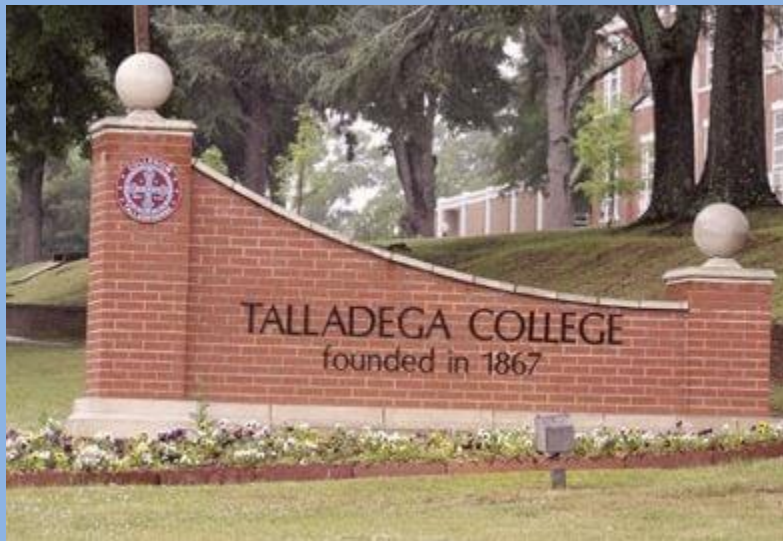


Title IX Sexual Harassment and Non-Discrimination Policy Handbook



627 West Battle Street

Talladega, Alabama 35160

Website: <https://www.talladega.edu/title-ix/>

Email: titleix@talladega.edu

Form link below

[https://www.talladega.edu/uploadedFiles/File/Talladega College Title IX Complaint Form-v202302.pdf](https://www.talladega.edu/uploadedFiles/File/Talladega%20College%20Title%20IX%20Complaint%20Form-v202302.pdf)

Effective/Updated April 20, 2023

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Talladega College Title IX Sexual Harassment and Non-Discrimination Policy

Section 1: Introduction

1.1 Policy Statement: Talladega College is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by Talladega College and is grounds for disciplinary action, up to and including, permanent dismissal from Talladega College and/or termination of employment.

1.2 Purpose: Talladega College takes all reported sexual misconduct and harassment seriously. Talladega College will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported sexual misconduct, harassment, and retaliation that does not meet the definitions and jurisdiction of this policy will be referred for review under Talladega College's Student, Personnel, and/or Faculty Handbook in compliance with VAWA and Clery Act.

1.3 Applicability: This Policy applies to students and employees as follows:

- a. **To Students:** Where the Respondent is a student at Talladega College at the time of the alleged conduct, the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in Talladega College's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Talladega College's Education Program or Activity.
- b. **To Employees:** Where the Respondent is an employee at Talladega College at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in Talladega College's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Talladega College's Education Program or Activity.

1.4 Title IX Coordinator and Key Title IX Officials: The Title IX Coordinator is the Talladega College administrator who oversees Talladega College's compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Title IX Coordinator is available to discuss the grievance process,

coordinate supportive measures, explain Talladega College's policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities.

Any member of the Talladega College community may contact the Title IX Coordinator with questions. The Title IX Coordinator and Deputy Title IX Coordinators' contact information is as follows:

Marsetta Lee, J.D.

(she/her/hers)

Vice President of Compliance, Title IX Coordinator & EEO

Office: Sumner Hall Room 209

Email: mlee@talladega.edu, titleix@talladega.edu

Phone: (256) 589-7693

Tiffany Sayles (Academics)

Acting Psychology Program Director, Deputy Title IX Coordinator

Office: Seymour Hall Room 107

Email: tsayles@talladega.edu

Phone: 256-761-6342

Trace Fleming-Trice, LICSW-S (Staff)

(she/her/hers)

Director of Field Education/Social Work Instructor, Deputy Title IX Coordinator

Office: 109 Seymour Hall

Email: ttrice@talladega.edu

Phone: 678-231-5953

Gary L. Edwards, Ed.D. (Student Affairs)

Vice President of Student Life and Success/Dean of Students, Deputy Title IX Coordinator

Office: Seymour Hall

Email: gedwards@talladega.edu

Phone: (256) 592-0093

Dr. Ricky Jackson

Associate Athletic Director/Director of Compliance

Office: BCH Student Activity Center

Email: rjackson@talladega.edu

In addition to the Title IX Coordinator, Talladega College appoints investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections 6 and 8 of this policy.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on Talladega College's website in accordance with Title IX requirements.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

1.5 Notification: Talladega College will use electronic communication for purposes of communication and notification under this Policy.

1.6 Free Speech: Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. A constitutionally protected expression cannot be considered Sexual Harassment under this Policy.

1.7 Dissemination of Policy: This Policy will be made available to all Talladega College administrators, faculty, staff, and students online at <https://www.talladega.edu/title-ix/> and in Talladega College student catalog(s) and any employee handbook of operating procedures.

1.8 Effective Date: The effective date of this Policy is April 20, 2023.

1.9 Retaliation and False Statements Prohibited: Neither Talladega College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

- a. Alleged violations of Retaliation will be referred to the Talladega College's Student, Personnel, and/or Faculty Handbook.
- b. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.
- c. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

1.10 Amnesty: Talladega College strongly encourages students to report incidents violating the policy related to discrimination, harassment, sexual harassment, and related inappropriate conduct. Talladega College’s primary concern is the safety of the members of the university community, and it encourages behavior that demonstrates care and concern for members of the community. Accordingly, the university reserves the right to provide a reprieve from disciplinary actions for Complainants and other individuals who exhibit responsible and proactive behavior in reporting sexual harassment, sexual misconduct, sexual violence, or other prohibited conduct or for students acting as a witness during the formal grievance procedures. Talladega College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

1.11 Other University Policies: This Policy takes precedence over other University policies and procedures concerning Sexual Harassment under Title IX in the event of a conflict.

1.12 Modification and Review of this Policy: Talladega College reserves the right to modify this Policy to take into account applicable legal requirements. Talladega College will regularly review this Policy to determine whether modifications should be made.

1.13 Additional Code of Conduct or Talladega College Policy Violations: Alleged violations of the Student, Personnel, or Faculty Code of Conduct that arise from the same events as alleged sexual misconduct under this Policy will be investigated and resolved under the grievance process in this Policy unless the Sexual Harassment has been dismissed under Section 5.2 of this Policy.

1.14 Standard of Proof: The burden rests with the University to prove that a violation of this policy occurred by a preponderance of the evidence (more likely than not).

Section 2: Definitions

2.1 Definitions of Prohibited Conduct Under this Policy¹

2.1.1 Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;

¹ See Appendix A for Alabama State Laws related to Alabama State Law Definition.

- (2) Unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity²; or
- (3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.

2.1.2 Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.

2.1.3 Rape³ means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.

2.1.4 Fondling⁴ means the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental Incapacity.

2.1.5 Incest⁵ means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

2.1.6 Statutory Rape⁶ means sexual intercourse with a person who is under the statutory age of Consent.

2 A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the frequency of the offensive conduct, the nature of the unwelcome sexual acts or words, such as whether the harassment was physical, verbal, or both; whether the harassment was merely an offensive utterance; and the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim. In evaluating whether conduct is severe, pervasive, and objectively offensive, Talladega College will look at the totality of the circumstances, expectations, and relationships.

3 Rape as defined in the Uniform Crime Reporting Program (UCR) includes:

Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent or physical incapacity.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

4 Fondling is referred to as Forcible Fondling in the UCR.

5 Incest is a Nonforcible Offense in the UCR.

6 Statutory Rape is a Nonforcible Offense in the UCR.

2.1.7 Dating Violence means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

2.1.8 Domestic Violence⁷ includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of Alabama, or
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Alabama.

2.1.9 Stalking means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to—

- fear for his or her safety or the safety of others; or
- suffer Substantial Emotional Distress.

2.2 Definitions Related to Sexual Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress

⁷ Assault in the first degree: § 13A-6-20.

A person commits assault in the first degree who:

- (1) Intentionally causes serious physical injury to another or causes the same by use of a deadly weapon or dangerous instrument; or
- (2) Intentionally or causes to disfigure, destroy, amputate, or permanently disable a body part or organ of another; or
- (3) Recklessly creates grave risk of death that results in serious physical injury of another; or
- (4) Engages in and furthers an attempt to commit or commits first or second degree burglary, or any of the following offenses in the first degree: arson, escape, kidnapping, rape, robbery, or sodomy, or any other felony that clearly endangers human life, or causes serious physical injury to someone while immediately fleeing from any of these offenses; or
- (5) Drives a vehicle or vessel while under the influence of alcohol, a controlled substance, or any combination thereof under § 32-5A-191 or 32-5A-191.3, and causes serious physical injury of another.

(b) Assault in the first degree is a Class B felony.

2.2.1 Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision-maker will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- (1) The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- (2) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
- (3) The Respondent knew or a reasonable person should have known that the Complainant was unable to Consent because the Complainant was incapacitated, in that the Complainant was:
 - asleep or unconscious
 - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
 - unable to communicate due to a mental or physical condition.

2.2.2 Course of Conduct means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

2.2.3 Incapacitation means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual

activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

2.2.4 Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

2.2.5 Substantial Emotional Distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

2.3 Other Defined Terms

2.3.1 Actual Knowledge means Notice of Sexual Harassment allegations to the Title IX Coordinator or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.

2.3.2 Business Day means any weekday not designated by Talladega College as a holiday or administrative closure day. When calculating the time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

2.3.3 Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.

2.3.4 Confidential Employee means an individual who will not report any information about an incident to the Title IX Coordinator without the Complainant’s permission.

2.3.5 Disciplinary Sanctions are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.

2.3.6 Education Program or Activity includes locations, events, or circumstances over which Talladega College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on Talladega College property, during any Talladega College activity, or in any building owned or controlled by a student organization that is officially recognized by Talladega College.

2.3.7 Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Talladega College investigate the allegation of Sexual Harassment.

2.3.8 Official with Authority means an individual who has the authority to institute corrective measures and is required to report Sexual Harassment to the Title IX Coordinator to initiate Talladega College's response to the Sexual Harassment allegations. Officials with Authority include:

- Title IX Coordinator
- President
- Executive Vice President and Provost
- Senior Vice President of Student Life and Success

2.3.9 Remedies are designed to restore or preserve equal access to Talladega College's Education Program or Activity. Remedies may include, but are not limited to, the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

2.3.10 Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.

2.3.11 Mandatory Reporter means any individual who is employed by Talladega College and not deemed to be a Confidential Employee or Officials with Authority. Mandatory Reporters are expected by Talladega College to report Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of a Sexual Harassment.

2.3.12 Retaliation means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual

Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

2.3.13 Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Such measures are designed to restore or preserve equal access to Talladega College's Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Talladega College's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Section 3: Reporting Sexual Harassment and Preservation of Evidence

3.1.1 Reporting to Title IX Coordinator: Reports of Sexual Harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, online form, mail. Reports may be made to the Title IX Coordinator in person at Sumner Hall Room 209. After Title IX Sexual Harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.

3.1.2 Reporting to Officials with Authority: The following positions are Officials with Authority:

- Title IX Coordinator
- President
- Executive Vice President and Provost
- Senior Vice President of Student Life and Success

If Officials with Authority are notified of Sexual Harassment, they shall promptly report such Sexual Harassment to the Title IX Coordinator who will take immediate action under this Policy.

3.1.3 Reporting to Confidential Employees: Talladega College employees (or contractors) who work as mental and physical health providers and chaplains are considered Confidential Employees when they are operating under their respective licenses and roles at the time the information was received. Reports made to Confidential Employees under this definition are considered confidential reports and will not be reported to the Title IX Coordinator without the Complainant's permission and will not constitute actual notice to Talladega College

3.1.4 Reporting to Mandatory Reporters: Talladega College employees who are not Confidential Employees or Officials with Authority are expected to report alleged Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of Sexual Harassment.

3.1.5 Anonymous Reporting: Anonymous reports may be made by telephone, in writing or by email with Title IX Coordinator. A decision to remain anonymous, however, may greatly limit Talladega College's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy.

3.2 Reporting to Law Enforcement: Reports may be filed with local law enforcement. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from Talladega College investigations.

Talladega City Police Department
203 W. South St.
Talladega, Alabama 35160-0400
256-362-4162

3.3 Reporting to Outside Agencies: Students and employees may report to external agencies:

- **Students**

Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927

Telephone: 404-974-9406
FAX: 404-974-9471; TDD: 800-877-8339
Email: OCR.Atlanta@ed.gov

- **Employees**

EEOC Mobile Field Office
63 South Royal Street Suite 504
Mobile, AL 36602
Phone: 1-800-669-4000

EEOC Birmingham District Office
Ridge Park Place
1130 22nd Street South Suite 2000
Birmingham, AL 35205
Phone: 1-800-669-4000

- **Outside Agency Confidential Support and Resources:**

National Sexual Assault Hotline

(800) 656-HOPE (4673) (24-hour hotline)
<https://ohl.rainn.org/online/> (online hotline)

Crisis Center (Birmingham)

3620 8th Ave S, Ste 110
Birmingham, AL 35222
Crisis & Suicide Line: (205) 323-7777
Rape Response: (205) 323-7273
crisiscenterbham.org

Asha Kiran

(Crisis Services for Domestic Violence, Sexual Assault, and Human Trafficking)
PO Box 1021
Huntsville, AL 35801
Crisis Line: 800 - 793 - 3010
Main Line: 256-698-4446
info@ashakiranonline.org

Alabama Crime Victims Compensation Commission

5845 Carmichael Road
Montgomery, AL 36117-2329
(334) 290-4420
1-800-541-9388 (For Victims Only)

3.4 Time Limits on Reporting. There are no time limits on reporting Sexual Harassment to the Title IX Coordinator or Talladega College. If the Respondent is no longer subject to Talladega College Education Program or Activity or significant time has passed, Talladega College will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

3.5 Talladega College’s Federal Reporting Obligations:

Certain Talladega College employees, called Campus Security Authorities, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, Talladega College must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Talladega College will not disclose a Complainant’s name and other identifying information in a timely warning but will provide sufficient information for Talladega College community members to make informed safety decisions in response to potential danger.

3.6 Preservation of Evidence: Talladega College recognizes that a Complainant may need time to decide whether to report an incident of Sexual Harassment to the police and/or Talladega College. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

Talladega College encourages Complainants, as soon as possible after experiencing Sexual Assault to take steps to preserve evidence such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident;
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid changing clothing, bathing, showering, using a douche, using the bathroom, brushing one’s teeth, drinking liquids, washing one’s hands or face, or combing one’s hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);

- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

Section 4: Initial Response to Reported Sexual Harassment

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Title IX Coordinator will:

- Provide the Complainant with notice of their rights and options.
- Explain the process for filing a Formal Complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

Section 5: Formal Complaint

Talladega College will investigate all allegations of Sexual Harassment in a Formal Complaint.

5.1 Filing a Formal Complaint: A Formal Complaint must:

- (1) Contain an allegation of Sexual Harassment against a Respondent;
- (2) Request that Talladega College investigate the allegation; and
- (3) Be signed by the Complainant or Title IX Coordinator.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Title IX Coordinator will consider factors that include but are not limited to:

- Whether there have been other reports of Sexual Harassment or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was a Talladega College student or employee;
- Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;

- Whether the alleged Sexual Harassment was committed by multiple perpetrators;
- The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether Talladega College can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

5.2 Dismissal of a Formal Complaint

5.2.1 Required Dismissal: The Title IX Coordinator will dismiss a Formal Complaint for purposes of Sexual Harassment if:

- (1) The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;
- (2) The conduct alleged did not occur in Talladega College's Education Program or Activity; or
- (3) The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of the Talladega College's policies and procedures. If a Formal Complaint is dismissed under the matter will be reviewed to determine whether the matter will be pursued under Talladega College's Student, Personnel, and/or Faculty Handbook.

5.2.2 Permissive Dismissal: The Title IX Coordinator may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

- (1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,
- (2) The Respondent is no longer enrolled or employed by Talladega College, or

(3) Specific circumstances prevent Talladega College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

5.2.3 Appeal of Dismissal: Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

5.3 Consolidation of Formal Complaints: The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

Section 6: Grievance Process

The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

6.1 General Grievance Process Information

6.1.1 Burden of Proof and Burden of Gathering Evidence: All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a preponderance of the evidence standard (more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Talladega College, not the parties.

6.1.2 Presumption of Not Responsible: The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

6.1.3 Time Frames for Grievance Process: Talladega College strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6.1.4 Medical Records: Talladega College will not access, consider, disclose, or otherwise use party's records that are that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Talladega College obtains that party's voluntary, written permission to do so for the grievance process within the Policy.

6.1.5 Privileged Information: Talladega College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

6.1.6 Range of Disciplinary Sanctions: Sanctions that may be required if an individual is found responsible for violating this policy include, but are not limited to:

For Students: Sanctions or remedies for a student who has violated the Title IX Policy may include, but are not limited to: verbal or written warning, required educational program, probation, loss of visitation privileges, counseling, no contact order, relocation or residence halls, eviction from the residence halls, limited access to campus, community service hours, parental notification, alcohol and drug assessment/counseling, suspension, and/or expulsion.

For Employees: An employee who has violated the Title IX Policy will be subject to disciplinary action, up to and including immediate termination of employment.

6.1.7 Notice of Meetings, Interviews, and Hearings: Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview, and/or hearing.

6.2 Notice of Allegations: Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

- (1) Notice of the party's rights and options
- (2) Notice of Talladega College's grievance process
- (3) Notice of Talladega College's informal resolution process and options
- (4) Notice of the allegations of Sexual Harassment including:
 - The identities of the parties involved in the incident, if known,
 - The conduct allegedly constituting Sexual Harassment, and

- The date and location of the incident, if known.
- (5) Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - (6) Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in Section 6 of this Policy.
 - (7) Notice of Talladega College’s Student, Personnel, and/or Faculty Handbook provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, Talladega College decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

6.3 Investigation of Formal Complaint

Talladega College will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews, the parties may be accompanied by an advisor of their choice, which can be but is not required to be an attorney. During the investigation stage of the grievance process, the advisor’s role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

6.3.1 Opportunity to Provide Information and Present Witnesses: Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory and exculpatory evidence. The witnesses can include both fact witnesses and expert witnesses.

6.3.2 Opportunity to Inspect and Review Evidence: Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which Talladega College does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other sources. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review and submit a written response to the investigator.

The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross-examination.

6.3.3 Investigative Report: Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

6.3.4 Review of the Investigative Report: At least ten (10) Business Days prior to a hearing, the investigator will provide each party and the party's advisor (if any) an electronic copy of the investigative report for their review and written response.

6.3.5 Investigation Timeframe: The investigation of a Formal Complaint should conclude within ninety (90) Business Days of the filing of a Formal Complaint absent scheduling conflicts and exigent circumstances. The parties will be provided updates on the progress of the investigation, as needed.

6.4 Live Hearing: After the investigation, Talladega College will provide for a live hearing for all Formal Complaints of Sexual Harassment that have not been dismissed per Section 5.2 or resolved by informal resolution under Section 8. At the request of either party, or at the discretion of the Title IX Coordinator, Talladega College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions.

6.4.1 Information at the Hearing: The following information/evidence will be available in electronic form at the hearing:

- (1) Evidence from the investigation, including the evidence directly related to the allegations that were reviewed by the parties, regardless of whether it was incorporated into the report.
- (2) The investigation report and any attachments/appendices.

6.4.2 Decision-makers: The decision-makers will be appointed by Talladega College and will not be the Title IX Coordinator or investigator. The decision-makers will be trained, impartial, and without a conflict of interest. The decision-makers will be a panel of three to five (3-5) Talladega College employees with one-panel member serving as a chairperson.⁸

⁸ Talladega College reserves the right to appoint an external decision maker should there be a conflict of interest or other circumstance resulting in that need.

6.4.3 Challenge to a decision maker: Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) Business Days prior to the scheduled hearing.

6.4.4 Advisor’s Role at the Hearing: Each party must have an advisor present at the hearing. The advisor’s role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, Talladega College will appoint the party with an advisor without fee or charge.

6.4.5 Recording of the Hearing: Talladega College will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

6.4.6 Hearing Process Facilitator: Talladega College may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Title IX Coordinator. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

6.4.7 Pre-Hearing Matters: In order to streamline the hearing process, the chairperson⁹ may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

(1) Pre-Hearing Submission of Questions: The chairperson may request the parties to submit questions, in writing prior to the hearing. This submission does not preclude the Advisor from asking additional questions live during the hearing. The chairperson may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

(2) Pre-Hearing Conference: The chairperson may hold a pre-hearing conference. During the pre-hearing conference, parties and their Advisors

⁹ This role will be facilitated by the external decision maker if a panel is not utilized.

will be asked to submit, in writing, any questions they wish to ask during the live hearing so that the chairperson can be prepared to respond to relevancy at the hearing. This conference does not preclude the Advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the chairperson may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

6.4.8 Participants in the Hearing. Participants at the hearing include the decision-makers, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, Talladega College may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator (s) or have provided a written statement or answered questions from the investigator in writing.

6.4.9 Hearing Process and Phases: The live hearing will include the following phases:

(1) Notice of Hearing: After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their Advisors (if an Advisor has been identified by either party prior to the hearing) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

(2) Opening Statements: Each party will have the opportunity to present an opening statement to the decision-makers.

(3) Questioning of Hearing Participants (Parties and Witnesses):

- i. **By the Chairperson:** The chairperson will ask initial questions of the participants at the hearing.
- ii. **By the Advisors:** After the chairperson asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:
 - A question is asked by an advisor.

- Before participant answers the questions, the chairperson determines whether the question is relevant.
- If the question is determined relevant by the chairperson, the participant answers the question.
- If the question is determined not to be relevant by the chairperson, the decision-maker must explain the decision to exclude a question as not relevant.

iii. **Evidence and Questions Excluded:**

- **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- **Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or

paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

- iv. **Party or Witness Does Not Submit to Cross-examination:** If a party or witness does not submit to cross-examination by an advisor at the live hearing, the decision-makers will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The decision-makers, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

(4) Closing Statements: Each party will have the opportunity to present a closing statement to the decision-makers.

6.4.10 Determination Regarding Responsibility: After the live hearing, the decision-maker(s) will deliberate in private. The chairperson will issue a written determination based on a majority vote of the decision-makers regarding responsibility using the preponderance of the evidence standard. The chairperson will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that Talladega College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written notice will include:

- Identification of the allegations potentially constituting Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that Talladega College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Talladega College's education program or activity will be provided by Talladega College to the Complainant¹⁰; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

Section 7: Appeals

Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Coordinator. An appellate panel will be formed consisting of 3-5 Talladega College employees with one panel member serving as a chairperson to make a decision regarding the appeal.

7.1 Bases for Appeal: Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

7.2 Appeal Procedures: If an appeal is submitted, Talladega College will:

- (1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

¹⁰ The Title IX Coordinator is responsible for the implementation of any remedies.

(2) Ensure that the appellate panelists for the appeal are not the same parties as the decision-maker panelists that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator.

(3) Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.

(4) Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:

- Affirm the decision-maker's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
- Affirm the decision-maker's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
- Remand the process back to the hearing stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;
- Reverse the decision-maker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
- Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.

(5) Provide the written decision simultaneously to both parties.

7.3 Appeal Timeframe: The appellate panel will release the written decision within twenty (20) Business Days of receiving the appeal.

Section 8: Informal Resolution Process

At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by Talladega College, which does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

8.1 Informal Resolution Notice: Prior to entering the informal resolution process, Talladega College will provide the parties a written notice disclosing:

- (1) The allegations;
- (2) The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance

process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;

(3) Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-makers if the formal grievance process resumes.

8.2 Informal Resolution Agreement: Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.

8.3 Informal Resolution Availability: The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.

8.4 Informal Resolution Timeframe: Informal resolutions of a Formal Complaint will be concluded within 45 days of notice to Talladega College that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will “pause” the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail and the parties continue with the Grievance Process.

8.5 Informal Resolution Documentation

. Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made and all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

Section 9: Emergency Removal and Administrative Leave

9.1 Emergency Removal At any time after the Title IX Coordinator is on notice of Sexual Harassment, Talladega College may remove a Respondent on an emergency basis. Talladega College will only conduct an emergency removal after:

- (1) Undertaking an individualized safety and risk analysis,
- (2) Determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and
- (3) Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, within two (2) Business Days following the removal.

9.2 Administrative Leave: Talladega College may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

Section 10: Recordkeeping

Talladega College will maintain all of the documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all records is private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws and included in the employee's official employment record.

Section 11: Additional Conduct Violations Related to This Policy

Alleged violations of the terms in this section will be sent to the Vice President for Student Affairs for student Respondents or the Director of Human Resources for employee Respondents for investigation and adjudication. Retaliation, providing false information in the grievance process, interfering with the grievance process, and/or violating a directive from a Talladega College official (including violating a No Contact Directive) are prohibited under Talladega College's Student, Personnel, and/or Faculty Handbooks.

Copies of Talladega College's Student, Personnel, and/or Faculty Handbooks can be found on the website at <https://talladega.edu/title-ix/>.

Procedures for Resolution of Non-Harassment Title IX Discrimination Complaints

Section 1: Applicability

The procedures in this section shall be used to investigate and resolve reported Title IX matters that allege discrimination that falls outside of Section A of this Policy ("Non-Harassment Title IX Discrimination"). These procedures shall be used in conjunction with Section A of this Policy for purposes of identification of key Title IX officials (A. Section 1.0) definitions (A. Section 2.0) and reporting options (A. Section 3.0)

Discrimination prohibited under this policy includes the exclusion from participation in, denial of the benefits from, or subjection to unfavorable treatment in Talladega College's Program or Activity on the basis of sex, including pregnancy status and sexual orientation and gender identity.

Section 2: Advisors

Complainants and Respondents may be accompanied by an advisor of their choice throughout the investigation. An advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent

Section 3: Investigation Procedures

If the allegations fall within the scope of this policy and the matter does not resolve using the informal resolution process, Talladega College will conduct a prompt, thorough, and impartial investigation of the reported discrimination. The Title IX Coordinator or their designee will appoint one or more investigators who will conduct investigative meetings, gather information and evidence, and make an independent determination as to whether a violation of the policy occurred using a preponderance of the evidence standard.

The Respondent is presumed not responsible until a determination has been reached by the investigator.

Section 3.1: Notice of Allegations: A written Notice of Allegations will be sent to the Complainant and Respondent, constituting the initiation of the investigation. The Notice of Allegations will contain a summary of the allegation(s) or conduct at issue. This will include the identities of the parties involved, the date and location of the incident (if known), and a link to the appropriate policies. Once the Notice of Allegations has been sent to the parties, the investigation begins.

Section 3.2: Investigation Process: The Complainant and Respondent will have an equal opportunity to be heard, identify witnesses, and provide information and evidence. The investigator will gather additional information and evidence as appropriate, including, but not limited to, social media information, text messages, email messages, videos, and other records. The investigator has the discretion to determine the relevance of information and witnesses and decide whether information or evidence should be excluded as irrelevant.

Section 3.3: Timing of the Investigation: Talladega College strives to complete the investigation within sixty (60) business days from the issuance of the Notice of Allegations. All extensions of this time frame will be communicated with the parties in writing.

Section 3.4: Report: At the conclusion of the investigation, the investigator will draft a report with a finding regarding responsibility based on a preponderance of the evidence standard. The report will include the applicable sanctions if there is a finding of "responsible."

Sanction determinations will be made in collaboration with the Director of Human Resources and/or the Provost if the Respondent is a faculty or staff member, or the Vice President of Student Life and Success if the Respondent is a student. A copy of the report will be provided simultaneously to the Complainant and Respondent.

Section 4: Appeals: The Complainant or Respondent may appeal the decision of the investigator based only on the following grounds:

- The existence of a procedural irregularity that materially affected the outcome;
- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility that could have affected the outcome;
- The Title IX Coordinator and/or investigator(s) had a conflict of interest or bias that affected the outcome;

Appeals must be made in writing and submitted to the Title IX Coordinator within three (3) days of the receipt of the final decision. The appellate decision maker will notify the other non-appealing party of the appeal and allow for written response from the non-appealing party. A determination regarding the appeal will be made by the appellate decision maker within twenty (20) business days.

Section 5: Acceptance of Responsibility: The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the alleged misconduct. The Title IX Coordinator will complete a summary report of the information gathered. The Title IX Coordinator will consider the request; if the request is granted, the Title IX Coordinator, in consultation with the Director of Human Resources and/or the Provost if the Respondent is a faculty or staff member, or the Vice President of Student Life and Success if the Respondent is a student will determine the appropriate sanction.

Section 6: Informal Resolution: The Complainant and Respondent may agree to Informal Resolution at any time prior to a determination regarding responsibility if the Title IX Coordinator deems the matter appropriate for Informal Resolution.¹¹ The Title IX Coordinator will consider the following when determining whether to permit a matter to move to Informal Resolution:

- The nature of the allegations;
- The dynamics of power or control associated with the alleged offense or the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to Talladega College's community after resolution of allegations;
- Whether multiple parties are involved;
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall Talladega College's safety or safety of the parties involved.

Participation in Informal Resolution is a choice, and either party can request to end the Informal Resolution process and pursue an investigation at any time, including if Informal Resolution is unsuccessful at resolving the matter. Similarly, either party can request to end an investigation and pursue Informal Resolution at any time, though entering Informal Resolution must be agreed to in writing by the parties.

¹¹ The Title IX Coordinator may, at any time, withdraw approval for the Informal Resolution and return the matter to investigation.

If an agreement is reached through Informal Resolution, the parties will be provided simultaneously with a Notice of Outcome. An appeal of the Informal Resolution process or result is not permitted.

Section 7: Allegations Related to Culture

Allegations related to a culture of Sexual Harassment or Non-Harassment Title IX Discrimination by a group, organization, department, division, or Talladega College a whole will be investigated and resolved as closely as possible to this policy. Resolutions for a group, organization, division or Talladega College will be communicated with the highest-ranking member of the group, organization, department, division or Talladega College.

Section 8: Intersection of Policies

The procedures in this policy are the exclusive means of resolving complaints of alleged violations of Title IX involving complaints of Non-Harassment Title IX Discrimination brought against University faculty, staff, or students. To the extent there are any inconsistencies between these procedures and other Talladega College grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging Non-Harassment Title IX Discrimination.

Appendix A: Applicable Alabama Laws

Assault in the first degree: § 13A-6-20.

A person commits assault in the first degree who:

- (1) Intentionally causes serious physical injury to another or causes the same by use of a deadly weapon or dangerous instrument; or
- (2) Intentionally or causes to disfigure, destroy, amputate, or permanently disable a body part or organ of another; or
- (3) Recklessly creates grave risk of death that results in serious physical injury of another; or
- (4) Engages in and furthers an attempt to commit or commits first or second-degree burglary, or any of the following offenses in the first degree: arson, escape, kidnapping, rape, robbery, or sodomy, or any other felony that clearly endangers human life, or causes serious physical injury to someone while immediately fleeing from any of these offenses; or
- (5) Drives a vehicle or vessel while under the influence of alcohol, a controlled substance, or any combination thereof under § 32-5A-191 or 32-5A-191.3 and causes serious physical injury of another.

(b) Assault in the first degree is a Class B felony.

Assault in the second degree: § 13A-6-21

A person commits assault in the second degree who:

- (1) Intends to cause and causes serious physical injury to another.
- (2) Intends to cause and causes physical injury to another by use of a deadly weapon or a dangerous instrument.
- (3) Recklessly causes serious physical injury to another by use of a deadly weapon or a dangerous instrument.
- (4)
 - a. Intentionally prevents a peace officer under §36-21-60, detention or correctional officer of a municipal or county or state penitentiary, emergency medical personnel, utility worker, or firefighter from lawful performance of duty with intent to cause and causes physical injury to another.
 - b. For this subsection, a peace officer employed or under contract while off duty by a private or public entity is a peace officer performing a lawful duty when working off duty in approved uniform, with employer's approval. However, off-duty status here does not include workers compensation or any other peace officer benefit entitlement when

considered on duty. And any action or inaction by an off-duty police officer does not affect tort liability of any municipality.

(5) Causes physical injury to another with intent to cause physical injury to a teacher or employee of a public educational institution relating to their duty

(6) Intends to cause physical injury to a health care worker, including nurse, physician, technician, or other employee or practitioner at a hospital under § 22-21-20; a county or district health department; a long-term care facility; a physician's office, clinic, or outpatient treatment facility relating to the performance of the duties of the health care worker or other person employed by or practicing at the hospital; the county or district health department; any health care facility owned or operated by the State of Alabama; the long-term care facility; the physician's office, clinic, or outpatient treatment facility; or a pharmacist, pharmacy technician, pharmacy intern, pharmacy extern, or pharmacy cashier; and causes physical injury to any person. This subdivision shall apply to assaults on home health care workers while they are in a private residence. This subdivision shall not apply to assaults by patients who are impaired by medication.

(7) Intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another by administering to him or her, without his or her consent and not for a lawful medical or therapeutic treatment, a drug, substance or preparation capable of producing the intended harm.

(8) Causes physical injury to any person when intending to cause physical injury to a Department of Human Resources employee or any employee performing social work, as defined in § 34-30-1, during or resulting from the performance of his or her duty.

(b) Assault in the second degree is a Class C felony.

(c) For the purposes of this section, utility worker means any person who is employed by an entity that owns, operates, leases, or controls any plant, property, or facility for the generation, transmission, manufacture, production, supply, distribution, sale, storage, conveyance, delivery, or furnishing to or for the public of electricity, natural or manufactured gas, water, steam, sewage, or telephone service, including two or more utilities rendering joint service.

Assault in the third degree: § 13A-6-22

A person commits assault in the third degree who:

- (1) Intends to cause physical injury to another person and causes physical injury to any other person; or
- (2) Recklessly causes physical injury to another; or
- (3) With criminal negligence causes physical injury to another by use of a deadly weapon or dangerous instrument; or

- (4) Causes physical injury to another when intending to prevent a peace officer from performing a lawful duty.
- (b) Assault in the third degree is a Class A misdemeanor.

Definitions: Code 1975 § 13A-6-60

(1) **Forcible Compulsion.** Use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. Factors to be considered in determining an implied threat include, but are not limited to, the respective ages and sizes of the victim and the accused; the respective mental and physical conditions of the victim and the accused; the atmosphere and physical setting in which the incident was alleged to have taken place; the extent to which the accused may have been in a position of authority, domination, or custodial control over the victim; or whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim.

(2) **Incapacitated.** A person is incapacitated who:

- a. Suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct.
- b. Is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender.
- c. Is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate.

(3) **Sexual contact.** Touching the sexual or intimate parts of another for sexual gratification of either party. Skin to skin contact is not required.

(4) **Sexual intercourse.** Has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.

(5) **Sodomy.** Any sexual act involving the genitals of one person and the mouth or anus of another person.

Rape in the first degree: § 13A-6-61

(a) A person commits rape in the first degree who:

- (1) Engages in sexual intercourse with another person by forcible compulsion.
- (2) Engages in sexual intercourse with another person who is incapable of consent by reason of being incapacitated.

(3) Is 16 years old or older and engages in sexual intercourse with another person who is less than 12 years old.

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

Rape in the second degree: § 13A-6-62

(a) A person commits rape in the second degree who is 16 years old or older and engages in sexual intercourse with another person who is 12 years old or older, but less than 16 years old; provided, however, the actor is at least two years older than the other person.

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

Sodomy in the first degree: § 13A-6-63

(a) A person commits sodomy in the first degree who:

(1) Engages in sodomy with another person by forcible compulsion.

(2) Engages in sodomy with another person who is incapable of consent by reason of being incapacitated.

(3) Is 16 years old or older, and engages in sodomy with a person who is less than 12 years old.

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

Sodomy in the second degree: § 13A-6-64

(a) A person commits sodomy in the second degree who is 16 years old or older and engages in sodomy with another person 12 years old or older, but less than 16 years old; provided, however, the actor is at least two years older than the other person.

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

Sexual misconduct: § 13A-6-65

(a) A person commits sexual misconduct who:

(1) Engages in sexual intercourse with another person without consent, under circumstances other than those covered by §§ 13A-6-61 and 13A-6-62; or with consent but consent was obtained by fraud or artifice.

(2) Engages in sodomy with another person, without consent, under circumstances other than those covered by §§ 13A-6-63 and 13A-6-64; or with consent but consent was obtained by fraud or artifice.

(3) Engages in sexual contact with another person without his or her consent under circumstances other than those under §§ 13A-6-66, 13A-6-67, and 13A-6-69.1; or with consent but consent was obtained by fraud or artifice.

(b) Sexual misconduct is a Class A misdemeanor.

Sexual torture: § 13A-6-65.1

(a) A person commits sexual torture who:

- (1) Penetrates the vagina, anus, or mouth of another person with an inanimate object, by forcible compulsion, with the intent to sexually torture, sexually abuse, or for sexual gratification of either party.
 - (2) Penetrates the vagina, anus, or mouth of a person who is incapable of consent by reason of being incapacitated, with an inanimate object, with the intent to sexually torture, sexually abuse, or for sexual gratification of either party.
 - (3) Is 16 years old or older and penetrates the vagina, anus, or mouth of a person who is less than 12 years old, with an inanimate object, with the intent to sexually torture, sexually abuse, or for sexual gratification of either party.
 - (4) Inflicts physical injury, including, but not limited to, burning, crushing, wounding, mutilating, or assaulting the sex organs or intimate parts of another person, with the intent to sexually torture, sexually abuse, or for sexual gratification of either party.
- (b) The crime of sexual torture is a Class A felony.

Sexual abuse in the first degree: § 13A-6-66

- (a) A person commits sexual abuse in the first degree who:
- (1) Subjects another person to sexual contact by forcible compulsion.
 - (2) Subjects another person to sexual contact who is incapable of consent by reason of being incapacitated.
- (b) Sexual abuse in the first degree is a Class C felony.

Sexual abuse in the second degree: § 13A-6-67

- (a) A person commits sexual abuse in the second degree who:
- (1) Subjects another person to sexual contact who is incapable of consent because of something other than being less than 16 years old.
 - (2) Is 19 years old or older and subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.
- (b) Sexual abuse in the second degree is a Class A misdemeanor, except as provided in subsection (c), or 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.
- (d) If a person violates subdivision (a)(2), and he or she is at least 15 years older than the victim, the offense shall be a Class C felony.

Indecent exposure: § 13A-6-68

- (a) A person commits indecent exposure who intends to arouse or sexually gratify himself or herself, or someone other than his or her spouse, by exposing their genitals under circumstances he or she knows are likely to offend or alarm.

(b) Indecent exposure is a Class A misdemeanor except a third or subsequent conviction shall be a Class C felony.

Sexual abuse of a child less than 12 years old: § 13A-6-69.1

(a) A person commits sexual abuse of a child less than 12 years old if he or she, is 16 years old or older and subjects another person who is less than 12 years old to sexual contact.

(b) Sexual abuse of a child less than 12 years old is a Class B felony.

Lack of consent: § 13A-6-70

(a) Unless otherwise stated, an element of every offense defined in this article is that the sexual act was committed without the consent of the victim.

(b) Lack of consent results from either:

(1) Forcible compulsion.

(2) Being incapable of consent.

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

(1) Less than 16 years old.

(2) Incapacitated.

(d) Consent to engage in sexual intercourse, sodomy, sexual acts, or sexual contact may be communicated by words or actions. A current or previous marital, dating, social, or sexual relationship with the defendant is not sufficient to constitute consent. Evidence that the victim communicated a desire that the defendant use a condom or other birth control device or sexually transmitted disease protection, without additional evidence of consent, is not sufficient to constitute consent.

School employee engaging in a sex act with a student who is under the age of 19 years or is a protected person under the age of 22 years: § 13A-6-81

(a) A person commits the crime of a school employee engaging in a sex act with a student under the age of 19 years or engaging in a sex act with a student who is a protected person, as defined in § 15-25-1, under the age of 22 years if he or she is a school employee and engages in sexual intercourse or sodomy, as defined in § 13A-6-60, with a student, or student protected person, regardless of whether the student or student protected person is male or female. Consent is not a defense.

(b) The crime of a school employee engaging in a sex act with a student or student protected person is a Class B felony.

School employee distributing or soliciting obscene material to or from a student: § 13A-6-82.1

- (a) It is unlawful for a school employee to either:
 - (1) Distribute or transmit, by any means, obscene matter that depicts sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct to a student.
 - (2) Solicit a student to transmit, by any means, obscene matter that depicts sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct to any person.
- (b) A school employee distributing or soliciting obscene material to or from a student is guilty of a Class A misdemeanor.

Stalking in the first degree: § 13A-6-90

- (a) A person commits the crime of stalking in the first degree who intentionally and repeatedly follows or harasses and threatens, either expressly or impliedly, another person and intends to cause that person to reasonably fear death or serious bodily harm.
- (b) The crime of stalking in the first degree is a Class C felony.

Stalking in the second degree: § 13A-6-90.1

- (a) A person commits the crime of stalking in the second degree who with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, member of that person's immediate family, or acquaintance and causes that person material mental or emotional harm, 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.
- (b) The crime of stalking in the second degree is a Class B misdemeanor.

Aggravated stalking in the first degree: § 13A-6-91

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

Aggravated stalking in the second degree: § 13A-6-91.1

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

Domestic violence -- First degree: § 13A-6-130

- (a)
- (1) A person commits domestic violence in the first degree who commits the crime of assault in the first degree under § 13A-6-20; aggravated stalking under § 13A-6-91; or burglary in the first degree under § 13A-7-5, and the victim is a current or former spouse, parent, step-parent, child, step-child, any person who has a child in common with the defendant, a present household member, or a person who has or had a dating relationship with the defendant.
 - (2) For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.
- (b) 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.
- (c) The minimum term of imprisonment imposed under subsection (b) shall be double without consideration of probation, parole, good time credits, or any reduction in time if either of the following occurs:
- (1) 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.
 - (2) The offense was committed in the presence of a child under the age of 14 years at the time of the offense, who is the victim's child or step-child, the defendant's child or step-child, or who is a child residing in or visiting the household of the victim or defendant. For purposes of this subsection, “in the presence of a child” means that the child was in a position to see or hear the act.
- (d) The court shall make a written finding of fact, to be made part of the record upon conviction or adjudication, of whether or not the act was committed in the presence of a child. If a defendant has a trial by jury and the jury finds the defendant guilty, the jury shall also render a special verdict as to whether or not the defendant committed the act in the presence of a child.

Domestic violence -- Second degree: § 13A-6-131

- (a)
- (1) A person commits domestic violence in the second degree who commits assault in the second degree under § 13A-6-21; the crime of intimidating a witness under § 13A-10-123; the crime of stalking under § 13A-6-90; the crime of burglary in the second or third degree under §§ 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree under § 13A-7-21, and the victim is

a current or former spouse, parent, step-parent, child, step-child, any person who has a child in common with the defendant, a present household member, or a person who has or had a dating relationship with the defendant.

(2) For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.

(b) 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.

(c) The minimum term of imprisonment imposed under subsection (b) shall be double without consideration of probation, parole, good time credits, or any reduction in time if either of the following applies:

(1) 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.

(2) The offense was committed in the presence of a child under the age of 14 years at the time of the offense, who is the victim's child or step-child, the defendant's child or step-child, or who is a child residing in or visiting the household of the victim or defendant. For purposes of this subsection, "in the presence of a child" means that the child was in a position to see or hear the act.

(d) The court shall make a written finding of fact, to be made part of the record upon conviction or adjudication, of whether or not the act was committed in the presence of a child. If a defendant has a trial by jury and the jury finds the defendant guilty, the jury shall also render a special verdict as to whether or not the defendant committed the act in the presence of a child.

Domestic violence -- Third degree: § 13A-6-132

(a)

(1) A person commits domestic violence in the third degree if the person commits assault in the third degree under § 13A-6-22; the crime of menacing under § 13A-6-23; the crime of reckless endangerment under § 13A-6-24; the crime of criminal coercion under § 13A-6-25; the crime of harassment under subsection (a) of § 13A-11-8; the crime of criminal surveillance under § 13A-11-32; the crime of harassing communications under subsection (b) of § 13A-11-8; the crime of criminal trespass in the third degree under § 13A-7-4; the crime of criminal mischief in the second or third degree under § § 13A-7-22 and 13A-7-23; or the crime of arson in the third degree under § 13A-7-43; and the victim is a current or former spouse, parent, step-parent, child, step-child, any person who has a child in

common with the defendant, a present household member, or a person who has or had a dating relationship with the defendant.

(2) For the purpose of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.

(b) Domestic violence in the third degree is a Class A misdemeanor. 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) If the defendant has a previous conviction for domestic violence in the first degree pursuant to Section 13A-6-130, domestic violence in the second degree pursuant to Section 13A-6-131, domestic violence by strangulation or suffocation pursuant to Section 13A-6-138, or a domestic violence conviction or other substantially similar conviction from another state or jurisdiction, a conviction under subsection (a) is a Class C felony.

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

Distributing a private image with intent to harass, threaten, coerce, or intimidate the person depicted: § 13A-6-240

(a) A person commits the crime of distributing a private image who knowingly posts, emails, texts, transmits, or otherwise distributes a private image, with the intent to harass, threaten, coerce, or intimidate the person depicted when the depicted person did not consent to transmission, and the depicted person had a reasonable expectation of privacy against transmission of the private image.

(b) For purposes of this section, private image means a photograph, digital image, video, film, or other recording of a person who is identifiable from the recording itself or from the circumstances of its transmission and who is engaged in any act of sadomasochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, as defined in § 13A-12-190, genital nudity, or other sexual conduct. The term includes a recording that has been edited, altered, or otherwise manipulated from its original form.

(c)

(1) For purposes of this section, a reasonable expectation of privacy includes, but is not limited to, either of the following circumstances:

- a. The person depicted in the private image created it or consented to its creation believing that it would remain confidential.
 - b. The sexual conduct depicted in the image was involuntary.
- (2) There is no reasonable expectation of privacy against the transmission of a private image made voluntarily in a public or commercial setting.
- (d) It is a defense to distributing a private image if the distribution of the private image was made in the public interest, including, but not limited to, the reporting of unlawful conduct; the lawful and common practices of law enforcement, legal proceedings, or medical treatment; or a bona fide attempt to prevent further distribution of the private image.
- (e) A violation of this section is a Class A misdemeanor. A subsequent adjudication or conviction under this section is a Class C felony.

Assault with bodily fluids: § 13A-6-242

- (a) A person commits assault with bodily fluids who knowingly causes or attempts to cause another person to come into contact with a bodily fluid unless the other person consented to the contact or the contact was necessary to provide medical care.
- (b) For purposes of this section, a bodily fluid is blood, saliva, seminal fluid, mucous fluid, urine, or feces.
- (c) Assault with bodily fluids is a Class A misdemeanor; provided, however, a violation of this section is a Class C felony if the person commits the crime of assault with bodily fluids knowing that he or she has a communicable disease.

Directing a child to engage in sexual intercourse or sodomy: § 13A-6-243

- (a)
- (1) A person directs a child to engage in sexual intercourse or sodomy if he or she knowingly entices, allures, persuades, induces, or directs any person under the age of 12 years to engage in sexual intercourse or sodomy with another person.
 - (2) Directing a child to engage in sexual intercourse or sodomy is a Class A felony.
- (b)
- (1) A person directs a child to engage in sexual contact if he or she knowingly entices, allures, persuades, induces, or directs any person under the age of 12 years to engage in sexual contact with another person.
 - (2) Directing a child to engage in sexual contact is a Class B felony.

Incest: Ala. Code § 13A-13-3

- (a) A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:
- (1) His ancestor or descendant by blood or adoption; or

- (2) His brother or sister of the whole or half-blood or by adoption; or
- (3) His stepchild or stepparent, while the marriage creating the relationship exists;
- or
- (4) His aunt, uncle, nephew or niece of the whole or half-blood.

(b) A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed.