL 36849
lady@auburn.edu
(334) 844-3200 (office)

Monique Holland, Deputy Title IX Coordinator
Senior Associate Athletics Director
Auburn Athletics Complex, 392 S. Donahue Drive Auburn, AL 36849
pmh0036@auburn.edu
334-844-9592 (office)

- Through aub.ie/report, the University's website for online reporting (which allows for anonymous reporting).

A Complainant may choose to make a report to the University to pursue resolution under these Procedures and may also choose to make a report to law enforcement. A Complainant may pursue either or both of these options at the same time. A Complainant has the right to notify or decline to notify law enforcement. The University will assist any individual in contacting law enforcement and will provide transportation to do so. In the event of a health or safety emergency, the University may report an incident of Prohibited Conduct directly to law enforcement.

The University also offers access to confidential resources for individuals who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or instead of) making a report to the University. The following guide identifies confidential resources, both at the University and in the Lee County community, and further explains options for reporting Prohibited Conduct to the University and to law enforcement:

- Resources, Information, and Support for Addressing Sexual Misconduct:
<http://www.auburn.edu/administration/aaeeo/docs/SexualAssaultResources.pdf>

Complainants are entitled to receive information, assistance, and a broad range of support and remedial measures regardless of whether they choose to pursue criminal and/or University disciplinary resolution of Prohibited Conduct.

III. EXPECTATIONS OF COMPLAINANTS AND RESPONDENTS

Pursuant to these Procedures, Complainants and Respondents can expect:

- A. Prompt and equitable resolution of allegations of Prohibited Conduct;
- B. Privacy in accordance with the Policy and any legal requirements;
- C. Reasonably available interim remedial measures, as described in these Procedures and in the applicable Resource Guide;
- D. Freedom from Retaliation for making a good faith report of Prohibited Conduct or participating in any proceeding under the Policy;

- E. The responsibility to refrain from Retaliation directed against any person for making a good faith report of Prohibited Conduct or participating in any proceeding under the Policy;
- F. The responsibility to provide truthful information in connection with any report, investigation, or resolution of Prohibited Conduct under the Policy or these Procedures;
- G. Timely notice of any meeting or proceeding at which the party's presence is expected under these Procedures;
- H. The opportunity to have an advisor of choice (this may be any person, including an attorney), including the right to have that advisor attend any meeting or proceeding at which the party's presence is expected under these Procedures;
- I. Written notice of an investigation, including notice of potential Policy violations and the nature of the alleged Prohibited Conduct;
- J. The opportunity to challenge the Investigator or any decision maker for actual bias or conflict of interest;
- K. The opportunity to offer or present information and identify witnesses during an investigation;
- L. Timely and equal access to any information that will be used during Alternative or Formal Resolution proceedings and related meetings;
- M. The opportunity to be heard prior to the final determination of a Policy violation and the imposition of any sanction(s);
- N. Reasonable time to prepare any response allowed by these Procedures;
- O. Written notice of any extension of timeframes for good cause, and the reason for the extension; and
- P. Written notice of the outcome of any Formal Resolution proceedings, including the determination of a Policy violation, imposition of any sanction(s), and the rationale for each.

IV. INITIAL ASSESSMENT

Upon receipt of a report of Prohibited Conduct committed by a Student, Employee or Third Party, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. In this initial assessment, the Title IX Coordinator will:

- A. Assess the Complainant's safety and well-being and offer the University's immediate support and assistance;
- B. Assess the nature and circumstances of the report;

- C. Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- D. Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, seek a protective order, and to have University assistance in doing so;
- E. Inform the Complainant about University and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- F. Inform the Complainant of the option to seek Alternative Resolution (where available) or Formal Resolution under these Procedures; ascertain the Complainant's expressed preference (if the Complainant has, at the time of the initial assessment, expressed a preference) for pursuing Alternative Resolution, Formal Resolution, or neither; and discuss with the Complainant any concerns or barriers to participating in any University investigation and resolution under these Procedures;
- G. Explain the University's prohibition against Retaliation and that the University will take prompt action in response to any act of Retaliation;
- H. Ascertain the ages of the Complainant and the Respondent, if known, and, if either of the parties is under 18, determine whether the conduct must be reported under state law; and
- I. Communicate with appropriate University officials to determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.

The Title IX Coordinator (or trained designee) will ensure that the Complainant receives a written explanation of all available resources and options and is offered the opportunity to meet to discuss those resources and options. When a decision is reached to initiate an investigation or to take any other action under these Procedures that impacts a Respondent (including the imposition of interim protective measures), the Title IX Coordinator will ensure that the Respondent is notified, receives a written explanation of all available resources and options, and is offered the opportunity to meet to discuss those resources and options.

V. UNIVERSITY ACTIONS FOLLOWING INITIAL ASSESSMENT

A. DETERMINATION OF COURSE OF ACTION

Upon completion of the initial assessment, the Title IX Coordinator, in consultation with designated administrators, if necessary, will determine the course of action under these Procedures, which may include Formal Resolution and/or Alternative Resolution (if available). Where the Complainant requests that personally identifiable information not be shared with the Respondent, that no investigation be pursued, and/or that no further action be taken, the Title IX Coordinator will seek to honor the preferences of the Complainant if possible to do so in the context of the University's broader obligations to Title IX and campus safety. In all cases, records

of the initial report, the initial assessment, and the determinations of the Title IX Coordinator will be documented and retained by the University in accordance with applicable law.

1. Where the Complainant Wishes to Pursue Formal Resolution. In *every* case in which the Complainant reports Prohibited Conduct and requests an investigation and disciplinary action, the Title IX Coordinator will promptly initiate Formal Resolution under these Procedures.

2. Where the Complainant Requests Anonymity, that an Investigation not be Pursued, and/or that No Disciplinary Action Be Taken. A Complainant may request that personally identifiable information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken. In evaluating this request, the University will balance that request against the University's obligation to provide a safe, non-discriminatory learning, living, and working environment for all community members, including the Complainant.

The University will seek to honor the Complainant's request(s) if it is possible to do so while also protecting the health and safety of the Complainant and the University community. The Title IX Coordinator will consider the following factors in evaluating such request(s): (1) the totality of the known circumstances; (2) the presence of any Risk Factors, as described below; (3) the potential impact of such action(s) on the Complainant; (4) Any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct; (5) the existence of any independent information or evidence regarding the Prohibited Conduct; and (6) any other available and relevant information.

Risk Factors: The University will consider the following factors to evaluate the risk to health and safety by not proceeding with Formal Resolution:

- Whether the Respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
- Whether the Respondent has a history of failing to comply with any University No-Contact Directive, other University protective measures, and/or any judicial protective order;
- Whether the Prohibited Conduct involved physical violence or force. "Physical violence" or "force" means exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon;
- Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct;
- Whether the Prohibited Conduct was facilitated through the use of "date-rape" or similar drugs or intoxicants;
- Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless, or unaware that the Prohibited Conduct was occurring;
- Whether the Prohibited Conduct involved multiple Respondents;
- Whether the report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the Complainant is (or was at the time of the Prohibited Conduct) under 18 years

- old; and/or
- Whether any other aggravating circumstances or signs of predatory behavior are present.
- a) Determination that a Complainant's Request(s) **Can** be Honored. Where the Title IX Coordinator determines that a Complainant's request(s) (that personally identifiable information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) can be honored, the University will nevertheless take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate remedial measures to the Complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances as a form of Alternative Resolution.

At any time, a Complainant may elect to pursue an investigation and Formal Resolution under these Procedures. The Title IX Coordinator also may reopen a report under these Procedures if any new or additional information becomes available.³

- b) Determination that a Complainant's Request(s) Cannot be Honored. Where the Title IX Coordinator has determined that a Complainant's request(s) (that personally identifiable information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) cannot be honored (i.e., because honoring the Complainant's request(s) would impede the University's ability to ensure the health and safety of the Complainant and other members of the University community), the Title IX Coordinator will take any appropriate University actions, which may include: (i) imposing a No- Contact Directive; (ii) initiating an investigation and Formal Resolution under these Procedures; and/or (iii) arranging, imposing, or extending any other appropriate remedial and/or protective measures. For Students, appropriate actions may also include: (i) recommending that the Vice President for Student Affairs impose Interim Disciplinary Suspension on the Respondent or (ii) causing the University Registrar to place a "hold" on the Respondent's University transcript. For Employees, appropriate actions may also include, in consultation with the Respondent's supervisor and Human Resources, placing the Respondent on administrative leave, with or without pay. For Third-Party Respondents, appropriate actions may include: (i) termination of the relationship with the University and/or (ii) withdrawing their privileges of being on University premises.

Where the Title IX Coordinator has determined that the University must proceed with an investigation despite a Complainant's request to the contrary, the Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, actions that may be required as part of the University's investigation typically involve speaking with the Respondent and others who may have relevant information, in which case the Complainant's identity may have to be disclosed. In such cases, the Title IX Coordinator will notify the Complainant that the University intends to proceed with an investigation, but that the Complainant is not required to participate in the investigation or in any other actions undertaken by the University.

³ Although a report may be reopened at any time, the University's ability to respond may be limited if the Respondent is no longer affiliated with the University.

Where a Complainant declines to participate in an investigation, the University's ability to meaningfully investigate and respond to a report may be limited. In such cases, the Title IX Coordinator may pursue the report if it is possible to do so without the Complainant's participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings from security cameras, corroborating reports from other witnesses, physical evidence, or any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct). In the absence of such other evidence, however, the University may only be able to respond to the report in limited and general ways (i.e., through the provision of remedial measures, targeted training or prevention programs, or other remedies tailored to the circumstances).

B. NOTICE TO COMPLAINANT AND RESPONDENT OF UNIVERSITY ACTIONS

The Title IX Coordinator will promptly inform the Complainant of any action(s) undertaken by the University to respond to a health or safety threat to the Complainant or the University community, including the decision to proceed with an investigation. The Title IX Coordinator also will promptly inform the Respondent of any action(s) (including any interim protective measures) that will directly impact the Respondent, and provide an opportunity for the Respondent to respond to such action(s). The Title IX Coordinator retains the discretion to impose and/or modify any interim remedial or protective measures based on all available information. Interim protective measures will remain in effect until the resolution of the report, unless new circumstances arise which warrant reconsideration of the protective measures prior to the resolution. A Complainant or Respondent may challenge interim protective measures or other actions, or failure to impose interim remedial or protective measures or take other actions, by contacting the Title IX Coordinator to address any concerns.

C. NOTICE OF POTENTIAL UNIVERSITY ACTIONS AGAINST STUDENT GROUPS OR ORGANIZATIONS

If, upon completion of the initial assessment, the Title IX Coordinator determines that a report of Prohibited Conduct reveals involvement of, or a pattern of behavior by, a particular Student group or organization (e.g., agency group, special status organization, fraternity, sorority, contracted independent organization, club sport, and/or athletic team), the Title IX Coordinator may impose any appropriate remedial or protective measures contemplated by these Procedures (e.g., training and/or prevention programs targeted to Student members of the group or organization). The Title IX Coordinator will also consult with relevant University officials regarding any appropriate University action directed at the Student group or organization, including, but not limited to, modification, suspension, or termination of the Student group's or organization's agreement or status with the University.

VI. UNIVERSITY RESOLUTION

These Procedures offer two forms of resolution of reports of Prohibited Conduct: (1) Formal Resolution, which involves an investigation, review, and sanction (if applicable) (as described in Section VI.A. of

these Procedures), and (2) Alternative Resolution (as described in Section VI.B. of these Procedures), which includes a variety of informal and non-disciplinary options for resolving reports.

A. FORMAL RESOLUTION

Formal Resolution is commenced when:

- A Complainant reports that a Student, Employee, or Third Party has engaged in one or more instances of Prohibited Conduct and requests, at any time, an investigation and disciplinary action; or
- Alternative Resolution does not resolve a reported incident of Prohibited Conduct and, in the Title IX Coordinator's discretion, an investigation of the report of Prohibited Conduct is required; or
- At the conclusion of the initial assessment process described in Section IV. of these Procedures, the Title IX Coordinator has determined, based upon a review of the totality of the circumstances and guided by a consideration of the Risk Factors, that investigation of the reported conduct is necessary to ensure the health and safety of the Complainant and/or other members of the University community, notwithstanding the Complainant's request that personally identifiable information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.

1. Investigation. Whenever Formal Resolution is commenced, the Title IX Coordinator will notify the Sexual Misconduct Officer and will designate one or more (typically two) Investigators from the University's Affirmative Action/Equal Employment Opportunity (AA/EEO) Office and/or an experienced external investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Complainants and the University community while promoting accountability.

- a) Notice of Investigation. The Sexual Misconduct Officer will notify the Complainant and the Respondent, in writing, of the commencement of an investigation. The notice will (1) identify the parties involved; (2) specify the date, time (if known), location and precise conduct allegedly constituting a potential Policy violation(s); (3) identify the specific sections of the Policy allegedly violated; (4) identify the Investigator(s); (5) include information about the parties' respective expectations under the Policy and these Procedures; (6) explain the prohibition against Retaliation; (7) instruct the parties to preserve any potentially relevant evidence in any format; (8) inform the parties how to challenge participation by the Investigator(s) on the basis of bias or a conflict of interest; and (9) provide a copy of the Policy and these Procedures. The Sexual Misconduct Officer will arrange separate meetings with the Complainant and the Respondent, during which the written notice will be read aloud and the Sexual Misconduct Officer will explain the investigation process and answer any process-related

questions the parties have prior to any additional investigative questions being asked.

- b) Potential Violations of Other University Policies. If a report of Prohibited Conduct also implicates other forms of discriminatory and/or harassing conduct prohibited by the University's Prohibited Harassment Policies, any other violation(s) of the University's Code of Student Conduct or other University disciplinary policies, the Title IX Coordinator, in consultation with other relevant administrators, will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the other alleged policy violation(s) may be appropriately investigated together without unduly delaying the resolution of the report of Prohibited Conduct under these Procedures. Where the Title IX Coordinator determines that a single investigation is appropriate, the determination of responsibility for the violation of University policy will be evaluated under the definitions in the applicable policy, but the investigation and resolution will be conducted in accordance with these Procedures.
- c) Presumption of Non-Responsibility and Participation by the Parties. The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the decision-maker concludes that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated the Policy. Neither party is required to participate in the investigation or any other form of resolution under these Procedures, and the Investigator will not draw any adverse inference from a decision by either of the parties not to participate.
- d) Timeframe for Completion of Investigation; Extension for Good Cause. Investigations will be completed in a reasonably prompt and equitable manner. Any time frame set forth in these Procedures may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The Investigator will notify the parties in writing of any extension of this timeframe and the reason for such extension.
- e) Overview of Investigation. During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, and to identify witnesses who may have relevant information. The Investigator will notify and seek to meet separately with the Complainant, the Respondent, and other witnesses, and will gather other relevant and available evidence and information, including electronic or other records of communications between the parties or witnesses (via voice- mail, text message, email, and social media sites), photographs (including those stored on computers and smartphones), and medical

records (subject to the consent of the applicable party).

- f) Medical and Counseling Records. Medical and counseling records of a Complainant and Respondent are privileged records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily choose to share such records with the Investigator. Any records provided by a party become part of the file and are available for review by the opposing party.
- g) Advisors. Throughout the investigation and resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a report under these Procedures. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.
- h) Prior or Subsequent Conduct. Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Such prior or subsequent conduct may also constitute a violation of the Prohibited Harassment policies, the University's Code of Student Conduct, or other University disciplinary policies, in which case it may subject the Respondent to additional sanctions. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.
- i) Prior Sexual History. The sexual history of a Complainant will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of the Complainant is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, if the existence of Affirmative Consent is at issue, the prior sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Affirmative Consent was sought and given during the incident in question. However, even in the context of a relationship, Affirmative Consent to one sexual act does not, by itself, constitute Affirmative Consent to another sexual act, and Affirmative Consent on one occasion does not, by itself,

constitute Affirmative Consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised during the investigation. The Investigator will determine the relevance of this information and both parties will be informed if evidence of a Complainant's prior sexual history is deemed relevant.

- j) Relevance. The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigator will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait.
- k) Site Visit(s). The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.
- l) Expert Consultation(s). The Investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.
- m) Coordination with Law Enforcement. The Investigator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Investigator may delay the University investigation temporarily while an external law enforcement agency is gathering evidence. The Investigator, however, will not unduly delay the investigation and will promptly resume the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.
- n) Preliminary Investigation Report. At the conclusion of the investigation, the Investigator will prepare a Preliminary Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Preliminary Investigation Report will not include any factual findings, credibility determinations, or determinations of responsibility. The Complainant and the Respondent will have an opportunity to review the Preliminary Investigation Report; meet with the Investigator; submit additional written comments and information to the Investigator; and identify any additional witnesses or evidence for the Investigator to pursue. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed five (5) working days. Once the parties have had the opportunity to provide feedback on the Preliminary Investigation Report and the Investigator has completed any additional investigative steps, the Sexual Misconduct Officer will review the Report for thoroughness and make further investigative recommendations as deemed appropriate. The Preliminary Investigation Report is not complete until the Sexual Misconduct Officer is satisfied that all appropriate investigative steps have been taken.

2. **Recommendation of Responsibility or Non-Responsibility.** Once the Preliminary Investigation Report has received approval for thoroughness from the Sexual Misconduct Officer, the Investigator will prepare a Recommendation of Responsibility or Non-Responsibility, which will include a recommendation as to whether there is sufficient information, by a Preponderance of the Evidence, to support a finding of responsibility for a violation of the Policy (and, where applicable, the Prohibited Harassment policies, the University's Code of Student Conduct, or other University disciplinary policies). If the Investigator recommends a finding of responsibility, he or she will also recommend appropriate sanctions based on the sanctioning considerations outlined in Section VI.A.6. of these Procedures. This Recommendation is forwarded to the Sexual Misconduct Officer.
3. **Sexual Misconduct Officer Review.** After receiving a Recommendation of Responsibility or Non-Responsibility, the Sexual Misconduct Officer will meet with each party to review the Recommendation prior to making a determination.

After reviewing the Recommendation with the Sexual Misconduct Officer, each party will have the opportunity to request a hearing before the Sexual Misconduct Officer. This request must be made in writing to the Sexual Misconduct Officer within five (5) working days of reviewing the Recommendation. If a party repeatedly fails to attend a meeting with the Sexual Misconduct Officer without a showing of good cause, the Sexual Misconduct Officer may determine that party has waived his/her right to request a hearing.

If a hearing is requested by either party, the Sexual Misconduct Officer will arrange a date and time for the hearing and provide notice to the parties. At the hearing, the parties will be permitted to present relevant evidence, including witnesses or documentary evidence. The parties may address issues relevant to the recommended finding and, if applicable, sanctions. Information attesting to the character of someone in most cases is not considered to be relevant. Parties may submit questions, in writing, to be asked by the Sexual Misconduct Officer of the other party or the other party's witnesses during the hearing.

Both the Complainant and the Respondent have a right to be present at the hearing. Either party may request alternative methods for participating in the hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Sexual Misconduct Officer at least two (2) working days prior to the hearing.

If, despite being notified of the date, time, and location of the hearing, either party is not in attendance, the hearing may proceed. Neither party is required to participate in the hearing in order for the hearing to proceed.

Both the Complainant and the Respondent have the right to be accompanied at the hearing by an advisor of their choosing. The advisor may be anyone, including an

attorney, who is not otherwise a party or witness. While the advisor may provide support and advice to a party at the hearing, the advisor may not speak on behalf of the party or otherwise participate in, or in any manner disrupt, the hearing.

4. **Notice of Outcome.** The Sexual Misconduct Officer will consider the Recommendation of Responsibility or Non-Responsibility along with any information presented at a requested hearing and make a determination of whether policy(ies) were violated. The Sexual Misconduct Officer will draft a Notice of Outcome that includes findings, rationale, and sanctions, if applicable. The Sexual Misconduct Officer will arrange separate meetings with the parties to review the Notice of Outcome and to explain the next steps of the process. The parties will be given the opportunity to contest the Notice of Outcome. If neither party contests the finding or sanction contained in the Notice of Outcome, the Sexual Misconduct Officer will forward the Notice of Outcome to the Title IX Coordinator, who will issue the Final Notice of Outcome.
5. **Review Panel.** If either Party wishes to contest a finding of responsibility or non-responsibility or an imposed sanction contained in the Notice of Outcome, that Party may request a hearing before a Review Panel. To invoke this process, within ten (10) working days of his/her receipt of the Notice of Outcome, the contesting party must submit a written request to the Title IX Coordinator that contests the Notice of Outcome on one or more of the following bases: (1) procedural error that materially impacted the outcome; (2) lack of sufficient evidence to support a finding by a preponderance of the evidence; (3) grossly disproportionate sanctions; or (4) substantial new evidence not previously available that would materially impact the outcome.

The Title IX Coordinator will appoint a standing pool of trained members of the University community and, at the discretion of the Title IX Coordinator, external professionals with experience adjudicating cases of Prohibited Conduct. The Title IX Coordinator will select (a) three members from this pool to serve on the Review Panel, and (b) an additional member from this pool to serve as the non-voting Hearing Chair. All persons serving on any Review Panel (or as the Hearing Chair) must be impartial and free from actual bias or conflict of interest. The Hearing Panel may also be advised by a representative from the Office of the General Counsel or an external attorney with expertise in such hearings.

The Hearing Chair will notify the parties in writing of the date, time, and location of the Hearing; the names of the Review Panel members and the Hearing Chair; and how to challenge participation by any member of the Review Panel or the Hearing Chair for bias or conflict of interest. The Hearing will usually be scheduled within five (5) working days from the date of the Notice of Hearing, subject to extension for good cause at the discretion of the Title IX Coordinator. Good cause for extension may include the unavailability of the parties, the timing of semester breaks or University holidays, or other extenuating circumstances. Any extension, including the reason for the extension, will be shared with the parties in writing. Permission to postpone a Hearing may be granted provided that the request to do so is based on a compelling emergency and communicated to the Hearing Chair prior to the time of the Hearing.

The Hearing is an opportunity for the parties to address the Review Panel, in person, about the contesting party's basis for objecting to a finding or sanction. Each party has the opportunity to be heard, to identify witnesses for the Review Panel's consideration, and to respond to any questions of the Review Panel. The parties may not directly question each another or any witness, although they may proffer questions for the Review Panel, which may choose, in its discretion, to pose appropriate and relevant questions to the Investigator, the Sexual Misconduct Officer, the parties and/or any witnesses. A typical hearing may include brief opening remarks by the Complainant and/or Respondent, with follow-up questions posed by the Review Panel; information presented by the Investigator, Sexual Misconduct Officer, or witnesses deemed relevant by the Review Panel, with follow-up questions by the Review Panel of the Investigator, Sexual Misconduct Officer, or witnesses; and brief concluding remarks by the Complainant and/or Respondent. The Chair of the Review Panel has the discretion to determine the specific Hearing format.

Both the Complainant and the Respondent have a right to be present at the Hearing. Either party may request alternative methods for participating in the Hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Hearing Chair at least two (2) working days prior to the Hearing.

If, despite being notified of the date, time, and location of the Hearing, either party is not in attendance, the Hearing may proceed. Neither party is required to participate in the Hearing in order for the Hearing to proceed.

The Review Panel may request the presence of the Investigator, Sexual Misconduct Officer, or any other witness it deems necessary to its determination. The parties may also request the presence of any witness they deem relevant to the determination by the Review Panel. The Review Panel has absolute discretion to determine which witnesses are relevant to its determination and may decline to hear from witnesses where it concludes that the information is not necessary for its review.

Both the Complainant and the Respondent have the right to be accompanied at the Hearing by an advisor of their choosing. The advisor may be anyone, including an attorney, who is not otherwise a party or witness. While the advisor may provide support and advice to a party at the Hearing, the advisor may not speak on behalf of the party or otherwise participate in, or in any manner disrupt, the Hearing. The University reserves the right to remove any individual whose actions are disruptive to the proceedings.

If the determination of responsibility or non-responsibility is being contested, the Review Panel will determine whether the finding in the Notice of Outcome should be upheld or overturned. If a finding of responsibility is overturned, that decision is final. If a finding of non-responsibility is overturned, the Review Panel will then determine appropriate sanctions based on the same considerations listed in Section VI.A.6., below.

If the sanctions are being contested, the Review Panel will determine whether the sanctions should be upheld or overturned. If the sanctions are overturned, the Review Panel will determine the appropriate sanctions. The sanctions should be based on the same considerations listed in Section VI.A.6., below.

The Title IX Coordinator will provide the Review Panel with a packet of information to assist in determining appropriate sanctions. This will include information about any previous violations by the Respondent and sanctions applied in cases with similar policy violations.

The Review Panel will concurrently issue a written decision (the “Final Outcome Letter”) to both the Complainant and the Respondent, with a copy to the Title IX Coordinator, within ten (10) working days. The Final Outcome Letter will set forth the violation(s) of the Policy (and, if applicable, the Prohibited Harassment policies, the Code of Student Conduct, or other University disciplinary policies) for which the Respondent was found responsible or not responsible, as supported by the rationale set forth in the Notice of Outcome and/or modified by the Review Panel; the sanction(s) (where appropriate) imposed against the Respondent; and the rationale for any sanction(s) imposed as set forth in the Notice of Outcome and/or modified by the Review Panel. The Final Outcome Letter may also identify protective measures implemented with respect to the Respondent or the broader University community. The Final Outcome Letter will not disclose any remedial measures provided to the Complainant.

6. Sanction.

- a) Tailored Sanction. The Policy prohibits a broad range of conduct, all of which is serious in nature. The propriety of any particular sanction is reviewed on an individual basis based on the unique facts and circumstances as found by the Investigator. In keeping with the University’s commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Policy provides the Investigator with wide latitude in the imposition of sanctions tailored to the facts and circumstances of the Prohibited Conduct, the impact of the conduct on the Complainant and University community, and accountability by the Respondent. Where a Respondent is both a Student and an Employee, the Respondent may be subject to any of the sanctions applicable to Students or Employees. Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn. The University’s ability to take appropriate action against a Third Party will be determined by the nature of the relationship of the Third Party to the University.
- b) Purpose of Sanction. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the University’s educational mission and legal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals

involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion from the University for a Student or termination for an Employee.

- c) Sanctioning Considerations. Determination of the appropriate sanction(s) will be guided by a number of considerations, including:
- The severity, persistence, or pervasiveness of the Prohibited Conduct;
 - The nature or violence (if applicable) of the Prohibited Conduct;
 - The impact of the Prohibited Conduct on the Complainant;
 - The impact or implications of the Prohibited Conduct within the University community;
 - Prior misconduct by the Respondent, including the Respondent's relevant prior disciplinary history, at the University or elsewhere, and any criminal convictions;
 - Whether the Respondent has accepted responsibility for the Prohibited Conduct;
 - The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
 - Any other mitigating, aggravating, or compelling factors.
- d) Additional Remedies. In addition to other sanctions, set forth below, the additional remedies may be imposed or extended, such as:
- a No-Contact Directive;
 - Academic, University housing, and/or University employment modifications, as may be appropriate;
 - Formal referral to the Employee Assistance Program for Employee Respondents;
 - Counseling for Student Respondents;
 - Increased monitoring, supervision, and/or security at locations or in connection with activities where the Prohibited Conduct occurred or is likely to reoccur;
 - Arrangements for conducting targeted or broad-based educational programming or training for relevant persons or groups;
 - One or more restorative remedies to encourage a Respondent to develop insight about the Prohibited Conduct, learn about the impact of that Prohibited Conduct on the Complainant and the University community, and identify how to prevent that Prohibited Conduct in the future (including community service and mandatory participation in training, education, and/or prevention programs related to the Prohibited Conduct); and/or
 - Any other remedial or protective measures that are tailored to achieve the goals of the Policy.
- e) Sanctions for Student Respondents. Where there is a finding of responsibility, one

or more sanctions may be imposed. Sanctions for Student Respondents may include any of the following:

- Expulsion: Termination of student status for any indefinite period.
- Suspension: Exclusion from classes and other privileges or activities or from the University for a definite period of time.
- Suspension held in abeyance: Exclusion from classes and other privileges or activities or from the University for a definite period of time to be enforced should another violation occur.
- Restitution: Reimbursement for damages or misappropriation of property.
- Disciplinary Probation: Exclusion from participation in privileged or extracurricular activities for a definite period of time.
- Reprimand: A written censure for violation of the Policy (and, if applicable, the Prohibited Harassment policies and/or the Code of Student Conduct) placed in the Student's record, including the possibility of more severe disciplinary sanctions should another violation occur within a stated period of time.
- Warning Notice: A notice, in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.
- Admonition: An oral statement that the Student violated the Policy (and, if applicable, the Prohibited Harassment policies and/or the Code of Student Conduct).

f) Sanctions for Employee Respondents. Where there is a finding of responsibility, one or more sanctions may be imposed. Human Resources, the Employee's supervisor, or other administrators in the Employee's chain of command may be consulted in determining an appropriate sanction. Information will be provided to these parties only on a need- to-know basis. Sanctions for Employees will be appropriate for the type of Employee involved and may include any of the following:

- Informal and formal counseling
- Written reprimand
- Written final reprimand
- Suspension with or without pay
- Demotion
- Termination of employment
- Any other progressive disciplinary action
- University No-Contact Directive and/or no trespass order
- Transfer of position
- Removal of administrative appointment
- Recommended initiation of tenured faculty dismissal process
- Performance improvement plan required education/ training
- Loss of annual pay increase
- Loss of supervisory responsibility

g) Sanctions for Third-Party Respondents. Where there is a finding of responsibility, one or more sanctions may be imposed:

- Termination of the relationship with the university
- Withdrawal of privileges of being on University premises

h) Imposition of Sanction. Sanctions are effective immediately upon the issuance of the Notice of Outcome, unless otherwise specified.

7. **Release of Documents.** Under federal privacy laws, investigation and decision documents, statements of one party that are shared with the other party in the resolution process, and any documents prepared by the University, including documents by or for the Review Panel constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. The University does not, however, impose any restrictions on the parties regarding re-disclosure of the incident, their participation in proceedings under these Procedures, or the Final Outcome Letter.

B. ALTERNATIVE RESOLUTION

The Complainant may seek Alternative Resolution instead of an investigation and Formal Resolution. The University, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case, and, pursuant to Section VI. A., of these Procedures, to refer a report for Formal Resolution at any time. In addition, Alternative Resolution may not be available where the Title IX Coordinator has determined that one or more of the Risk Factors listed in Section V.A.2. of these Procedures is present. **Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation, are not available in cases involving Sexual Assault.**

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The University will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The University may decline the request for Alternative Resolution in any particular case and may end an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and the University. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective advisors at any meeting or proceeding held as part of Alternative Resolution. While the advisors may

provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

- Resolution with the Assistance of a Third Party: A Complainant may seek assistance in informally resolving a report of Prohibited Conduct from the Title IX Coordinator, who can arrange to have a trained representative facilitate a meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Coordinator, the Complainant, and the Respondent. This form of Alternative Resolution may not be used where the allegation involves Sexual Assault.
- Interventions and Remedies: Alternative Resolution agreements may involve a broad range of interventions and remedies, such as actions designed to maximize the Complainant's access to educational, extracurricular, and/or University employment activities; increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or University housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the University, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented, a Notice of Outcome is issued to the parties, and the matter is resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Title IX Coordinator will maintain records of all reports and conduct referred for Alternative Resolution, which typically will be completed within thirty (30) working days.

C. ACADEMIC TRANSCRIPT NOTATIONS

If a student is expelled or suspended from the University or withdraws from the University while under investigation for Prohibited Conduct pursuant to the Policy, a letter shall be attached to the Student's academic transcript. This action shall be taken to notify other schools or prospective employers that the Student is not presently in good standing with the University. Such letter will reflect, as appropriate, the following language: "[Suspended, Expelled, or Withdrew While Under Investigation] for a Violation of the University's Policy on Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence." The Title IX Coordinator will direct the University

Registrar to remove any such letter where a Student is subsequently found not responsible for an act of Prohibited Conduct pursuant to the Policy. In instances where a Student who has been suspended for Prohibited Conduct pursuant to the Policy has (i) completed the term of such suspension and any conditions thereof and (ii) has been determined by the University to be in good standing pursuant to all applicable University academic and non- academic standards, the Student may request that the letter be removed. This request must be submitted in writing to the Title IX Coordinator, who will direct the University Registrar to remove the letter.

D. RECORDS RETENTION

The University shall retain all records relating to a report of Prohibited Conduct for a period of ten years after the date the report was received, and the University shall retain all such records for a period of twenty years in cases in which the Respondent was found responsible for Prohibited Conduct.

AUBURN UNIVERSITY

**ALABAMA STATUTES REGARDING SEXUAL AND
RELATIONSHIP VIOLENCE**

POLICY ON SEXUAL AND GENDER-BASED MISCONDUCT

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I. VIOLATIONS OF LAW

Behavior that violates the Auburn University Policy on Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence may also constitute a crime under the laws of the jurisdiction in which the incident occurred, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

Some key definitions applicable to sexual assault, domestic & dating violence, and stalking in the State of Alabama are listed below. These definitions from the Code of Alabama were current at the time of policy issuance. They may not be comprehensive of all Alabama laws applicable to sexual and gender-based harassment. Additional information on the current Code of Alabama can be found at www.legislature.state.al.us.

II. SEXUAL ASSAULT ACCORDING TO ALABAMA STATUTE AL Code § 13A-6-60 (2012): Definitions.

The following definitions apply in this article:

- (1) SEXUAL INTERCOURSE. Such term has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.
- (2) DEVIATE SEXUAL INTERCOURSE. Any act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another.
- (3) SEXUAL CONTACT. Any touching of the sexual or other intimate parts of a person not married to the actor, done for the purpose of gratifying the sexual desire of either party.
- (4) FEMALE. Any female person.
- (5) MENTALLY DEFECTIVE. Such term means that a person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.
- (6) MENTALLY INCAPACITATED. Such term means that a person is rendered temporarily incapable of appraising or controlling his conduct owing 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.
- (7) PHYSICALLY HELPLESS. Such term means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
- (8) FORCIBLE COMPULSION. 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.

AL Code § 13A-6-61 (2012): *Rape in the first degree.*

- (a) A person commits the crime of rape in the first degree if:
 - (1) He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or
 - (2) 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
 - (3) 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.
- (b) Rape in the first degree is a Class A felony.

AL Code § 13A-6-62 (2012): *Rape in the second degree.*

- (a) A person commits the crime of rape in the second degree if:
 - (1) 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.
 - (2) 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.
- (b) Rape in the second degree is a Class B felony.

AL Code § 13A-6-63 (2012): *Sodomy in the first degree.*

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

(b) Sodomy in the first degree is a Class A felony.

AL Code § 13A-6-64 (2012): *Sodomy in the second degree.*

(a) A person commits the crime of sodomy in the second degree if:

(1) He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old.

(2) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

(b) Sodomy in the second degree is a Class B felony.

AL Code § 13A-6-65 (2012): *Sexual misconduct.*

(a) A person commits the crime of sexual misconduct if:

(1) Being a male, he engages in sexual intercourse with a female without her consent, under circumstances other than those covered by Sections 13A-6-61 and 13A-6-62; or with her consent where consent was obtained by the use of any fraud or artifice; or

(2) Being a female, she engages in sexual intercourse with a male without his consent; or

(3) He or she engages in deviate sexual intercourse with another person under circumstances other than those covered by Sections 13A-6-63 and 13A-6-64. Consent is no defense to a prosecution under this subdivision.

(b) Sexual misconduct is a Class A misdemeanor.

AL Code § 13A-6-65.1 (2012): *Sexual torture.*

(a) A person commits the crime of sexual torture:

(1) By penetrating the vagina or anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually torture or to sexually abuse.

(2) By penetrating the vagina or anus or mouth of a person who is incapable of consent by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture or to sexually abuse.

(3) By penetrating the vagina or anus or mouth of a person who is less than 12 years old with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture or to sexually abuse.

(b) The crime of sexual torture is a Class A felony.

AL Code § 13A-6-66 (2012): *Sexual abuse in the first degree.*

(a) A person commits the crime of sexual abuse in the first degree if:

(1) He subjects another person to sexual contact by forcible compulsion; or

(2) He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.

(b) Sexual abuse in the first degree is a Class C felony.

AL Code § 13A-6-67 (2012): *Sexual abuse in the second degree.*

(a) A person commits the crime of sexual abuse in the second degree if:

(1) He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or

(2) He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

(b) Sexual abuse in second degree is a Class A misdemeanor, except that if a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C felony.

AL Code § 13A-6-70 (2012): *Lack of consent.*

(a) Whether or not specifically stated, it is an element of every offense defined in this article, with the exception of subdivision (a)(3) of Section 13A-6-65, that the sexual act was committed without consent of the victim.

(b) Lack of consent results from:

(1) Forcible compulsion; or

(2) Incapacity to consent; or

(3) If the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(c) A person is deemed incapable of consent if he is:

- (1) Less than 16 years old; or
- (2) Mentally defective; or
- (3) Mentally incapacitated; or
- (4) Physically helpless.

III. DOMESTIC VIOLENCE ACCORDING TO ALABAMA STATUTE

AL Code § 13A-6-130 (2012): *Domestic violence - First degree.*

(a) A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20 or aggravated stalking pursuant to Section 13A-6-91, and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant. Domestic violence in the first degree is a Class A felony, except that the defendant shall serve a minimum term of imprisonment of one year without consideration of probation, parole, good time credits, or any other reduction in time for any second or subsequent conviction under this subsection.

(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the first degree.

AL Code § 13A-6-131 (2012): *Domestic violence - Second degree.*

(a) A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant. Domestic violence in the second degree is a Class B felony, except the defendant shall serve a minimum term of imprisonment of six months without consideration of probation, parole, good time credits, or any reduction in time for any second or subsequent conviction under this subsection.

(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the second degree.

AL Code § 13A-6-132 (2012): *Domestic violence - Third degree.*

(a) A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant. Domestic violence in the third degree is a Class A misdemeanor.

(b) The minimum term of imprisonment imposed under subsection (a) shall be 30 days without consideration of reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the third degree.

(c) A second conviction under subsection (a) is a Class A misdemeanor, except the defendant shall serve a minimum term of imprisonment of 10 days in a city or county jail or detention facility without consideration for any reduction in time.

(d) A third or subsequent conviction under subsection (a) is a Class C felony.

(e) For purposes of determining second, third, or subsequent number of convictions, convictions in municipal court shall be included.

AL Code § 13A-6-138 (2012): *Domestic violence by strangulation or suffocation.*

(a) For the purposes of this section, the following terms have the following meanings:

(1) **QUALIFIED RELATIONSHIP.** The victim is a spouse, former spouse, parent, stepparent, child, stepchild, or a person with whom the defendant has a child in common, or with whom the defendant has or had a dating or engagement relationship within 10 months preceding this event.

(2) **STRANGULATION.** Intentionally causing asphyxia by closure or compression of the blood vessels or air passages of the neck as a result of external pressure on the neck.

(3) **SUFFOCATION.** Intentionally causing asphyxia by depriving a person of air or by preventing a person from breathing through the inhalation of toxic gases or by blocking or obstructing the airway of a person, by any means other than by strangulation as defined in this section.

- (b) A person commits the crime of domestic violence by strangulation or suffocation if the person commits an assault with intent to cause physical harm or commits the crime of menacing pursuant to Section 13A-6-23, by strangulation or suffocation or attempted strangulation or suffocation against a person with whom the defendant has a qualified relationship.
- (c) Domestic violence by strangulation or suffocation is a Class B felony punishable as provided by law.

IV. DATING VIOLENCE ACCORDING TO ALABAMA STATUTE

According to Alabama statute, dating violence is considered domestic violence and is covered under the domestic violence definitions above.

V. STALKING ACCORDING TO ALABAMA STATUTE

AL Code § 13A-6-90 (2012): *Stalking in the first degree.*

- (a) A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.
- (b) The crime of stalking in the first degree is a Class C felony.

AL Code § 13A-6-90.1 (2012): *Stalking in the second degree.*

- (a) A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.
- (b) The crime of stalking in the second degree is a Class B misdemeanor.

AL Code § 13A-6-91 (2012): *Aggravated stalking in the first degree.*

- (a) A person who violates the provisions of Section 13A-6-90(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the first degree.
- (b) The crime of aggravated stalking in the first degree is a Class B felony.

AL Code § 13A-6-91.1 (2012): *Aggravated stalking in the second degree.*

- (a) A person who violates the provisions of Section 13A-6-90.1 and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the second degree.
- (b) The crime of aggravated stalking in the second degree is a Class C felony.

AL Code § 13A-6-92 (2012): *Definitions.*

As used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise.

- (a) **COURSE OF CONDUCT.** A pattern of conduct composed of a series of acts over a period of time which evidences a continuity of purpose.
- (b) **CREDIBLE THREAT.** A threat, expressed or implied, made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to fear for his or her safety or the safety of a family member and to cause reasonable mental anxiety, anguish, or fear.
- (c) **HARASSES.** Engages in an intentional course of conduct directed at a specified person which alarms or annoys that person, or interferes with the freedom of movement of that person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress. Constitutionally protected conduct is not included within the definition of this term.

AUBURN UNIVERSITY

**TRAINING, EDUCATION, AND PREVENTION PROGRAMS
POLICY ON SEXUAL AND GENDER-BASED MISCONDUCT**

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I. INTRODUCTION

Auburn University (the “University”) is committed to providing a safe and non-discriminatory environment for all members of the University community. The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual and Gender-Based Harassment, Complicity, and Retaliation (together, “Prohibited Conduct”). These forms of Prohibited Conduct are defined in the University’s [Policy on Sexual and Gender-Based Misconduct](#) (the “Policy”). This Appendix identifies the University’s training, education, and prevention programs related to the Policy.¹

II. TRAINING

The University provides training to Students and Employees to ensure they understand the Policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

A. UNIVERSITY OFFICIALS INVOLVED IN IMPLEMENTING THE POLICY

The University offers online and in-person training to all officials charged with implementing the Policy, including the University’s Title IX Coordinator, Deputy Title IX Coordinators, University Investigators, Employees who could be selected to serve as the Appellate Authority as outlined by the Procedures related to the Policy, and all other Employees involved in responding to reports of Prohibited Conduct. The training varies by official and is based upon the role(s) the official is fulfilling under the Policy. Topics include working with and interviewing persons reporting Prohibited Conduct; the particular types of conduct that constitute Prohibited Conduct; issues related to Intimate Partner Violence, Sexual Assault, and Stalking; the proper standard of review for complaints under the Policy (Preponderance of the Evidence); Affirmative Consent and the role alcohol or drugs can play with respect to Affirmative Consent; the importance of accountability for Respondents found to have violated the Policy, and the need for interim measures for the Respondent, the Complainant, and/or the University community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct prompt, fair, impartial, and thorough investigations and appeals that ensure due process, protect community and individual safety, and promote accountability; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness regarding how Prohibited Conduct may impact persons differently depending on their cultural backgrounds.

University officials charged with implementing the Policy receive regular training, both online and in-person, on these and other topics on an annual basis. The University frequently sends University officials to relevant local, regional, and national conferences.

B. RESPONSIBLE EMPLOYEES

The University offers online and in-person training to Responsible Employees to ensure they understand the particular types of conduct that constitute Prohibited Conduct, as well as their

¹ This Appendix should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in this Appendix are defined in the Policy

reporting obligations under the Policy. This training includes practical information on how to prevent and identify Prohibited Conduct; the behaviors that may lead to and result in Prohibited Conduct; the attitudes of bystanders that may allow Prohibited Conduct to continue; the potential for re-victimization by responders and its effects on persons reporting Prohibited Conduct; appropriate methods for responding to persons who may have experienced Prohibited Conduct, including the use of nonjudgmental language; and the impact of trauma. This training also includes an explanation of the Responsible Employee's reporting obligations, including how, what, and where to report; the consequences for failing to report; the Procedures the University uses for responding to a Complainant's request for confidentiality; how to inform Complainants of their options for support and assistance following an incident of Prohibited Conduct; and the contact information for the University's Title IX Coordinator. See Policy Section V., Campus and Community Resources and Section VI., Reporting, for more information

C. STUDENTS AND EMPLOYEES

The University offers online and in-person training to Students to ensure they understand the Policy, including how to report incidents of Prohibited Conduct and how to access confidential resources following an incident of Prohibited Conduct. Topics include Title IX and what constitutes Prohibited Conduct under the Policy; the definition of Affirmative Consent, including examples; how the University analyzes whether conduct was unwelcome and the existence of a hostile environment for purposes of Sexual or Gender-Based Harassment; options for reporting Prohibited Conduct; the availability of confidential resources, on and off campus; the University's resolution options for pursuing complaints under the Policy; the potential sanctions for violating the Policy; effects of trauma, including neurobiological changes; the role alcohol and drugs often play in incidents of Prohibited Conduct, including the deliberate use of alcohol and/or other drugs to perpetrate Sexual Assault; strategies and skills for bystanders to intervene to prevent sexual, gender-based, and other forms of interpersonal violence; how to report Prohibited Conduct to local law enforcement and the ability to pursue, simultaneously, University disciplinary and criminal complaints; and the protection against Retaliation afforded by the Policy.

D. RESIDENCE LIFE STAFF TRAINING

All Students and employees who are part of Residence Life Staff receive training regarding high-risk alcohol prevention and strategies to prevent and respond to Sexual Assault and other forms of sexual, gender-based, and other forms of interpersonal violence. Residence Life Staff are also provided training on the Policy, how to report Prohibited Conduct as Responsible Employees, and how to support a Student reporting Prohibited Conduct.

III. EDUCATION AND PREVENTION

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming Students and new Employees receive primary prevention and awareness programming as part of their orientation, and returning Students and current Employees receive ongoing training and related programs. These programs include (1) statements that the University prohibits Prohibited Conduct, as defined by the Policy, and related crimes under Alabama law; (2) the definitions of related crimes under Alabama law; (3) the definition of “Affirmative Consent,” for purposes of the Policy; (4) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Prohibited Conduct against another person; (5) information on risk reduction to recognize warning signs of abusive behavior; and (6) information about the Procedures that the University will follow after an incident of Prohibited Conduct has occurred.

The University’s education and prevention programs reflect comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end Prohibited Conduct. These programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, and/or outcome. We.Auburn is the University’s initiative dedicated to ending sexual violence in our community. The University’s education and prevention programs support this initiative; they include (1) awareness programs; (2) bystander intervention programs; (3) ongoing prevention and awareness campaigns; (4) primary prevention programs; and (5) education on risk reduction.

A. AWARENESS PROGRAMS

Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience awareness and share information and resources to prevent violence, promote safety, and reduce perpetration. The University’s specific annual awareness programs are:

- ***National Stalking Awareness Month:*** In January, materials made available through the National Center for Victims of Crime’s Stalking Awareness Center are used to promote awareness of stalking through posters placed across campus and social media.
- ***Sexual Assault Prevention Month:*** Throughout the month of April, the University holds programming to raise awareness about sexual assault and sexual violence.
- ***Domestic Violence Awareness Month:*** Throughout the month of October, the University participates in Domestic Violence Awareness Month with several weeks of programming around domestic and dating violence awareness and prevention.
- ***The Be Well Hut:*** Peer Health Educators create and circulate information about reducing risk for high-risk drinking, preventing sexual assault, and encouraging bystander intervention. The physical “hut” is stationed on the busiest concourse during 12 weeks each semester where students have access to information about multiple health topics including sexual and gender-based misconduct and other forms of interpersonal violence.
- ***The Women’s Leadership Institute:*** The Women’s Studies Program regularly holds open forums and guest lectures on topics related to sexual assault and reducing violence against college students.

B. BYSTANDER INTERVENTION

Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of an occurrence of Prohibited Conduct. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. The University's specific bystander intervention programs are:

- ***Green Dot:*** The Green Dot We.Auburn bystander education program engages faculty, staff, and students as leaders for intervention around power-based violence with the goal of reducing sexual violence, relationship violence, and stalking. The program engages all communities at the University for a unified prevention effort. A Green Dot is a moment in time when words, choices, and behaviors communicate intolerance of violence. Training and social media focus on giving campus community members tools to intervene, as well as building a culture around the premises that (1) violence will not be tolerated, and (2) everyone has a role in preventing violence. To become involved, contact the Office of Health Promotion and Wellness Services.
- ***We.Auburn Planning and Implementation Committee:*** Fifty students, faculty, and staff make up the We.Auburn campaign planning and implementation committee. This committee oversees all Green Dot We.Auburn campaign planning as well as integrates branding Green Dot messages broadly into campus department syllabi and department-specific materials. The planning committee was trained to be Green Dot facilitators, so that forty-four (44) trainers are available on campus to train student groups and popular opinion leaders in We.Auburn messaging.
- ***COMM 4470: Health Communication Class Infusion:*** Health Promotion and Wellness Services in partnership with the Communications Department brings bystander public service announcements and social media materials to the greater Auburn campus in hopes to educate and raise awareness about the importance of active bystanders in preventing sexual violence.

C. ONGOING PREVENTION AND AWARENESS CAMPAIGNS

Ongoing prevention and awareness campaigns consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing Prohibited Conduct, using a range of strategies with audiences throughout the University. The University's specific ongoing prevention and awareness campaigns are:

- ***We.Auburn Bystander Intervention:*** Bystander training begins for incoming students and continues as Students progress through Auburn University. Each Student has the opportunity to participate in trainings, social media campaigns, and enrichment sessions.
- ***Wellness Freshmen Leadership Program:*** While promoting healthy living for all Auburn Students, this group focuses on the nine pillars of health and wellness by increasing Students' knowledge, beliefs, attitudes, skills, and behaviors concerning health while also enhancing their leadership abilities.

- ***Leadership Conference:*** The Women’s Resource Center offers an annual leadership conference to campus. Sessions range in topics and include information about resources and prevention of interpersonal violence.
- ***Auburn University Campus Health Fair:*** Each spring the annual health fair includes information about the Safe Harbor response program and current bystander intervention campaign.

D. PRIMARY PREVENTION PROGRAMS

Primary prevention programs consist of programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop Prohibited Conduct before it occurs through the promotion positive behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. The University’s specific primary prevention programs are:

- ***Sexual Assault Prevention and Response Task Force:*** The Sexual Assault Prevention and Response (SAPR) Task Force is a University committee charged with increasing and enhancing prevention, training, and response programs informed by current national best practices. In addition, the task force will improve the communication strategies of policies and resources to the Auburn University community. The task force continues to ensure compliance with regulatory requirements related to response to sexual assault, dating violence, domestic violence, and stalking.
- ***Group Motivational Enhancement:*** Provided as educational outreach, group motivational enhancement’s primary purpose is to minimize the abuse of alcohol and other drugs to promote a healthier environment. Students participate in the E-Checkup to Go program which provides brief alcohol screening, intervention, and non-judgmental feedback for reducing the risk for alcohol-related harms such as accidents, poor class attendance, violence, and sexual assault.
- ***AlcoholEdu & Haven (Sexual Assault & Consent Education) Modules:*** Each year, prior to matriculation, all Students are asked to take an alcohol education and awareness program called AlcoholEdu. Prior to the start of the 2015-2016 academic year, Students were also asked to take a corollary program called Haven, which educates students about Affirmative Consent, sexual misconduct, and the importance of being an active bystander in preventing sexual misconduct.

E. RISK REDUCTION

Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment in an effort to promote safety and to help individuals and communities address conditions that facilitate violence. The University’s specific risk reduction programs are:

- ***PHED 2200 Rape Aggression and Defense (RAD):*** RAD is an informative, hands- on self-defense training program. RAD includes instruction on risk-awareness and risk-reduction, hands-on physical defense techniques, and a simulated attack scenario taught by certified RAD instructors from the Auburn University Department of Public Safety & Security, the Auburn Police Division, and the Lee County Sheriff’s Office.
- ***Blue Light Call Boxes:*** Emergency call boxes have been installed in over 100 different

locations around campus. The call boxes call 911 when activated. Call boxes are equipped with a blue light for identification.

- ***Campus Security Shuttle & Tiger Ten Shuttle:*** The Night Security shuttle is a service that operates between 6 p.m. and 7 a.m. and provides door-to-door on-campus transportation. Tiger Ten shuttle service includes nine lines of shuttle routes for students near campus, which run from 10:30 p.m. to 3:00 a.m. on Friday and Saturday nights.

In addition, many of the University's training, education, and prevention programs described elsewhere in this Appendix are designed, in part, to provide Students and Employees with risk reduction strategies.