



2024 ANNUAL CLERGY REPORT



**The Department of Public Safety Spring Hill College**  
**2024 Annual Security and Fire Safety Report for the 2023 Calendar Year Data**

**Introduction**

Spring Hill College is committed to providing a safe living and learning community for its students, faculty, staff and visitors. Our goal is to create a customer friendly environment that focuses on crime prevention and problem solving through awareness and education. By working together, we can create a safer and more secure campus for the Spring Hill College community. The Spring Hill College Department of Public Safety is staffed with trained professional police, public safety officers, and communication dispatchers 24 hours a day, 7 days a week. We make every effort to provide the best possible service, safety, and protection of persons and property at Spring Hill College.

The mission of Spring Hill College's Department of Public Safety is to promote the intellectual, social, spiritual, physical and recreational aspects of students' lives while providing a safe and secure environment. Spring Hill College's crime prevention and security programs nurture the personal growth of students with the goal of assisting students to develop into responsible citizens consistent with the teachings and traditions of Spring Hill College as a Jesuit, Catholic institution. The Department of Public Safety hopes to cultivate mutual trust and encourage members of the community to share in the responsibility of reducing the opportunity for criminal activity.

**Policy for Preparing the Annual Disclosure of Crime Statistics**

Spring Hill College coordinates the collection and reporting of crime statistics as specified in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). Each year, the College notifies all enrolled students and employees via email that they can view the report at:  
<http://departments2.shc.edu/publicsafety/security-reports>

Copies of this report may be obtained from the Spring Hill College Department of Public Safety (SHC DPS) or the Office of Student Affairs. Prospective employees may obtain a copy of this report from the Human Resources Office. Prospective students may obtain a copy of this report from the Office of Admissions.

The report is prepared in cooperation with the SHC DPS, local law enforcement agencies and the Office of Student Affairs. Each entity provides current information about its safety and security educational efforts and programs. The SHC/DPS follows up on all reports of criminal activity in areas under its jurisdiction. Counseling Services staff inform students of the procedure to report a crime to the SHC DPS on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to capture crime statistics disclosed confidentially during a session with a mental health or medical provider, while maintaining the anonymity of the client. Reports of criminal activity are collected and included in the crime report as required by the Clery Act.

**Campus Description**

Spring Hill College is a four year Jesuit Catholic college located at 4000 Dauphin Street, in Mobile, Alabama. Spring Hill College is located in one of Mobile's safest neighborhoods, bordered by Dauphin Street to the south, and Old Shell Road to the north. Portier Lane and the Avenue of the Oaks

are two public streets that are on Spring Hill College's campus. The main campus rests on a 381-acre site consisting of eleven residence halls capable of housing 1180 residents, a student center that houses a dining room, bookstore and the Student Affairs Office, an Administration Building, a gym and fitness center, a theater, a library, two chapels, classrooms, athletic fields, an 18-hole golf course, and several other buildings.

### **Access**

There are three points of vehicular access to the campus: The Dauphin Street entrance, the entrance at Old Shell and College Lane, and through the gate house entrance at Old Shell and Portier Lane. The campus is open to the public daily from 5:00 am until 10:30 pm. After 10:30 pm, the only access is through the Old Shell Road / Portier Lane entrance, which may be entered with the permission of the SHC Public Safety Officer on duty. Access to the residence halls is restricted to residents, their approved guests, and specified members of the college community. Residents gain entry by either keys or card access readers. Residents are cautioned against propping doors open and permitting strangers to enter the buildings. SHC public safety officers patrol the residence halls on a regular basis. Housing staff enforce security measures in the halls and work with residents to achieve a community respectful of individual and group rights and responsibilities.

### **Maintenance of campus facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. While patrolling the campus, SHC public safety officers make note of any malfunctioning lights and other unsafe physical conditions. These are then reported to SHC Plant Operations for correction.

### **Department of Public Safety**

The Spring Hill College Department of Public Safety is responsible for providing law enforcement and public safety services for the main campus in Mobile, Alabama. The Public Safety Office is located on the lower level of the Gregory F. Lucey S.J. Administration Bldg. Public Safety also maintains a substation and communications office in the gatehouse located at the entrance to Old Shell Road and Portier Lane. Spring Hill College Department of Public Safety is directed by a Director of Public Safety that reports to the Vice President for Culture & Community.

The department is staffed by three full-time uniformed sworn police officers and three non-sworn public safety officers that patrol the campus in various ways and respond to calls for service. Pursuant to section 16-22-1 of the Alabama Code, SHC Police Officers are "charged with all the duties and invested with all the powers of police officers." This means they have the same authority, duties and immunities as all other police officers in the State of Alabama. The public safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Spring Hill College and the authority to issue parking tickets. There are also four full-time communication officers that answer the phones, monitor cameras and alarms, and dispatch calls for service to the patrol officers. All Department of Public Safety employees are well trained professionals with vast experience and the dedication to serve the needs and support the mission of the College community.

Although there are no formal memorandums of understanding, the Spring Hill College DPS maintains a close working relationship with all area law enforcement agencies, including the Mobile Police and Fire Departments, the Mobile County Sheriff Department, the Federal Bureau of Investigation, and the Alabama Alcoholic Beverage Control Board Enforcement Office. Spring Hill College also stays in close contact with the Mobile office of the National Weather Service.

### **Report a Crime**

Members of the College community are encouraged to report any campus emergency, criminal offense, or suspected criminal activity immediately to the DPS or local law enforcement.

For Emergencies: 251-380-4444 from a cell or off campus phone or 4444 from a campus phone to reach DPS; 911 to reach Mobile Police or Fire Department.

For Non-Emergencies: 251-380-4444 from a cell or off campus phone or 4444 from a campus phone to reach DPS.

Upon receipt of a call the DPS communications officer can supply information and/or dispatch all necessary assistance.

### **Confidential Reporting of Crimes**

DPS encourages anyone who is the victim of or witness to any crime to promptly report the incident to the DPS. These reports will remain confidential and, in some cases, may even be made anonymously.

The DPS and the Student Affairs Office will accept confidential and anonymous reports of crime for inclusion in the annual statistical report.

### **Timely Warning Policy**

In the event that a situation arises, either on or off campus, that constitutes an ongoing or continuing threat to the campus community, a campus wide “timely warning” will be issued. The warnings will be issued through the college e-mail system, app-based alerts on our Hill Safe app and a list of the events will be listed on the DPS website under “timely warning.”

### **Crime and Fire Log**

The Spring Hill College DPS will maintain a Crime and Fire Log. This log will be kept and maintained in the DPS office and on the DPS website.

Spring Hill College does not have a formal process to monitor and record criminal activity in which students may have been engaged in off-campus locations of student organizations officially recognized by the institution.

### **Emergency Notification**

In the event that the health or safety of the Spring Hill College community is imminently threatened by an emergency or dangerous situation, the community will be immediately notified.

Spring Hill College maintains an annual contract with RAVE Mobile Safety, Inc. to provide a mass, high-speed emergency communication system for all members of the campus community. This communications system is a high-speed multi-modal notification system that is capable of sending thousands of messages to students, faculty, and staff very quickly through text messages, email, voice, RSS, social networks and other mechanisms. The college also has an audible tone alert siren on campus that can be activated in the event that the RAVE system is used during an emergency. The siren alerts members of the campus community to check their messages as broadcast by the RAVE system. The RAVE system, and/or the emergency siren, can be activated by either the Spring Hill College Public Safety or the Director of Communications and Marketing. The RAVE system and the emergency siren are tested at least once per semester. Members of the campus community are educated concerning the RAVE system and the emergency siren during Preview/Orientation sessions, on the internet/intranet, and by email. Testing of the emergency siren is coordinated with the Mobile County Emergency Management Agency.

In the event of an emergency, members of the campus community will receive detailed information through the activation of this mass notification system. The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. In the event of an emergency, members of the campus community are instructed to notify Public Safety (251-380-4444) and/or the City of Mobile Police Department (911). The responding Public Safety officers and/or the Mobile Police Department officers will assess the circumstances of the emergency, and take the necessary professional action to control the situation and protect life and property.

### **Emergency Management and Response**

Spring Hill College maintains an emergency management plan to assist in the preparation, response and mitigation of loss during an emergency situation that affects the College community.

The Emergency Management Plan is intended to establish policies, procedures and organizational structure for response to emergencies that are of a magnitude to cause a significant disruption of the functioning of all or portions of the College. This plan defines the roles and responsibilities of departments, units and personnel during emergency situations. The basic emergency procedures are designed to protect lives and property through effective use of college and community resources. Since an emergency may be sudden and without warning, these procedures are designed to be flexible in order to accommodate contingencies of various types and magnitudes.

The Emergency Management Plan addresses several specific types of emergencies on an individual basis, providing guidelines for the stabilization and recovery from the incident. These include emergency instructions in a concise format for the individuals designated to manage College resources.

### **Security Awareness and Crime Prevention Programs**

Spring Hill College makes security awareness and crime prevention a priority. This is accomplished in several ways, but primarily through education. Several times a year Spring Hill College host programs to educate the campus community on various issues including sexual assault, dating violence, alcohol and drug abuse, suicide prevention, etc. Spring Hill College also holds crime awareness campaigns throughout the year, such as a “lock your door campaign.”

Spring Hill College employs a Badger Way referral program to identify, evaluate, and assist students on campus who are “at risk” academically, emotionally, or physically. The team that evaluates at risk students includes Counseling Services, Student Academic Services, Residential Life, Campus Ministry, and other Student Affairs staff. This group meets every other week and convenes immediately if there is a critical incident on campus.

Spring Hill College offers counseling services to its students as well as referrals to off-campus resources and victim services programs.

Spring Hill College offers a variety of personal safety and sexual assault prevention programming to the campus community. Through the campus Hill Speak program, resources and programming on bystander intervention, escalation training, sexual assault training, and stalking awareness training are offered to the campus community throughout the academic year.

Spring Hill College also has a Sexual Assault Response Team (SART) through the campus Hill Speak program to serve as confidential reporters for students who believe they may have been a victim of sexual assault, domestic violence, dating violence, or stalking. The SART team works with college staff and community resources to provide support, resources, and advocacy to the campus community.

### **Alcohol and Drug-Free Policy**

As an institution of higher learning, Spring Hill College is committed to the formation of men and women who are intellectually, spiritually, socially, and morally mature. One of the College’s objectives is to educate students regarding the responsible use of alcohol and the ill-effects of substance misuse and abuse on human health and behavior. In addition, because the College values social and moral maturity, the policies reflect city and state laws, as well as guidelines that reinforce both the College community and the College’s relationship with the regional community. Therefore, it is appropriate that the College establish policies that reflect institutional values and that aid in the promotion of a healthy, lawful, and neighborly Spring Hill community. In order to assure a work and learning environment that promotes the College’s mission and proper function, the College prohibits unlawful possession, use, sale, manufacture, or distribution of alcohol, alcohol paraphernalia, illicit drugs, or drug paraphernalia by faculty, staff, or students on SHC property or as any part of any SHC activity. Illicit drug use, including the abuse of legal drugs, such as alcohol or the use of alcohol by underage persons, will result in disciplinary action. Federal, state, and local sanctions also apply to such conduct.

## **Distribution of Drug-Free Policy**

In compliance with the Drug-Free Schools and Communities Act of 1989, the College distributes this statement annually to all faculty, staff and students and reviews its alcohol and drugs prevention programs and policies' effectiveness biennially.

## **Educational Efforts**

Spring Hill College reserves the right to confront students whose choices have led them to use alcohol and other drugs. In keeping with its educational mission, the College informs and encourages students and others to make healthy choices with regard to drugs and alcohol through the Wellness Center, Residence Life, and Campus Involvement, which coordinates programs to encourage responsible and informed choices.

## **Counseling and Treatment**

To assist students in regaining control of their lives and making healthy, non-abusive choices, the College trains residence staff to be supportive of healthy choices and helpful to students trying to regain control from substance use through referrals to the Wellness Center. The Wellness Center can then provide evaluation and counseling services as well as support and referrals for treatment programs when necessary. Students may seek help for themselves by contacting the Dean of Students, Residence Life staff or any College staff or faculty member. If a member of the College community has a personal problem with an addiction, he/she will be given the opportunity to seek treatment. If one is committed to dealing with the disease, it is possible that the student or employee will not be dismissed from the College. The Wellness Center is available for confidential counseling and/or referrals.

## **Alcohol and Drug Policy**

The use or abuse of alcohol and other drugs increase the risk for a number of health-related and other medical, behavioral and social problems. These include:

- Acute health problems related to intoxication or overdose (blackouts, convulsions, coma, death);
- Physical and psychological dependence;
- Malnutrition;
- Long-term health problems, including cirrhosis of the liver, organic brain damage, high blood pressure, heart disease, ulcers, and cancer of the liver, mouth, throat and stomach;
- Contracting diseases such as AIDS through the sharing of hypodermic needles; pregnancy problems including miscarriages, stillbirths, and learning disabilities; fetal alcohol syndrome;
- Psychological or psychiatric problems;
- Diminished behavior (hangovers, hallucinations, disorientation, slurred speech);

- Unusual or inappropriate risk-taking that may result in physical or emotional injury or death;
- Violent behavior toward others, such as assaults and rape;
- Accidents caused by operating machinery while impaired;
- Impaired driving resulting in alcohol and drug-related arrests, traffic accidents, injuries and fatalities;
- Negative effects on academic or work performance; conflicts with coworkers, classmates, family, friends, and others;
- Conduct problems resulting in disciplinary action, including loss of employment;
- Legal problems including imprisonment, monetary fines, suspension of driver's license etc. Additional information is available on request.

### **Alcohol Policy**

Consumption and possession of alcoholic beverages must be in conformity with state and local laws. Students of legal drinking age may responsibly drink in their residential space. The consumption of any alcoholic beverage in outdoor and public spaces on campus is a violation of Campus policy (except in spaces recognized by the College), and will result in confiscation and disposal of the alcohol. Violations of the alcohol policy will be documented by College staff and will be processed through the Spring Hill College student conduct system.

### **Alcohol at College Events**

Any individual or organization sponsoring a formal or informal social event is required to comply fully with the policies and procedures outlined in the Alcohol Policy for Campus Events including the proper registration of the event with the Center for Student Involvement. It is the sole responsibility of the sponsoring individual or organization to inform itself of these policies and to seek clarification where necessary. Failure to do so will result in actions being levied both on the organization and on the individual officers and/or members of that organization.

### **Supplemental Alcohol Policies:**

Residents in whose room and/or apartment alcohol is being consumed are responsible for, and will be held accountable for, the behavior of their guests, including, but not limited to, ensuring that guests younger than 21 years of age do not consume alcohol, that open containers of alcohol are not carried out of the room and/or apartment, and that neither the residential students, nor their guests, become intoxicated or behave in a disorderly manner.

The following conduct is prohibited:

- Due to the age designation of Viragh Hall and New Hall, these buildings will be considered alcohol-free environments – no one in the non-staff areas (including guests of legal drinking age) of the building will be allowed to have alcohol or alcohol containers in these areas.



- Possessing or consuming alcohol if under the legal age. Spring Hill College abides by Alabama State Law, which dictates that persons must be 21 years of age or older to legally consume alcohol.
- Operating a motor vehicle while under the influence of alcohol.
- The consumption of any alcoholic beverage in outdoor and public spaces on campus is a violation of Campus policy (except in spaces specially recognized by the College), and will result in confiscation, disposal.
- The consumption of any alcoholic beverage from glass is prohibited in approved outdoor and public spaces.
- Misrepresenting one's age for the purposes of purchasing or consuming alcohol.
- Possessing, furnishing, or consuming alcohol in College interior buildings (other than personal residential space), except during recognized College events.
- Possessing a common source of alcohol (e.g., kegs, or equivalent quantities of "pooled" alcohol).
- Purchasing for, or furnishing alcohol to, a minor.
- Disruptive behavior, public intoxication or being dangerously intoxicated to the point of putting oneself or others in danger.
- Alcohol paraphernalia, empty containers, and alcohol "trophy" are prohibited in all living spaces where the occupant(s) is under the legal drinking age.
- Whether of legal age or not, anyone who consumes alcohol must drink responsibly. Any behavior that indicates the misuse or over-consumption of alcohol is in violation of this policy. Engaging in activities that encourage irresponsible drinking is also a violation (e.g., competitive drinking, chugging drinks, beer pong, drinking games, etc.).

Students legally consuming alcohol in Skip's Place pod common rooms and other College-designated public spaces must do so under the following criteria:

- The number of people in a pod common room at one time must not exceed 15 persons.
- The number of people in an apartment, including the balcony in Fairway Apartments must not exceed 10 persons.
- Alcohol is not to be stored in the Skip's Place common room or on balconies in Fairway Apartments. Individuals who are over 21 years old may be in possession of one alcoholic beverage at a time in the common room.

## **Drug Policy**

Stated simply, the College expects all members of the community to comply with the local, state and federal laws pertaining to drugs. The sale, purchase, manufacture, distribution and use of controlled substances and of drug paraphernalia are prohibited. The College accepts the state statutory definitions of drugs and drug paraphernalia as well as the definition of illicit drugs found in the Safe and Drug-Free Schools and Communities Act.

### **Distribution of Drug-Free Policy**

In compliance with the Drug-Free Schools and Communities Act of 1989, the College distributes this statement annually to all faculty, staff and students and reviews its alcohol and drugs prevention programs and policies' effectiveness biennially.

### **College Sanctions Concerning Alcohol and Drug Policies**

The College confronts students when inappropriate choices are made. Violations of the alcohol and drug policies are subject to sanctions, the severity of which shall increase as the seriousness of the violation increases. Individuals, student groups, or organizations that violate any of these regulations will be held accountable for the consequences of their poor choices and may lose the privilege of institutional recognition and/or sponsoring future events.

When confronted by a violation of the Alcohol and Drug-Free Policy, the College is obliged to respond. Responses will most commonly involve disciplinary sanctions. Sanctions may include but are not limited to the following:

- Completion of an appropriate education or rehabilitation program (e.g., E-Chug, Under the Influence education program, counseling);
- Loss of on-campus vehicle privileges;
- Parental notification;
- Fines;
- Probation;
- Suspension from the College, athletic teams and/or organizations;
- Dismissal from a residence hall; ● Dismissal from the College.

### **Legal Sanctions Related to Drugs and Alcohol**

Conduct that violates local, state and federal laws may also lead to a referral to the appropriate authorities for prosecution, which may result in fines, imprisonment, etc.

### **Federal Laws**

Under federal law, the manufacture, possession, sale, or distribution of illegal drugs (e.g., cocaine, methamphetamines, heroin, PCP, LSD, fentanyl) is a felony with penalties including incarceration up to life imprisonment and imposition of substantial fines. Specially enhanced prison terms and fines apply to the possession of crack cocaine. Violations may also lead to forfeiture of personal and real

property and denial of federal benefits, such as grants, contracts and student loans. Distribution or possession with intent to distribute a controlled substance on College property requires a doubling of both the sentence and parole time. Extensive information on legal sanctions is available at <http://www.law.cornell.edu/uscode/>

## **State and Local Laws**

The legal age for purchasing, consuming or possessing alcoholic beverages is 21. No person under the age of 21 may falsely represent his/her identification. Persons providing, in any way, alcoholic beverages or controlled substances to those under the age of 21 or to any obviously intoxicated person are violating the law, including at a private residence. It is illegal to sell alcohol without a valid liquor license or permit.

No person may drink alcoholic beverages or appear intoxicated in any public place or private social gathering outside of his/her proper residence. Drivers over 21 are prohibited from operating a motor vehicle if they have a blood alcohol content (BAC), normally of 0.08% or higher, while the legal limit for drivers under the age of 21 is 0.02%. The law also prohibits one who is incapable of safely driving due to alcohol, a controlled substance or any other substance. Penalties for a first drunken-driving offense include a mandated alcohol/drug program, fines of up to \$2,100, incarceration up to one year, and a 90-day driver's license suspension.

Second offenses within a 5-year period are punishable by a mandated alcohol/ drug program, fines up to \$5,100, a mandatory jail sentence of 5 days or a minimum of 30 days of community service, and a one-year driver's license suspension. Conviction of misdemeanor drug possession is punishable by attending a court-referred alcohol/drug program, fines of up to \$2,000, three-to-twelve-month jail sentence, and driver's license suspension for six months. Conviction of drug trafficking of marijuana is punishable by attending a court referred alcohol/drug program, fines up to \$500,000, up to life in prison, and a six-month driver's license suspension. An additional five-year jail sentence with no provision for probation is involved if the site of sale is within a three-mile radius of the campus boundaries of any public or private educational institution.

The laws cited above are valid at the time of publication of this document and are subject to change without notice. More extensive information regarding state and federal laws can be found at:

<http://www.legislature.state.al.us/codeofalabama/1975/32-5a-191.htm>.

## **Spring Hill College Employee Drug and Alcohol Policies**

***It is the policy of Spring Hill College that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/ or illicit drug in the College's workplace/ on its property or as part of any College activities on or off- campus is prohibited. All employee-members of the faculty, administration, staff, and students are subject to this policy. The source for other student alcohol and drug policies/ references is noted below for your information. Any violation of this policy will subject the employee to disciplinary action, including but not limited to, leave of absence up to and including termination and/ or referral for prosecution. The specifics of this policy are as follows:***

1. Spring Hill College does not differentiate between drug users and drug pushers or sellers. Anyone subject to this policy who possesses, uses, gives, or in any way distributes or transfers a controlled substance/ illicit drug to another person or sells or manufactures a controlled substance/ illicit drug while on the job and/ or on College premises or at any College activities

on- or off-campus will be subject to discipline up to and including termination and/ or referral for prosecution.

2. The term "controlled substance" generally means any drug scheduled in 21 U.S.C. § 812, generally supplemented by federal regulations in 21 CFR 1308.11 - 1308.15. Typically, these are drugs that have a high potential for abuse. Such drugs include, but are not limited to, Heroin and other narcotics; depressants; Marijuana and other Cannabis products; Cocaine, Meth, and other stimulants; "Crack"; and PCP and other hallucinogens. They also include legal drugs that are not prescribed by a licensed physician. "Illicit drug use" generally means the use of illegal drugs and the abuse of other drugs and alcohol, including anabolic steroids. Summaries of health risks and legal sanctions are noted below.
3. Each employee (including any student-employee, such as a work-study participant) is required by law to inform his or her divisional Cabinet Officer in writing within five (5) days after he or she is convicted for violation of any criminal drug statute where such violation occurred on Spring Hill College's premises. A conviction means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
4. Spring Hill College must notify the U.S. government agency with which the contract was made and/ or from which grant funds were received within ten (10) calendar days after receiving notice from such a convicted person or otherwise receiving actual notice of such a conviction. Any academic, administrative, or staff supervisor having knowledge or receiving notification of a conviction as described above shall immediately provide written notice to the division's Cabinet Officer. The division's Cabinet Officer will notify the Director of Human Resources and Risk Management so that proper notice can be sent to the appropriate U.S. government agency and/ or officials, as required by the Drug-Free Workplace Act.
5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline, within the required time limitations, up to and including termination.

Alternatively, or in addition to, the College may require such a person to successfully finish a drug abuse assistance/ rehabilitation program sponsored by an approved private or governmental institution.

6. An employee who while working is involved in an accident or incident that requires outside medical attention may be screened to determine whether s/he tests positive for drugs and/ or alcohol. Further information concerning this topic may be found in, *e.g.*, the Workers' Compensation sections of, *e.g.*, the *Employee Policies and Procedures Manual*.
7. Any employee who violates this policy, even though the violation does not result in a conviction as set forth in paragraph 3, above, could be required to successfully finish a drug abuse/ rehabilitation program sponsored by an approved private or governmental institution, and also subject to disciplinary action including, but not limited to, leave of absence up to and including termination and/ or referral for prosecution. Any person whose employment is terminated pursuant to this paragraph who feels that he or she has been unjustly terminated due to discrimination or harassment, may address such termination in accordance with any applicable provision set forth in the Spring Hill College Non-Discrimination and Anti-Harassment Policy, as updated from time to time, located, *e.g.*, in BadgerWeb, on the G Drive/ Human Resources, and at Burke Library.
8. The College reserves the right to require pre-employment drug testing. For cause, testing is in addition to any applicable pre-employment drug testing. The College reserves the right to require employee drug testing "for cause" or based on "reasonable suspicion," not just in those positions whose job descriptions include any drug testing references. If a supervisor suspects that an individual is at work and under the influence of drugs, the supervisor should notify the

Director of Human Resources and the appropriate Cabinet level administrator to seek authorization to drug test the employee. Authorization will be approved if sufficient objective symptoms (normally a minimum of two objective symptoms) exist to indicate to a reasonable person the employee may be under the influence of drugs. An employee who tests positive for drugs is subject to corrective action up to and including termination of employment and/ or referral for prosecution.

9. Alcohol is also a drug and its abuse or unlawful possession, use, or distribution constitutes a major problem at the workplace and on campuses. The College will enforce the following policy:
  - a. The unlawful possession, use, or distribution of alcohol by employees in the College's workplace/ on its property or as any part of any College activities on or off-campus is prohibited. Violators of paragraph 9.a. will be subject to disciplinary action including, but not limited to, leave of absence up to and including termination and/ or referral for prosecution. Summaries of health risks and legal sanctions are detailed herein.
  - b. Any employee who, except when attending an official College event, uses alcohol at work or any employee who is incapable of performing his or her job responsibilities due to what reasonably appears to be alcohol use/ abuse, could be subject to disciplinary action including, but not limited to, leave of absence up to and including termination and/ or referral for prosecution and/ or could be required to successfully finish an alcohol abuse program sponsored by an approved private or governmental institution.
10. Any employee must abide by this policy as a condition of further employment by Spring Hill College, which is or may be a recipient of federal funds, grant funds, contracts, and/ or other types of federal financial assistance.
11. **SHC employees and their family members have access 24/7 by dialing 2-1-1. To contact "211 Connects AL," dial 211 locally or visit (<http://www.211connectsalabama.org/>) and start with About Us for information and helpful referrals. Great information about alcohol/ drug/ substance abuse services locally is available on this site: <http://www.addicted.org/mobile-addiction-services.html> including but not limited to: Alcoholics Anonymous, Bradford Health Services, Bridge Inc. Recovery Center for Teens, Drug Education Council, Franklin Primary Health Center, Mobile Metro Treatment Center, Narcotics Anonymous of Gulf Coast, and VA Gulf Coast. Various local and 24- hour toll free lines/ help may be accessed as "Alcohol/ism Rehabilitation," "Drug Addiction Rehabilitation," etc., in various search engines. (Campus counselors: Counseling Services, Lower level of the Gregory F. Lucey S.J. Administration Bldg.)**
12. ***This policy will be reviewed on at least a biennial basis to (a) determine its effectiveness and implement changes if needed; (b) ensure that disciplinary sanctions are consistently enforced; (c) disclose the number of drug and alcohol- related violations and fatalities that occur on the Spring Hill campuses or as part of the Colleges' activities; and (d) report the number and type of sanctions imposed as a result of drug and alcohol-related violations and fatalities that occur on the Spring Hill campuses or as part of the Colleges' activities.***
13. Nothing herein is intended to change the employment at will status of any employee without a written employment contract (*i.e.*, without a written faculty contract). Employment may be terminated at any time by either party for any or no reason.

## SEXUAL MISCONDUCT POLICY



# **Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation**

## **1. Glossary**

*Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

*Complainant* means an individual who is alleged to be the victim of conduct that could sexual harassment based on a protected class; or retaliation for engaging in a protected activity.

*Complaint (formal)* means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.

*Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment and/or retaliation (irrespective of Clery Act Campus Security Authority status).

*Day* means a business day when Spring Hill College is in normal operation.

*Education program or activity* means locations, events, or circumstances where Spring Hill College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the Spring Hill College.

*Final Determination:* A conclusion by preponderance of the evidence that the alleged conduct did or did not violate policy.

*Finding:* A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).

*Formal Grievance Process* means “Process A,” a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

*Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

*Hearing Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within the Recipient’s Formal Grievance process.

*Investigator* means the person or persons charged by Spring Hill College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

*Mandated Reporter* means an employee of the Recipient who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.

*Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

*Official with Authority* (OWA) means an employee of the Recipient explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of the Recipient.

*Parties* include the Complainant(s) and Respondent(s), collectively.

*Process A* means the Formal Grievance Process detailed below and defined above.

*Process B* means any process designated by Spring Hill College to apply only when Process A does not, as determined by the Title IX Coordinator.

*Recipient* means a postsecondary education program that is a recipient of federal funding.

*Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Recipient's educational program.

*Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.

*Resolution* means the result of an informal or Formal Grievance Process.

*Sanction* means a consequence imposed by the Recipient on a Respondent who is found to have violated this policy.

*Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 17.b., for greater detail.

*Title IX Coordinator* is at least one official designated by Spring Hill College to ensure compliance with Title IX and the Recipient's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

*Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

## **2. Rationale for Policy**

Spring Hill College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity,

Spring Hill College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. Spring Hill College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

The United States Department of Education has promulgated regulations requiring certain Title IX procedures ("2020

Title IX Regulations”). The 2020 Title IX Regulations are the subject of much current litigation. In addition, the Department of Education has been instructed by the President to review its regulations, and changes are expected. SHC intends to comply with the existing regulations while recognizing that additional changes are likely to be required by the Department or Court in the future, therefore this policy is adopted as an interim policy subject to modification as the applicable law may change.

### **3. Applicable Scope**

The core purpose of this policy is the prohibition of sexual harassment and retaliation. When an alleged violation of this policy is reported, the allegations are subject to resolution using Spring Hill College’s “Process A” or “Process B,” as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Spring Hill College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Spring Hill College community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

### **4. Title IX Coordinator**

The Vice President for Culture & Community, Dr. Vannee Cao-Nguyen, serves as the Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating Spring Hill College’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation prohibited under this policy.

### **5. Independence and Conflict-of-Interest**

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact Dr. Mary H. Van Brunt, President of Spring Hill College at 251-380-3865 or [president@shc.edu](mailto:president@shc.edu). Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to Dr. Mary H. Van Brunt, President of Spring Hill College at 251-380-3865 or [president@shc.edu](mailto:president@shc.edu) or designee. Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator.

## **6. Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

**Dr. Vannee Cao-Nguyen**

**Title IX Coordinator**

**Office of Culture and Community**

**Barter Student Center, Office 125 (251) 380-3026**

**[vcaonguyen@shc.edu](mailto:vcaonguyen@shc.edu)**

Recipient has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sexual harassment and/or retaliation.

The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of

Education 400

Maryland Avenue,

SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission \(EEOC\)](#)

## **7. Notice/Complaints of Sexual Harassment and/or Retaliation**

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
2. File a complaint with Spring Hill College Public Safety. Reports can be filed by calling Public Safety 24 hours, 7 days a week at 251-380-4444.
3. File a complaint with college staff including supervisors, residence life staff, including resident assistants, or other appropriate Spring Hill College staff members.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Spring Hill College investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Spring Hill College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that Spring Hill College investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## **8. Supportive Measures**

Spring Hill College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the Spring Hill College’s education program or activity, including measures designed to protect the safety of all parties or Spring Hill College’s educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Spring Hill College will inform the Complainant, in writing, that they may file a formal complaint with Spring Hill College either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Spring Hill College will maintain the privacy of the supportive measures, provided that privacy does not impair the Spring Hill College’s ability to provide the supportive measures. Spring Hill College will act to ensure as minimal an academic impact on the parties as possible.

The Recipient will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning



- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
  - Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or No-Contact orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

## **9. Emergency Removal**

The Recipient can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Assessment & Intervention Team. using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

When this meeting is not requested within 2 business days of emergency removal notification, objections to the emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

Spring Hill College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

## **10. Promptness**

All allegations are acted upon promptly by Spring Hill College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Spring Hill College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Spring Hill College procedures will be delayed, Spring Hill College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **11. Privacy**

Every effort is made by Spring Hill College to preserve the privacy of reports. Spring Hill College will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Spring Hill College reserves the right to determine which Spring Hill College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Division of Student Affairs, Human Resources, Spring Hill College Public Safety, the Behavioral Assessment & Intervention Team.

Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Spring Hill College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically below.

## **12. Jurisdiction of Spring Hill College**

This policy applies to the education program and activities of Spring Hill College, to conduct that takes place on the campus or on property owned or controlled by Spring Hill College, at Spring Hill College-sponsored events, or in buildings owned or controlled by Spring Hill College's recognized student organizations. The Respondent must be a member of Spring Hill College's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Spring Hill College's educational program. The recipient may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Spring Hill College interest.

Regardless of where the conduct occurred, the Recipient will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Spring Hill College interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
3. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational interests or mission of Spring Hill College.

If the Respondent is unknown or is not a member of the Spring Hill College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the Recipient's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator, SHC Counseling Center, or Lifelines Counseling Services.

In addition, Spring Hill College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Spring Hill College property and/or events.

All vendors serving Spring Hill College through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the

Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to Spring Hill College where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

### **13. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Spring Hill College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Spring Hill College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

### **14. Online Sexual Harassment and/or Retaliation**

The policies of Spring Hill College are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the Recipient's education program and activities or use Spring Hill College networks, technology, or equipment.

Although Spring Hill College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Spring Hill College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Spring Hill College community.

### **15. Policy on Nondiscrimination**

Spring Hill College does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion, age, veteran status, genetic information or any other applicable legally protected basis in its educational programs and activities, admissions, or employment practices. This policy is in compliance with applicable laws prohibiting discrimination, including applicable provisions of and amendments to Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964, other applicable laws, and College policies.

Inquiries regarding the nondiscrimination policies of Title IX and related issues may be directed to:

Dr. Vannee Cao-Nguyen  
VP for Culture & Community/Title IX Coordinator  
Student Center, 1<sup>st</sup> Floor  
4000 Dauphin Street  
Mobile, AL 36608-1791  
251-380-3026  
[vcaonguyen@shc.edu](mailto:vcaonguyen@shc.edu)

## **16. Definition of Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Alabama regard Sexual Harassment as an unlawful discriminatory practice.

Spring Hill College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

1. Quid Pro Quo:
  - a. an employee of the recipient,
  - b. conditions the provision of an aid, benefit, or service of the recipient,
  - c. on an individual's participation in unwelcome sexual conduct.
2. Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and
  - e. objectively offensive,
  - f. that it effectively denies a person equal access to Spring Hill College's education program or activity.
3. Sexual assault, defined as:
  - a. Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the Complainant,



- b. including instances in which the Complainant is incapable of giving consent.
- c. Sex Offenses, Non-forcible:
  - i. Incest:
    - 1. Non-forcible sexual intercourse,
    - 2. between persons who are related to each other,
    - 3. within the degrees wherein marriage is prohibited by Alabama law.
  - ii. Statutory Rape:
    - 1. Non-forcible sexual intercourse,
    - 2. with a person who is under the statutory age of consent of 16.
- 4. Dating Violence, defined as:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a person,
  - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - e. The existence of such a relationship shall be determined based on the Complainant's statement and
    - i. with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - f. For the purposes of this definition  
Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - g. Dating violence does not include acts covered under the definition of domestic violence.
- 5. Domestic Violence, defined as: A felony or misdemeanor crime(s) committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—
  - a. is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
  - b. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or
  - c. commits an act against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
  - d. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
- 6. Stalking, defined as:
  - a. engaging in a course of conduct,
  - b. on the basis of sex,
  - c. directed at a specific person, that
    - i. would cause a reasonable person to fear for the person's safety, or
    - ii. the safety of others; or
    - iii. Suffer substantial emotional distress.
  - d. For the purposes of this definition—

- i. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### **Spring Hill College Policy on Relationships**

At Spring Hill College, members of the faculty and staff have responsibilities for students that are multifaceted, including service as intellectual guide, teacher, counselor, mentor, and advisor. The faculty or staff member's influence and authority extend substantially beyond the classroom and campus. The College believes that a sexual or romantic relationship between a faculty or staff member and a student - even if consensual - is inconsistent with the faculty or staff member's professional responsibilities and is inconsistent with a positive living, learning, and working environment at the College.

Therefore, Spring Hill College prohibits any faculty or staff employee from engaging in a romantic or sexual relationship with an undergraduate student enrolled at the College. The College also prohibits any faculty or staff employee from engaging in a romantic or sexual relationship with any graduate student whom he or she educates, counsels, coaches, supervises, or evaluates in any way.

In the event that a member of the faculty or staff has a romantic or sexual relationship with a student that precedes that student's initial enrollment at Spring Hill College, the faculty or staff member is required to notify his or her supervisor of the relationship at the time of the student's initial enrollment and is required to recuse himself or herself from any role in which he or she would educate, counsel, coach, supervise, or evaluate the student in any way.

In keeping with this policy, if charges of sexual harassment are made, the existence of a consensual relationship with an undergraduate or graduate student shall not be an adequate defense.

A violation of this policy shall be deemed to be personal conduct that substantially impairs the fulfillment of the faculty or staff employee's institutional responsibilities. As such, it shall be sufficient reason for dismissal for cause according to the policies of Spring Hill College.

Spring Hill College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

### **c. Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent is:** Knowing, and voluntary, and clear permission by word or action to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Spring Hill College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Spring Hill College’s evaluation of

communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the

Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

## **17. Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Spring Hill College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Spring Hill College and any member of Spring Hill College’s community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or 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 and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided within Process A that is not provided by Process B. Therefore, Spring Hill College vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

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 and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **18. Mandated Reporting**

All Spring Hill College employees (faculty, staff, administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Spring Hill College for a Complainant or third-party (including parents/guardians when appropriate):

- A. **Confidential Resources:** If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

On-campus licensed professional counselors and staff

On-campus health service providers and staff

On-campus Victim Advocates

On-campus members of the clergy/chaplains working within the scope of their licensure or ordination

Athletic trainers (if licensed and privileged under state statute, and/or working under the supervision of a health care professional)

Off-campus (non-employees):

Licensed professional counselors and other medical providers

Local rape crisis counselors

Domestic violence resources

Local or state assistance agencies



Clergy/Chaplains

Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who are confidential and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

### **B. Anonymous Notice to Mandated Reporters**

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the Recipient to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits Spring Hill College's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

### **C. Mandated Reporters and Formal Notice/Complaints**

All employees of Spring Hill College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Spring Hill College.

Supportive measures may be offered as the result of such disclosures without formal Spring Hill College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of Spring Hill College policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Spring Hill College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

### **19. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Spring Hill College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator’s decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Spring Hill College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Recipients may be compelled to act on alleged employee misconduct irrespective of a Complainant’s wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Spring Hill College’s ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When Spring Hill College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the Spring Hill College's ability to remedy and respond to notice may be limited if the Complainant does not want Spring Hill College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Spring Hill College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Spring Hill College to honor that request, Spring Hill College will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Spring Hill College, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

## **20. Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Spring Hill College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Spring Hill College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **21. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Spring Hill College policy.

## **22. Amnesty for Complainants and Witnesses**

The Spring Hill College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Spring Hill College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Spring Hill College community that Complainants choose to report misconduct to Spring Hill College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Spring Hill College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

**Students:** Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Campus Police).

Spring Hill College maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the Recipient may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

## **23. Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a. All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b. Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c. VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with Spring Hill College Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, [campus law enforcement/public safety/security], local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

## **INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON SEXUAL HARASSMENT (KNOWN AS PROCESS “A”)**

### **1. Overview**

Spring Hill College will act on any formal or informal notice/complaint of violation of the Policy that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

If a dismissal occurs under Process A, please see the SHC Student Handbook for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

### **2. Notice/Complaint**

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps Spring Hill College needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The Recipient uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, Spring Hill College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

### **3. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.

If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.

If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.

The Title IX Coordinator reaches out to the Complainant to offer supportive measures.

The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.

The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.

If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.

If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:

If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:

an incident, and/or a pattern of alleged misconduct, and/or a culture/climate concern, based on the nature of the complaint.

If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply and refers the matter for resolution under Process B. Please note that dismissing a complaint under Title IX is solely a procedural requirement under



Title IX and does not limit the Spring Hill College's authority to address a complaint with an appropriate process and remedies.

### **A. Violence Risk Assessment**

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;

- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;

- Whether to put the investigation on the footing of incident and/or pattern and/or climate;

- To help identify potential predatory conduct;

- To help assess/identify grooming behaviors;

- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;

- Whether to permit a voluntary withdrawal by the Respondent;

- Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent;

- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or

- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata/No-Contact Order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Behavioral Intervention Team (BIT) team members.

A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT or threat assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

## **B. Dismissal (Mandatory and Discretionary)**

Spring Hill College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by Spring Hill College (including buildings or property controlled by recognized student organizations), and/or Spring Hill College does not have control of the Respondent; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

Spring Hill College may dismiss a formal complaint or any allegations therein 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 therein; or
2. The Respondent is no longer enrolled in or employed by the recipient; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Spring Hill College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

## **4. Counterclaims**

Spring Hill College is obligated to ensure that the grievance process is not abused for retaliatory purposes. Spring Hill College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## **5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Spring Hill College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

### **a. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Spring Hill College community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Spring Hill College, the Advisor will be trained by Spring Hill College and be familiar with Spring Hill College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by Spring Hill College, the Advisor may not have been trained by Spring Hill College and may not be familiar with Spring Hill College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

### **b. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Spring Hill College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Spring Hill College is not obligated to provide an attorney.

### **c. Advisors in Hearings/Spring Hill College-Appointed Advisor**

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a

hearing, Spring Hill College will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, Spring Hill College will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

#### **d. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Spring Hill College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Spring Hill College is not obligated to provide an attorney.

#### **e. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Spring Hill College's policies and procedures.

#### **f. Advisor Violations of Spring Hill College Policy**

All Advisors are subject to the same Spring Hill College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Recipient officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's noncompliance and future role.

#### **g. Sharing Information with the Advisor**

Spring Hill College expects that the parties may wish to have Spring Hill College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Spring Hill College also provides a consent form that authorizes Spring Hill College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Spring Hill College is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Spring Hill College will not comply with that request.

#### **h. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Spring Hill College. Spring Hill College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Spring Hill College's privacy expectations.

#### **i. Expectations of an Advisor**

Spring Hill College generally expects an Advisor to adjust their schedule to allow them to attend Spring Hill College meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Spring Hill College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

#### **j. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

#### **k. Assistance in Securing an Advisor**

For representation, Respondents may wish to contact organization ssuch as: FACE:

(<http://www.facecampusequality.org>)

SAVE: (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as: The Victim Rights Law Center (<http://www.victimrights.org>), The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association. The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

## **6. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Spring Hill College policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Spring Hill College encourages parties to discuss any sharing of information with their Advisors before doing so.

### **a. Informal Resolution**

Informal Resolution can include three different approaches:

When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.

When the parties agree to resolve the matter through an alternate resolution mechanism as described below, usually before a formal investigation takes place; see discussion in b., below.

When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Spring Hill College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Spring Hill College.

Spring Hill College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

### **b. Alternate Resolution Mechanism**

Alternate Resolution is an informal mechanism by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

The parties' amenability to Alternate Resolution;

Likelihood of potential resolution, taking into account any power dynamics between the parties;

The parties' motivation to participate;

Civility of the parties;

Results of a violence risk assessment/ongoing risk analysis;

Disciplinary history;

Whether an emergency removal is needed;

Skill of the Alternate Resolution facilitator with this type of allegation;

Complaint complexity;

Emotional investment/capability of the parties;

Rationality of the parties;

Goals of the parties;

Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

### **c. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.



If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Spring Hill College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Spring Hill College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

#### **d. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and Spring Hill College. Negotiated Resolutions are not appealable.

### **7. Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators or qualified, independent parties (“the Pool”) to carry out the process.

#### **a. Pool Member Roles**

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

To provide appropriate intake of and initial guidance pertaining to complaints

To act as an Advisor to the parties

To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)

To perform or assist with initial assessment

To investigate complaints

To serve as a hearing facilitator (process administrator, no decision-making role)

To serve as a Decision-maker regarding the complaint

To serve as an Appeal Decision-maker

## **b. Pool Member Appointment**

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality.

## **8. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,

- The identity of the involved parties (if known),

- The precise misconduct being alleged,

- The date and location of the alleged incident(s) (if known),

- The specific policies implicated,

- A description of the applicable procedures,

- A statement of the potential sanctions/responsive actions that could result,

  - A statement that Spring Hill College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,

  - A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,

- A statement about Spring Hill College’s policy on retaliation,

- Information about the privacy of the process,

  - Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,

  - A statement informing the parties that Spring Hill College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,

- Detail on how the party may request disability accommodations during the interview process,

- A link to the Spring Hill College’s VAWA Brochure,

The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of

interest that the Investigator(s) may have, and An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' Spring Hill College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **9. Resolution Timeline**

Spring Hill College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as a estimate of how much additional time will be needed to complete the process.

## **10. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation.

## **11. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Dr. Mary H. Van Brunt, President of Spring Hill College.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Spring Hill College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

## **12. Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Spring Hill College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### **13. Delays in the Investigation Process and Interactions with Law Enforcement**

Spring Hill College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Spring Hill College will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Spring Hill College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Spring Hill College will implement supportive measures as deemed appropriate.

Spring Hill College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **14. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant

- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures

- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated

- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation

Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties

Meet with the Complainant to finalize their interview/statement, if necessary

Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations

Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party. Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings

Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible

When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose

Interview all available, relevant witnesses and conduct follow-up interviews as necessary

Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions

Complete the investigation promptly and without unreasonable deviation from the intended timeline

Provide regular status updates to the parties throughout the investigation

Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding

Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included

Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Recipient does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses

The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period

The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback.

The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

## **15. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of Spring Hill College are expected to cooperate with and participate in the Spring Hill College's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline. Student witnesses and witnesses from outside the Spring Hill College community are encouraged to cooperate with Spring Hill College investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The Recipient will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

## **16. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

## **17. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, 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.

## **18. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker depending on the context and nature of the alleged misconduct.

## **19. Hearing Decision-maker Composition**

The Recipient will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

## **20. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, 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.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming Spring Hill College uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) renders a determination based on [the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

## **21. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.

The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.

Any technology that will be used to facilitate the hearing.

Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.

A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.

Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.

A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.

Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX

Coordinator if they do not have an Advisor, and the Recipient will appoint one. Each party must have an Advisor present. There are no exceptions.

A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.



An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.

An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Spring Hill College and remain within the 60-90 business day goal for resolution.

## **22. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or Spring Hill College at least five (5) business days prior to the hearing.

The Title IX Coordinator or Spring Hill College can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or Spring Hill College know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## **23. Pre-Hearing Preparation**

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-maker(s) will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker(s) who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker(s) is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

## **24. Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.

The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

## **25. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing chair, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the

Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

## **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## **28. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## **29. Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

## **30. Refusal to Submit to Cross-Examination and Inferences**

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and

may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the Recipient's established rules of decorum for the hearing, the Recipient may require the party to use a different Advisor. If a recipient-provided Advisor refuses to comply with the rules of decorum, the Recipient may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

### **31. Recording Hearings**

Hearings (but not deliberations) are recorded by Spring Hill College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Spring Hill College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **32. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party/parties. The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Office of Student Affairs and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties involved.

### **33. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Spring Hill College records, or emailed to the parties' Spring Hill College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy/policies reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Spring Hill College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the Recipient is permitted to share such information under state or federal law; any sanctions issued which Spring Hill College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Spring Hill College's educational or employment program or activity, to the extent Spring Hill College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Spring Hill College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### **34. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)

- The Respondent's disciplinary history

- Previous allegations or allegations involving similar conduct

- The need for sanctions/responsive actions to bring an end to the sexual

  - Harassment and/or retaliation

- The need for sanctions/responsive actions to prevent the future recurrence of

  - sexual harassment and/or retaliation

- The need to remedy the effects of the sexual harassment and/or

retaliation on the Complainant and the community

The impact on the parties

Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### **a. Student Sanctions**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

*Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any Spring Hill College policy, procedure, or directive will result in more severe sanctions/responsive actions.

*Required Counseling:* A mandate to meet with and engage in either Spring Hill College-sponsored or external counseling to better comprehend the misconduct and its effects.

*Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, noncontact orders, and/or other measures deemed appropriate.

*Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Spring Hill College.

*Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Spring Hill College-sponsored events.

*Withholding Diploma:* Spring Hill College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation or the process is ongoing.

*Revocation of Degree:* Spring Hill College reserves the right to revoke a degree previously awarded from Spring Hill College for fraud, misrepresentation, and/or other violation of Spring Hill College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

*Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges (including Spring Hill College registration) for a specified period of time.

*Other Actions:* In addition to or in place of the above sanctions, Spring Hill College may assign any other sanctions as deemed appropriate.

## **b. Employee Sanctions/Responsive Actions**

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

*Warning – Verbal or Written*

*Performance Improvement Plan/Management Process*

*Enhanced supervision, observation, or review*

*Required Counseling*

*Required Training or Education*

*Probation*

*Denial of Pay Increase/Pay Grade*

*Loss of Oversight or Supervisory Responsibility*

*Demotion*

*Transfer*

*Reassignment*

*Delay of tenure track progress*

*Assignment to new supervisor*

*Restriction of stipends, research, and/or professional development resources*

*Suspension with pay*

*Suspension without pay*

*Termination*

*Other Actions:* In addition to or in place of the above sanctions/responsive actions, Spring Hill College may assign any other responsive actions as deemed appropriate.

## **35. Withdrawal of Resignation While Charges Pending**

1. Students: Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Spring Hill College, the resolution process ends, as Spring Hill College no longer has disciplinary jurisdiction over the withdrawn student.
2. However, Spring Hill College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation.



3. The student who withdraws or leaves while the process is pending may not return to Spring Hill College. Such exclusion applies to all campuses of Spring Hill College. A hold will be placed on their ability to be readmitted. They may also be barred from Spring Hill College property and/or events. If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Spring Hill College unless and until all sanctions have been satisfied.
  - a. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Spring Hill College no longer has disciplinary jurisdiction over the resigned employee.
  - b. However, Spring Hill College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation. The employee who resigns with unresolved allegations pending is not eligible for rehire with the Spring Hill College or any campus of Spring Hill College, and the records retained by the Title IX Coordinator will reflect that status.
  - c. All Spring Hill College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### **36. Appeals**

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within 5 days of the delivery of the Notice of Outcome.

An appeal panel chosen from the Pool will be designated by the Title IX Coordinator OR a single Appeal Decisionmaker will Chair the appeal. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### **a. Grounds for Appeal**

Appeals are limited to the following grounds:

- A. Procedural irregularity that affected the outcome of the matter;
- B. 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; and
- C. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party/parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party/parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with an Appellate Officer or Appellate Panel and the Chair or Panel will render a decision in no more than 5 business days, barring exigent circumstances. A preponderance of the evidence standard will be applied.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Spring Hill College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Spring Hill College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Spring Hill College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

#### **b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

If the original sanctions include separation in any form, Spring Hill College may place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee; whose determination is final.

### **c. Appeal Considerations**

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).

The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).

The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

In cases in which the appeal results in reinstatement to Spring Hill College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **37. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts

Climate surveys  
Policy modification and/or training  
Provision of transportation accommodations  
Implementation of long-term contact limitations between the parties  
Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the Recipient to the Respondent to ensure no effective denial of educational access.

The Recipient will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the Recipient's ability to provide these services.

### **38. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Spring Hill College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **39. Recordkeeping**

Spring Hill College will maintain for a period of at least seven years' records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Spring Hill College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;

6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Spring Hill College will make these training materials publicly available at [www.shc.edu](http://www.shc.edu); and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - The basis for all conclusions that the response was not deliberately indifferent;
  - Any measures designed to restore or preserve equal access to Spring Hill College's education program or activity; and
  - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Spring Hill College will also maintain any and all records in accordance with state and federal laws.

#### **40. Disabilities Accommodations in the Resolution Process**

Spring Hill College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Spring Hill College's resolution process.

Anyone needing such accommodations or support should contact the Director of Academic Support and Disability Services or Director of Human Resources, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### **41. Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policy/policies addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Spring Hill College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX

Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

#### **Missing Resident Student Notification Policy**

The purpose of this policy is to provide the procedures for reporting, investigating, and making emergency notifications regarding any currently enrolled resident student of Spring Hill College who is believed to be missing. This policy is a good faith effort to comply with the Higher Education Opportunity Act (HEOA).

A student shall be deemed missing when:

- He or she is absent from the College or has been reported missing by another individual without any known reason, and,
- When his/her absence is inconsistent with his/her established patterns of behavior, and, the deviation cannot be explained.
- Before presuming that a student is missing, reasonable measures should be taken to determine whether or not anyone familiar with the student has seen or heard from the person recently or is aware of where they may be.
- Any member of the Spring Hill College campus community, including students, faculty, and staff, who is concerned that a student is missing should contact Student Affairs (251-380-3023), Residence Life (251-380-3025), or the Department of Public Safety (251-380-4444), as soon as it is determined that the student is missing as defined above.

In emergency situations, the Office of the Dean of Students, or the Department of Public Safety, will contact the Mobile Police Department immediately (911 or 251-208-7211). The Mobile Police Department must be notified if a student is missing for more than 24 hours.

- The Office of the Dean of Students is required by law to inform the individual identified by the missing student as their emergency contact within 24 hours of making the determination that the student is missing.
- If the missing student is under the age of 18, the Office of the Dean of Students is required by law to notify the student's custodial parent or guardian (as contained in the records of Spring Hill College) within 24 hours of the determination that the student is missing.
- The Dean of Students shall initiate whatever action he or she deems appropriate under the circumstances in the best interest of the missing student.

Emergency Contact Information:

Resident Students – A resident student is any student residing in a College residence hall under a housing contract. All resident students are required to designate two (2) emergency contact persons as part of their “Residence Hall Personal Record”. These forms are collected by Resident Advisors from each resident student at the beginning of the semester. Only authorized campus officials as part of their responsibilities, and law enforcement officers in furtherance of a missing person investigation, may have access to this information.

Student Notification of This Policy

The Vice President for Student Affairs shall have the responsibility to make the provisions of this policy and the procedures set forth available to resident students. This is accomplished by the following methods:

- Posted on the Spring Hill College Residence Life website

- Posted on the Spring Hill College Department of Public Safety website
- Discussed by Resident Advisors with each resident student at the beginning of each semester in residence hall meetings
- Included in the annual DPS Campus Security report
- Included in the annually published Spring Hill College Student Handbook

## **Fire Safety**

To help provide for the safety of residents, periodic fire alarm tests are scheduled, as needed each semester. STUDENTS ARE REQUIRED TO VACATE THE BUILDING WHENEVER THE ALARM SOUNDS!!

Failure to evacuate in a timely manner during a fire alarm will be viewed as a serious disciplinary matter.

The fire safety equipment, the fire alarm system, smoke detectors and appropriate procedures are provided for the protection of life and property of residents. Tampering in any way with this equipment or failure to comply with the fire safety procedures is considered a very serious infraction of regulations and Alabama state law, and may lead to serious disciplinary sanction.

The following is a list of prohibited fire safety related items not allowed in the Residence Halls. It is not an all-inclusive list. Any item that is in violation of any policy or that is illegal is also considered a prohibited item.

- air conditioners not installed by Spring Hill College Plant Operations
- any item that has an exposed heating coil, such as hot pots, toaster ovens, toasters, etc.
- barricades
- candles
- weapons or replicas
- fireworks
- grills/hibachis (e.g. George Foreman grills) or any other incendiary device
- halogen lamps
- incense
- smoke bombs
- sunlamps

Smoking is not permitted in any building on campus. Smoking is permitted in designated smoking areas only. It is also not permitted within 20 feet of residence hall entrances. Cigarettes should be disposed of in the appropriate cigarette posts. These posts are assigned to designated areas and should not be moved.

## **Spring Hill College Italy Center**

Spring Hill College has a study center in Bologna, Italy, where ten undergraduate courses are taught per semester. The facility in Bologna is a resident hall with a capacity to house 135 students. The building also houses the administrative offices. This facility was built in 1999 and expanded in 2009 and complies fully with all Italian safety requirements which are strictly enforced by the Italian authorities. This facility is shared with the CEUR Foundation / Alma Mater staff.

## **Security and Access Control**

Access to the property is controlled by a key card access control system. It is also equipped with surveillance camera and a desk watchman is on duty 24 hours a day, 7 days a week to monitor those cameras and access in and out of the building. Law enforcement services are provided by the Bologna Police Department.

## **Incident Reporting and Emergency Response**

Local agencies are responsible for providing emergency services. In general, incidents should be reported immediately to the Center Director or designee. If the incident is an emergency and immediate assistance is needed from emergency services personnel, then the appropriate local assistance may be contacted directly if there is not time to notify the Center Director. The Campus Director or designee should be notified as soon as practicable. When appropriate the Campus Director will report back to the main campus in Mobile, Alabama.

## **Alcohol Policy**

Alcohol consumption on the campus of the SHC Italy Center is limited to beer or wine to be consumed in moderation. No hard liquor is allowed on campus for Spring Hill College students. The Spring Hill College Italy Center Director and the Alma Mater staff reserve the right to inspect rooms when suspicion of hard liquor is involved.

The Spring Hill College Italy Center, like the main campus, encourages responsible use of alcohol. Students not use to alcohol consumption may overindulge and experience severe, even life-threatening reactions. Students are reminded that while they are of legal drinking age in Italy and throughout most of Europe, Europeans typically consume alcohol in moderation, usually as part of a meal. If students choose to partake of alcoholic beverages, they should conduct themselves with similar decorum.

Drinking alcoholic beverages in residence hall rooms is restricted to private consumption to include no more than the resident and two guests in the room. Thus, the room of two Italy Center students, each hosting two guests, allows for a maximum of six people total for a gathering (two residents plus four guests total) for parties or group gatherings at which alcohol is served.

Alcoholic beverages may not be consumed in public or common areas such as hallways, stairwells, administrative offices, library, study halls, main lobby, garden areas or classrooms, open containers are not allowed in any of the above areas. Designated areas on campus have been established for the purposes of parties and special events where alcoholic beverages will be served. Permission must be granted from the Italy Center director before a party or gathering involving alcohol may take place. Specific regulations must be followed. Admission is restricted to the Spring Hill College Italy Center community and those guests approved by the director.

The sale of alcoholic beverages by anyone anywhere on the Italy Center campus is strictly prohibited. Consequently, the serving of alcohol at an approved social function is permitted on a host basis only. This means that the host purchases the alcohol and serves these beverages to guests at no cost. Alcohol cannot be served in exchange for direct payment. Admission to social events is restricted to the Italy Center community and those guests must be approved by the Director. Non-alcoholic beverages and



food must be available at all events where alcoholic beverages are served and should be featured as prominently as alcoholic beverages. There must be established time limits for the serving of alcohol at any event. Hours of service will be shorter than the duration of the event.

Any Italy Center student who engages in any form of alcohol consumption will hold harmless the Italy Center and Spring Hill College and its Board of Trustees from any and all claims and causes of action for damage to or loss of property, personal illness or injury, or death arising out of activity conducted while alcohol was present.

### **Illegal Drug Policy**

Laws pertaining to the use or possession of drugs within Italy have recently changed. At this time, Italy has a zero-tolerance law for illegal drugs. All Italy Center students are subject to the laws of Italy.

Possession, use, transfer or sale of drugs, controlled substances, narcotics or any hallucinogen without a medical prescription or appropriate authority is prohibited. Students may not possess any form of drug paraphernalia on or off campus.

Italian law prohibits the possession, sale, or use of marijuana, narcotics, and hallucinogens, except under medical supervision. It must be clearly understood that in Italy the mere possession of marijuana constitutes a felony. All Mediterranean countries invoke severe penalties for drug abuse. Students should inform themselves about and understand the severity of Italian laws regulating drugs and govern their actions accordingly.

The American Embassy and Consulates can do very little for Americans arrested on drug charges. Consular officers can visit the detainees three or four days after their arrest to inform them of their rights and provide them with a list of lawyers from which they can select their own defense counsel. They can contact the prisoner's family or friends and ask for their assistance. They can deal with Italian authorities to ensure that the American receives the same treatment as would be received by an Italian arrested and charged with the same offense. Consular officers cannot act as lawyers or give legal advice.

United States government funds cannot be used to pay legal fees or other expenses of arrested Americans. Students who are not American citizens will be directed to the embassy of the country where they hold citizenship.

It cannot be over emphasized that the Administration, in compliance with Italian law, may require the immediate dismissal of any Italy Center student possessing illegal drugs and/or paraphernalia. A student removed on a drug violation may be required to pay for his/her travel cost on the next flight out of Bologna to the United States.

### **Firearm and Weapon Policy**

The possession, display or use of dangerous objects including, but not limited to, firearms (including BB or pellet guns), weapons, fireworks, smoke bombs, explosives, ammunition, hunting knives, swords and sabers or anything that could be perceived or misrepresented as a weapon is prohibited on Italy Center property.

Any object projected out of a window that could cause harm to a person or damage to property is considered to be dangerous, whether there was anyone or anything in immediate danger. This includes, but is not limited to, water balloons, food, cans and bottles.

<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities (Subset – On Campus)</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Murder/Non- Negligent Homicide	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Sex Offenses, Forcible	2023	5	5	0	0
	2022	0	0	0	0
	2021	3	3	0	0
Sex Offenses, Non- Forcible	2023	0	0	0	0
	2022	2	2	0	0
	2021	1	1	0	0
Robbery	2023	0	0	0	0
	2022	1	1	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Burglary of Structure	2023	3	0	0	0
	2022	1	1	0	0
	2021	0	0	0	0

Motor Vehicle Theft	2023	5	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

**2023 Annual Security Report Mobile Campus**

Hate Crimes	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Domestic Violence	2023	5	1	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Dating Violence	2023	4	4	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking	2023	4	3	0	0
	2022	0	0	0	0
	2021	1	0	0	0
Illegal Weapons Possession Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Illegal Weapons Violations Referred for Disciplinary Action	2023	1	1	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	3
Drug Law Violations Referred For Disciplinary Action	2023	11	11	0	0
	2022	7	7	0	0
	2021	8	8	0	0
Liquor Law Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	1

Liquor Law Violations Referred  For Disciplinary Action	2023	13	13	0	0
	2022	11	11	0	0
	2021	35	35	0	0
Fires in SHC Residential Facilities	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

### **Italy Center Program Community Standards**

Students who participate in Spring Hill College's Italy Center program are held accountable to the Community Standards document provided to them via that program. These standards are the primary policies and procedures under which they will be governed and held accountable while enrolled and in attendance at the Italy Program. The Director of the SHC Italy Center will be the primary disciplinary officer during a student's attendance in that program. The Dean of Students of the main campus in Mobile, Alabama will be consulted as needed and may be involved directly during the appellate process.

While the Italy Programs Community Standards document will be the primary document governing students enrolled in that program, Spring Hill College students should realize that their behavior in Italy can also have a bearing on their status at their home campus. The Italy Program functions under the umbrella of the Spring Hill College Mission Statement and the Student Code of Conduct as found in the SHC Handbook. As is true with any off-campus behavior, the Vice President for Student Affairs/Dean of Students has the prerogative to sanction a student who engages in off-campus conduct that violates College policies. Documentation of behavior in the Italy program may become part of a student's disciplinary record at the SHC home campus.

### **2022 Annual Security Report Italy Campus**

<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities (Subset – On Campus)</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Murder/Non- Negligent Homicide	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Sex Offenses, Forcible	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Sex Offenses, Non- Forcible	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Burglary of Structure	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Hate Crimes	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Domestic Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Dating Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Illegal Weapons Possession Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Illegal Weapons Violations Referred for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Violations Referred For Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Liquor Law Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Liquor Law Violations Referred For Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fires in SHC Residential Facilities	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0