



# Department of Public Safety

## Spring Hill College

### 2017 Annual Security Report



Spring Hill College

*Forming leaders engaged in learning, faith, justice and service for life.*

**The Department of Public Safety  
Spring Hill College  
2017 Annual Security and Fire Safety Report**

**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 and public safety officers 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. The Counseling and Testing Center and Student Health and Wellness Center representatives 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 10:15 pm. After 10:15 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 of Business and Finance.

The department is staffed by seven full-time uniformed sworn police officers and four 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 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, 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 engaged in at 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 Director of 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 guest speakers 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.

The Student Outreach Network (SON) is a team of administrators and staff who identify, evaluate, and assist students on campus who are “at risk”. The team includes Counseling and Health 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.

SON was established approximately 10 years ago to help students who were and are impacted by adverse situations while at Spring Hill College. Through the recent years, there have been several developments that make this outreach group a routine part of safety protocol on campuses across the country.

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

## **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.

### **Health Risks**

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, still births, 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.

### **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 Vice President/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**

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- Negative effects on academic or work performance; conflicts with coworkers, classmates, family, friends, and others;
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### **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 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. 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 Toolen, Viragh and Walsh Halls as Freshmen Halls, 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 "trophies" 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 – 2017**

***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 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 on 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 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 to Employee Assistance Program (EAP) services, currently via Integrated Behavioral Health through Guardian (WorkLifeMatters): 1-800-386-7055 [www.ibhworklife.com](http://www.ibhworklife.com)** (Their brochure, which contains its site's login and password info, is found on BadgerWeb via Employee Info>Benefits Sign Up>Other). Did you know you can get help 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: Wellness Center, Toolen Hall.)
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**

Spring Hill College is committed to providing a highly residential academic environment that protects its Jesuit heritage, supports its educational mission and where members of its community can pursue their academic and professional activities. This environment cannot thrive unless each member of the College community is valued as an individual and treated respectfully. Spring Hill College respects the dignity of its students, faculty, staff and guests and their right to be free of crime and/or policy violations motivated by discrimination, sexual and bias-related harassment and sexual misconduct.

Sexual Discrimination, includes sexual misconduct, gender-based assault, harassment, exploitation, dating and domestic violence, stalking, as well as discrimination based on sex, sexual orientation, gender identity, and gender expression, and related retaliation (collectively referred to as "Unacceptable Conduct"). These acts are antithetical to the standards and values of the College, violate College Policy, and in some instances, state and federal law, and will not be tolerated. Individuals who are found to be in violation of this Policy will be subject to corrective action up to and including termination from employment or expulsion from the College.

The College will respond promptly and effectively to reports of Unacceptable Conduct and will take appropriate action to prevent its occurrence, to correct and address its effects and when necessary, to issue discipline for violations of this Policy.

Spring Hill College expects individuals who live, work, teach, study within, or visit this community to contribute positively to the environment and refrain from behaviors that threaten the freedom or respect that every member of our community deserves. Violence, including sexual misconduct, is a serious offense, and such actions are subject to any combination of conduct sanctions. Certain conduct prohibited by this Policy may also be a crime under Alabama law or federal law. Consistent with federal law,

including Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in employment and education programs and activities, the College has developed this comprehensive Policy.

It is the responsibility of every member of the College community to foster an environment free of Unacceptable Conduct. All members of the College community are encouraged to take reasonable and prudent actions to prevent or stop an act of Unacceptable Conduct. The College will support and assist community members who take such actions. Retaliation against an individual for making a claim of Unacceptable Conduct or having participated in the reporting, investigation or resolution of a claim of Unacceptable Conduct is also a violation of this Policy and constitutes Unacceptable Conduct.

So that the College may continue to foster a climate of respect and security on campus as it relates to preventing and responding to acts of sexual misconduct, this Policy and related procedures have been created and serve to demonstrate the College's commitment to:

- Prohibiting the acts of sexual misconduct: sexual harassment, sexual assault, sexual exploitation, and other forms of sex or gender-based discrimination, as well as the acts of stalking, dating violence, and domestic violence;
- Disseminating clear policies and procedures for responding to acts of sexual misconduct and interpersonal violence reported to or reasonably known to the institution;
- Delivering primary prevention and awareness programs and ongoing training and education campaigns to students and employees so they may identify what behavior constitutes sexual misconduct and interpersonal violence; understand how to report such misconduct; recognize warning signs of potentially abusive behavior and ways to reduce risks; and learn about safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
- Conducting prompt, fair, equitable and independent investigations;
- Supporting and providing assistance to both complainants and respondents;
- Holding individuals who violate this Policy accountable; and
- Providing a written explanation of the rights and options available to every student or employee that has been the victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the offense occurred on or off campus.

It is the intent of the procedures to accomplish the following:

- To identify the Title IX Coordinator and Deputy Title IX Coordinators and describe their roles as it relates to Title IX and the Clery Act.
- To outline how students and employees can report sexual misconduct to the College confidentially or privately and what resources are available both on and off campus to aid them, including employees' and students' rights to notify local law enforcement and the right to also decline to notify such authorities.
- To provide information about how complaints are assessed, investigated, and resolved.

- To outline the College's means to take all reasonable steps to identify sex or gender-based harassment, prevent recurrence of any harassment, and to correct its discriminatory effects on the complainant and others, if appropriate.

This Policy applies to all students, residents, employees, including faculty, staff, applicants for admission to or employment with the College, and to others, as appropriate, with respect to activities occurring on College premises or property and College-related activities occurring off-campus, including College programs outside the United States, that substantially affects the College's community interest. This Policy also applies to the activities of recognized student organizations, including, but not limited to, fraternities, sororities, social clubs, and organizations. It also applies to persons conducting business with or visiting the College, even though such persons are not directly affiliated with the College. Likewise, reports of Unacceptable Conduct committed by a College student or employee at a location other than College property may be covered under this Policy. Conduct under this Policy is prohibited regardless of sex, gender identity, gender expression, or sexual orientation.

This Policy pertains to acts of Unacceptable Conduct committed by or against Students, Employees and Third Parties when:

- the conduct occurs on campus or property owned or controlled by the College;
- the conduct occurs in the context of a College employment or educational program or activity, including, but not limited to, College-sponsored study abroad, research, on-line, or internship programs; or
- the conduct occurs outside the context of a College employment or educational program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third-parties while on campus or College property owned or controlled by the College or in any employment or education program or activity.
- The College recognizes that discrimination and harassment related to a person's sex can occur in connection with misconduct related to a person's sexual orientation, gender identity, or gender expression, race, color, ethnicity, national origin, religion, age, disability, or other protected class. This conduct is also a violation of state and federal law and College Policy. Under these circumstances, the College will endeavor to coordinate the investigation and resolution efforts of sexual misconduct complaints with the investigation and resolution of complaints of discrimination or harassment based on other protected classes. Even if the Policy does not apply to the conduct because of its location, the College will take prompt action to provide for the safety and well-being of the complainant and the broader campus community.

### **Prevention and Education**

In addition to training for faculty and staff, the College sponsors a variety of educational programs that seek to raise awareness of sexual misconduct issues and prevent its occurrence. Students are required to complete the Sexual Assault for Undergraduates assessment, an assessment designed to prevent sexual assault through education about healthy relationships, the importance of consent and good communication, and the many ways they can help create a safe and positive campus environment. The Wellness Center Counselors provide support and offers referral services. The Rape Crisis Center provides an advocacy service for victims of sexual misconduct as well as sponsoring events that focus on sexual misconduct, such as speakers and awareness campaigns.

### **Prohibited Conduct**

For purposes of this Policy, conduct that is deemed, by a preponderance of the evidence standard (more likely than not), to meet the definitions of any of the types of sexual misconduct identified in the chart below (whether defined by College Policy, or by state or federal criminal laws), is Prohibited Conduct. In addition, to the extent federal or state criminal laws addressing gender-based conduct that could be deemed Prohibited Conduct are amended, it will be considered a violation of this Policy if an individual engages in such conduct (as proven by a preponderance of the evidence), even if the definitions below have not been updated to reflect the most recent federal or state language.

Sexual misconduct may occur between people of the same or different gender. Sexual misconduct can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended. Sexual misconduct can also include retaliation in connection with a complainant’s allegations under this Policy.

Sexual Misconduct and the applicable College Policy, federal and state laws are defined in the charts below:

**INTIMATE PARTNER VIOLENCE: DATING VIOLENCE**

SHC	Any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a romantic or intimate relationship. This includes threats, assault, property damage, and violence or threat of violence to one’s self or to the family members or pets of the romantic or intimate partner when used as a method of coercion, control, punishment, intimidation, or revenge. Whether there was such relationship will be gauged by its length, type, and frequency of interaction
FED	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. i. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. ii. For the purposes of this definition— 1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. 2) Dating violence does not include acts covered under the definition of domestic violence. 34 C.F.R. § 668.46(a)
AL	N/A

**INTIMATE PARTNER VIOLENCE: DOMESTIC VIOLENCE**

SHC	Uses Fed Definition
FED	1. A felony or misdemeanor crime of violence committed— A. By a current or former spouse or intimate partner of the victim; B. By a person with whom the victim shares a child in common;

	<p>C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;</p> <p>D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or</p> <p>E. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.</p> <p>34 C.F.R. § 668.46(a)</p>
Alabama	<p><b>1. First Degree Domestic Violence-</b> Ala. Code § 13A-6-130(a)  A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20 or aggravated stalking pursuant to Section 13A-6-91, and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p> <p><b>2. Second Degree Domestic Violence -</b> Ala. Code § 13A-6-131(a)  A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p> <p><b>3. Third Degree Domestic Violence -</b> Ala. Code § 13A-6-132(a)  A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of</p>

criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant

**STALKING**

SHC	<p>Course of conduct that may be considered stalking (see FED definition) includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>· Following;</li> <li>· Lying in wait;</li> <li>· Excess communication, of any type, including any attempts to intentionally and repeatedly make contact with a person over their stated objections for the purposes of harassing or alarming them; or</li> <li>· Threats to the individual or threats to the individual’s family, friends, or property.</li> </ul>
FED	<p>Stalking is:</p> <ul style="list-style-type: none"> <li>• Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— <ul style="list-style-type: none"> <li>○ Fear for the person’s safety or the safety of others; or</li> <li>○ Suffer substantial emotional distress.</li> </ul> </li> <li>• For the purposes of this definition— <ul style="list-style-type: none"> <li>○ Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.</li> <li>○ Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.</li> <li>○ Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</li> </ul> </li> </ul> <p>34 C.F.R. § 668.46(a)</p>
Alabama	<p><b>1. First Degree Stalking</b> - Ala. Code § 13A-6-90(a)</p> <p>A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that</p>

person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking.

**2. Second Degree Stalking** - Ala. Code § 13A-6-90.1(a)

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

**SEXUAL ASSAULT OFFENSES—SEXUAL ASSAULT & SEXUAL EXPLOITATION, FONDLING, INCEST, RAPE, & STATUTORY RAPE**

<b>SEXUAL ASSAULT/SEXUAL CONTACT/SEXUAL EXPLOITATION</b>	
SHC	<p><u>Sexual Assault</u> means any sexual act directed against another person, forcibly or against that person's will; or, if not forcibly, where the victim is incapable of giving consent. Sexual assault also includes, but is not limited to, non-consensual sexual intercourse or sexual contact, incest rape, including statutory rape, and sexual exploitation.</p> <p><u>Non-consensual sexual intercourse</u> means any sexual intercourse whether anal, oral, or vaginal (or an attempt to commit the same) however slight, with any object, by a person upon another person, and, without that person's consent or by physical force. Intercourse is vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).</p> <p><u>Non-consensual sexual contact</u> means any intentional sexual touching (or an attempt to commit the same), however slight, with any object, by person upon another person, and, without consent or by physical force. Sexual touching is any intentional contact with the breasts, buttocks, groin, or genitals; or touching another with any of these body parts; or making another touch you or themselves with or on any of these body parts; or any intentional bodily contact in a sexual manner not involving these body parts.</p> <p><u>Sexual exploitation</u> taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit or to benefit a person other than</p>

	<p>the one being exploited. Examples of sexual exploitation include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Exposing one’s genitals in non-consensual circumstances or inducing someone to expose their genitals;</li> <li>• Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to be witness to one’s consensual sexual activity;</li> <li>• Engaging in voyeurism (Peeping Tom) or facilitating the voyeurism of others;</li> <li>• Non-consensual video or audio recording of sexual activity;</li> <li>• Prostituting another student; and/or</li> <li>• Knowingly transmitting a sexually transmitted disease/infection or HIV to another individual.</li> </ul>
FED	<p>Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape (see FED definitions below) 34 C.F.R. § 668.46(a)</p>
AL	<p>Alabama law includes definitions of the following in its sexual offenses category: rape, sodomy, sexual misconduct, sexual torture, sexual abuse, indecent exposure, enticing a child to enter vehicle, house, etc. for immoral purposes, sexual abuse of a child less than 12 years old. Refer to AL definitions below for those.</p> <p><b>First Degree Sexual Abuse – Ala. Code § 13A-6-66</b> a. A person commits the crime of sexual abuse in the first degree if:</p> <ol style="list-style-type: none"> <li>1. He subjects another person to sexual contact by forcible compulsion; or</li> <li>2. He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.</li> </ol> <p><b>Second Degree Sexual Abuse - Ala. Code § 13A-6-67</b> a. A person commits the crime of sexual abuse in the second degree if:</p> <ol style="list-style-type: none"> <li>1. He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or</li> <li>2. He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.</li> </ol> <p><b>First Degree Sodomy – Ala. Code § 13A-6-63</b></p>

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

**Second Degree Sodomy – Ala. Code § 13A-6-64**

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

**Sexual Torture – Ala. Code § 13A-6-65.1**

- a. A person commits the crime of sexual torture:
1. By penetrating the vagina or anus or mouth of another person with an inanimate object by forcible compulsion with the intent to sexually torture or to sexually abuse.
  2. By penetrating the vagina or anus or mouth of a person who is incapable of consent by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture or to sexually abuse.
  3. By penetrating the vagina or anus or mouth of a person who is less than 12 years old with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture or to sexually abuse.

**Indecent Exposure - Ala. Code § 13A-6-68**

- a. A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises.

**Enticing Child to Enter Vehicle, House, Etc. for Immoral Purposes – Ala. Code § 13A-6-69**

- a. It shall be unlawful for any person with lascivious intent to entice, allure, persuade, or invite, or attempt to entice, allure, persuade, or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child,

	<p>or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.</p> <p><b>Sexual Abuse of a Child Less than 12 Years Old – Ala. Code § 13A-6-69.1</b></p> <p>a. A person commits the crime of sexual abuse of a child less than 12 years old if he or she, being 16 years old or older, subjects another person who is less than 12 years old to sexual contact.</p> <p><b>School Employee Having Sexual Contact With a Student Under the Age of 19 Years - Ala. Code § 13A-6-82</b></p> <p>a. A person commits the crime of a school employee having sexual contact with a student under the age of 19 years if he or she is a school employee and engaging in sexual contact with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section.</p> <p>b. As used in this section, sexual contact means any touching of the sexual or other intimate parts of a student, done for the purpose of gratifying the sexual desire of either party. The term includes soliciting or harassing a student to perform a sex act.</p>
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**FONDLING**

SHC	See FED definition
FED	The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. 34 C.F.R. § 668.46 Appendix A
AL	n/a

**INCEST**

SHC	See AL & FED definitions
FED	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. 34 C.F.R. § 668.46 Appendix A
AL	<p>a. A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:</p> <ol style="list-style-type: none"> <li>1. His ancestor or descendant by blood or adoption; or</li> <li>2. His brother or sister of the whole or half-blood or by adoption; or</li> <li>3. His stepchild or stepparent, while the marriage creating the relationship exists; or</li> <li>4. His aunt, uncle, nephew or niece of the whole or half-blood.</li> </ol> <p>b. A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been</p>

	committed. Ala. Code § 13A-13-3
<b>RAPE</b>	
SHC	See FED and AL definitions below.
FED	The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. 34 C.F.R. § 668.46 Appendix A
AL	<p><b>First Degree Rape</b> – Ala. Code § 13A-6-61</p> <p>a. A person commits the crime of rape in the first degree if:</p> <ol style="list-style-type: none"> <li>1. He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or</li> <li>2. He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or</li> <li>3. He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.</li> </ol> <p><b>Second Degree Rape</b>– Ala. Code § 13A-6-62</p> <p>a. A person commits the crime of rape in the second degree if:</p> <ol style="list-style-type: none"> <li>1. Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex.</li> <li>2. He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.</li> </ol>
<b>STATUTORY RAPE</b>	
SHC	See FED and AL definitions
FED	Sexual intercourse with a person who is under the statutory age of consent. 34 C.F.R. § 668.46 Appendix A
AL	In Alabama, it is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 16), even if the sex is consensual. See AL definition of consent.
<b>HARASSMENT &amp; SEXUAL HARASSMENT</b>	
SHC	<ul style="list-style-type: none"> <li>• SEXUAL HARASSMENT</li> <li>• <b>Sexual Harassment</b> is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of</li> </ul>

a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2), below, are present.

- **Gender-Based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) and/or (2), below, are present.
  1. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any College programs and/or activities or is used as the basis for College decisions affecting the individual (often referred to as "quid pro quo" harassment); or
  2. Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the College's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to:
    - The frequency, nature and severity of the conduct;
    - Whether the conduct was physically threatening;
    - The effect of the conduct on the Complainant's mental or emotional state;
    - Whether the conduct was directed at more than one person;

	<ul style="list-style-type: none"> <li>• Whether the conduct arose in the context of other discriminatory conduct;</li> <li>• Whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or College programs or activities; and</li> <li>• Whether the conduct implicates concerns related to academic freedom or protected speech.</li> </ul> <p>5. A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.</p>
AL	N/A
FED	N/A

**Other Important Concepts and Relevant Definitions**

Consent: Clear, voluntary permission, which cannot be inferred by the absence of verbal or physical resistance. A lack of consent results from forcible compulsion or incapacity to consent. Forcible compulsion is a physical force or a threat, whether expressed or implied, that places a person in fear of immediate serious physical injury or economic harm to him/herself or a third party.

A person is deemed incapable of providing consent if, at the time of the act, the person

- is under the age of 16;
- suffers from a mental impairment, whether temporary or permanent, which renders them incapable of appraising the nature of his or her conduct (e.g., age, disability, or temporary impairment due to drug or alcohol consumption); or
- is physically helpless (e.g., unconscious), asleep, or in a state of shock.

Consent can be withdrawn by either party at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional or psychological pressure, intimidation, or fear. Consent to engage in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. For purposes of this Policy, the issue is whether the

respondent knew, or should have known, that the activity in question was not consensual. Engaging in sexual activity with a person who you know to be incapacitated, or reasonably should know to be incapacitated, violates this Policy.

A current or previous consensual dating or sexual relationship between the Parties does not itself imply Consent or preclude a finding of responsibility for misconduct.

Coercion: Coercion is the use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes the administering of a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

Incapacitation: The inability, temporarily or permanently, to give consent because the individual is mentally or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. With incapacitation, an individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation may also result from the use of alcohol and/or drugs. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation or may already be incapacitated include, but not limited to, slurred speech or word confusion, vomiting, stumbling, bloodshot, glassy or unfocused eyes, being disoriented, confusion as to time, place, etc., loss of consciousness, odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments; or
- Capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent was aware or should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

With regard to alcohol, there are multiple levels of effect, along a continuum:

- The lowest level is impairment, which occurs with the ingestion of any alcohol. A synonym for impairment is "under the influence."
- The next level of intoxication, also called drunkenness, is similar to the state's drunk driving limit.
- Incapacity is a higher level of alcohol consumption.
- The highest level is overdose, or alcohol blood poisoning, which may lead to coma or death.

Student: Any person who is admitted, or enrolled at Spring Hill College in Mobile or the Italy Center and is pursuing undergraduate or graduate studies, including full-time and part-time status, as well as any person attending classes on campus, online or off campus. A Student is also:

- Any person who is not officially enrolled for a particular term, but has a continuing relationship with the College.
- Any person who is admitted and participating in orientation is considered a “student.”
- Any person who has completed an academic term and can be reasonably expected to enroll the following term.
- Any person who attended the College during a previous academic term and who committed an alleged violation of the Code during the time of enrollment.

The term “student organization” or “organization” means any group of students that has complied with the College’s requirements for registration as a student organization.

Complaint: A written statement usually submitted by the complainant to the Title IX Coordinator or a Deputy Title IX Coordinator for the purpose of initiating an investigation. The College reserves the right to investigate and take action on information brought to its attention regardless of the wishes of the parties or whether a complaint is filed.

Complainant: an individual who is reported to be or alleges that they were the victim of an offense that violates this Policy.

Respondent: an individual who has been accused of an offense or is reported or alleged to have violated this Policy

Confidential Employee: (1) Any College employee who is a licensed medical, clinical or mental health professional (e.g. physicians, nurses, physician’s assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a College student (“health care provider”), and (2) any College employee providing administrative, operational and/or related support for such health care providers in the performance of such services (3) Priests when acting in the role of a pastoral counselor. These resources do not report any information about an incident to the Title IX Coordinator without a victim’s permission. Off-campus counselors and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests disclosure and signs a consent or waiver form. However, these resources may have reporting obligations under state or federal law. For instance, healthcare providers and certain other individuals are required to notify law enforcement when a victim seeks treatment for injuries related to a violent crime, including sexual assault. Similarly, all College employees are required to notify law enforcement when they receive a report of sexual abuse of a minor.

Responsible Employee: A College employee who has the authority to address sexual misconduct, who has the duty to report incidents of sexual misconduct, or who as a member of the College the complainant could reasonably believe such individual has such authority or duty.

In addition, the following who, in the course of employment, receive a report of Prohibited Conduct from any other person affiliated with the College shall notify the Title IX Coordinator or designee:

- SHC Police
- Members of the President’s Cabinet
- Athletic Coaches and other athletic staff who interact directly with students

- Staff who interact directly with students, including the Residence Life Staff
- SHC Human Resources and Human Resources Partners
- Managers and Supervisors, including Deans, Department Chairs, and Directors
- Faculty
- Resident Advisors

Preponderance of the Evidence: This standard of evidence means that an investigation or hearing panel must determine whether a complaint of sex discrimination is “more likely than not” to have occurred. This standard applies for all complaints of sex discrimination, including sexual harassment and violence. This is different than the standard used in criminal complaints, which is considered the highest standard of evidence, “beyond a reasonable doubt.”

Title IX Coordinator: College representative charged with ensuring the College’s overall compliance with Title IX and related College Policy. The Title IX Coordinator will assist complainants in consulting with appropriate deputy coordinators to identify the appropriate grievance policy/venue to investigate and resolve any complaints.

Deputy Title IX Coordinators: The College may appoint representatives who support the Title IX Coordinator. They report all complaints and concerns to the Title IX Coordinator, and work closely with the Title IX Coordinator in promptly responding to a person’s concerns. The Deputy Coordinators can help with interim measures that a complainant may need during the investigation of a complaint. The Deputy Title IX Coordinators may serve as a designee for the Title IX Coordinator in any case where there is a conflict of interest that would prohibit the Title IX Coordinator from providing fair and impartial oversight.

Title IX Investigator: College official(s) charged with investigating a Title IX complaint.

Hearing Officer: College official charged with adjudicating an alleged violation of this Policy. Hearing Officers can be senior level members in the Division of Student Affairs. All Hearing Officers receive at least annual training on:

- Issues related to Sexual Discrimination, including sexual misconduct, relationship violence, and stalking
- Purpose and implementation of this Policy
- How to conduct a hearing process that protects the safety of all parties and promotes accountability

Witness: Any individual who has seen, heard or otherwise knows or has information about facts related to an alleged violation of this Policy. Expert witnesses are not permitted unless the expert has specific factual information related to an alleged violation or attempted violation of this Policy. Individuals identified to provide information about a party’s character may not serve as witnesses. The Investigator’s role is not that of a witness and the Investigator may not be questioned by the complainant or Respondent.

Hostile Environment: Alleged discrimination that is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the College’s educational and co-curricular programs. In determining whether a Hostile Environment has been created, the College will evaluate the alleged

conduct from the perspective of a reasonable person, considering all circumstances. If the College determines that a Hostile Environment exists, it will take steps to eliminate the Hostile Environment, prevent its recurrence, and as appropriate, remedy its effects.

Investigation: The Investigation of a complaint, which may include a hearing.

Investigator: An individual appointed by the Title IX Coordinator to investigate a complaint, usually a member of the SHCPD or an employee of the College who has undergone Investigator Training.

Investigative Report: A report prepared by the Investigator detailing the facts of the investigation for the purpose of resolving a complaint.

Advisor: An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or hearing. The Advisor may accompany the complainant or respondent to any proceeding or meeting that is held in connection with the investigation and resolution of a complaint. An advisor may not speak, write, or otherwise communicate with an investigator, hearing officer or panel on behalf of the complainant or respondent. Advisors who do not abide by these guidelines may be excluded from the process. Consistent with the College's obligations to promptly resolve sexual misconduct complaints, the College reserves the right to proceed with any meeting, hearing, or interview regardless of the availability of the party's selected advisor.

This Policy does not create a privileged relationship between the respondent/complainant and the Advisor. If the Advisor is a member of the College community, the Advisor is under the obligations of a Responsible Employee.

### ***Reporting Incidents of Violence and Sexual Misconduct***

This section provides an overview of the procedures the College uses to respond to reports of Prohibited Conduct. While the Title IX Coordinator has general responsibility for oversight of the reporting process and investigation of a report, Deputy Coordinators and other departments may be involved and consulted as necessary.

#### **Timeliness and Location of Incident**

All individuals, including a complainant or witness, are encouraged to report Prohibited Conduct regardless of when or where it occurred, as soon as possible to maximize the ability to respond promptly and effectively. The College may also initiate a complaint of Prohibited Conduct. The College does not, however, limit the time frame for reporting. If the respondent is no longer a student at the time of the report, or if the conduct did not occur on campus, in the context of an education program or activity of the College, or have continuing adverse effects on campus or in an off-campus education program or activity, the College may not be able to fully investigate nor take disciplinary action against the respondent. In each instance, the College will still provide any fair and reasonable support and resources to a complainant designed to end the Prohibited Conduct, prevent its recurrence, and address its effects.

#### **Title IX Review**

##### Role of the Title IX Coordinator.

The Title IX Coordinator oversees the College's centralized review, investigation, and resolution procedures for reports of sexual misconduct and coordinates the College's compliance with Title IX.

The Title IX Coordinator can be contacted by telephone, e-mail, or in person during regular office hours. The Title IX Coordinator can provide information related to campus and community resources and describe the options available to address concerns related to sexual misconduct.

The duties and responsibilities of the Title IX Coordinator also include training, education, climate assessments, and the oversight of procedures that are designed to promptly and equitably end sexual misconduct, prevent its recurrence, and address its effect on persons and the College community as a whole.

### **How to Make a Report.**

Any person may make a report, including anonymously, of Prohibited Conduct to the Title IX Coordinator:

Title IX Coordinator:

Patricia Davis

Director of Human Resources and Risk Management

Title IX Coordinator

Office Location: Murphy Fine Arts Center, Finance & Accounting Offices, Room 128.

(251) 380-3063

[pdavis@shc.edu](mailto:pdavis@shc.edu)

Reports can also be made to any Responsible Employee, or to another appropriate office such as Student Affairs or the Office of Provost. Reports shall be sent to the Title IX Coordinator. If the person to whom a report normally would be made is the respondent, reports may be made to another Responsible Employee.

With respect to anonymous reports, depending on the level of information available about the incident, the College's ability to respond to an anonymous report may be limited.

In cases in which the report was made anonymously or by a third party (such as a family member, friend, roommate, advisor, or faculty member), the Title IX Policy will apply in the same manner as if the Complainant had made the initial report. The Title IX Coordinator or designee will make every effort to meet with the complainant to discuss available options and on-campus and off-campus resources.

The report should include the name of the complainant, the respondent, date, time, location and nature of the incident. Prior to information being disclosed to a Responsible Employee, the Responsible Employee should advise the complainant that they are not a confidential resource and refer the complainant to a confidential resource if they do not want the information to be disclosed.

### **Reporting**

When a victim of an act of sexual misconduct or a responsible employee who has received a report of sexual misconduct contacts the Department of Public Safety, the appropriate law enforcement agency, which may be an SHC Police Officer, may be notified. Representatives from the professional on-call staff from Student Affairs and a member of the Rape Crisis Center will be notified and respond to the situation as necessary.

Complaints filed against a student will be referred to the Title IX Coordinator to determine if an investigation is warranted. If an investigation is warranted, the Title IX Coordinator will assign Investigators.

Complainants can also pursue criminal charges through SHCPD or local authorities. College personnel will assist the complainant in notifying authorities upon request. The standard for criminal prosecution differs from that used in student conduct proceedings. The standard of evidence used in investigating

and resolving complaints under this Policy is the “preponderance of the evidence” standard. This standard is met if the allegation is deemed more likely than not to have occurred.

The filing of a complaint of sexual misconduct under this Policy is independent of any criminal investigation or proceeding, and the College will not wait for the conclusion of any criminal investigation or proceeding to commence its own investigation (the College may delay its investigation to allow time for local criminal investigators to gather evidence) and may take any interim measures to protect the Complainant and the College community.

Both the complainant and respondent will be provided with information about applicable College policies and procedures, including the College’s investigation and resolution process; rights and responsibilities with respect to orders of protection, restraining orders, and/or no contact orders and how to obtain such orders; options about the involvement of law enforcement authorities and available campus and community resources including the option to be assisted by an Advisor of choice.

To promote timely and effective review, the College strongly encourages individuals who believe they have experienced or witnessed prohibited conduct to come forward promptly with their inquiries, reports, or complaints and to see assistance from the College. Delays in reporting can greatly limit the College’s ability to stop the prohibited conduct, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy.

### **Investigation**

The Title IX Coordinator will assign Investigators. The Investigators are neutral fact finders who undergo annual required training on how to conduct investigation that protect the safety of the complainant and promote accountability. The Investigators are neutral fact finders, who, during the course of an Investigation interview both the complainant and respondent as well as any third-party witnesses. They will take photographs if needed and coordinate with law enforcement agencies to collect and preserve evidence. The College will make every effort to complete its investigation and adjudication process within 60 days of receipt of a formal Complaint. However, some cases may require an extension of that time frame due to extenuating circumstances. In those cases, the College will nevertheless strive to complete the investigation and adjudication as expeditiously as possible.

### **Post-Investigation**

Once the Investigation has completed, the following steps will occur:

- The Investigator will forward the Investigative Report to the Title IX Coordinator for review. If the report is incomplete or in need of additional information, it will be returned to the Investigator for completion. If the report is complete and no further information is needed, the Title IX Coordinator will begin the adjudication process if it involves a faculty or staff member. If the complaint involves students only, the Title IX Coordinator will forward the Investigative Report to the Center for Student Involvement and Career Development for adjudication, if applicable.
- The Title IX Coordinator will recommend whether there is good cause to grant a hearing. The Title IX Coordinator or hearing officer may specify which alleged violations of this policy and, if applicable, related alleged misconduct will go forward for a hearing. *The hearing officer reserves the right to add or modify the alleged violations based on facts uncovered during the investigation by the Title IX Coordinator.*
- The Investigative Report will be made available for both the complainant and respondent to review in person during a scheduled appointment with the Center for Student Involvement and

Career Development (students-only involved case) or the Title IX Coordinator (Faculty and Staff involved case). No copies will be allowed of the Investigative Report.

### ***Hearing Process (Students-Only Involved Case)***

#### **Notice**

The Notice of Hearing will be delivered by email to the students' Spring Hill College email account, and if applicable, campus mailbox, and/or home address.

#### **Acceptance of Responsibility**

If the respondent chooses to accept responsibility for the alleged violation(s), the respondent will provide the hearing officer with a written statement identifying the specific violation(s) and/or conduct to which the respondent admits. The hearing officer will share the respondent's statement with the complainant. Sanctions will be determined by the hearing officer, which may hold a hearing solely for the purpose of determining sanctions.

#### **Hearing**

**Participants:** Hearings are closed proceedings. The individuals who may appear before the Hearing Officer are:

- Complainant
- Respondent
- Complainant's Advisor
- Respondent's Advisor
- Witnesses
- Complainants are not required to attend the Hearing, but may if they so choose.
- Other College personnel may attend as deemed necessary by the hearing officer and/or Title IX Coordinator.

**Attendance at Hearings.** If the respondent fails to appear for a scheduled hearing or otherwise fails to respond to the written notice of allegations, the hearing officer may make a determination of a violation of the Code of Conduct and/or College Policy based on information contained in the Complaint or obtained through investigation, if any, and may impose sanctions in absentia. Decisions rendered in absentia are final, cannot be appealed and will be communicated via email, campus mail, if applicable, and mail to the home address.

**Rescheduling.** The Hearing Officer has discretion to reschedule a hearing if the hearing officer determines that it is necessary in order to achieve a prompt and equitable resolution.

#### **Emergency/Immediate Assistance**

The College encourages all community members affected by sexual misconduct to seek immediate assistance. Doing so promptly may be important to ensure the person's physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the College or law enforcement in responding effectively. Assistance is available from the College 24 hours a day, 7 days a week at:

- SHC Police Department (SHCPD) at (251) 380-4444
- Office of Residence Life at (251) 380-3023
- Center for Student Involvement and Career Development at (251) 380-3027

In addition to College resources the following are also available:

- Mobile Police Department at 911
- Mobile Rape Crisis Center at (251) 473-7273
- District Attorney’s Mobile County Victim Assistance Unit at (251) 574-8400
- National Sexual Assault Hotline at 1-800-656-4673
- National Domestic Violence Hotline at 1-800-799-7233
- National Dating Abuse Hotline at 1-866-331-9474

The SHCPD will investigate every incident reported to them to determine if a crime has been committed. SHCPD will also inform the College Title IX Coordinator of the incident. Any criminal investigation by SHCPD or other law enforcement agency is independent from any disciplinary investigation undertaken by the Title IX Coordinator under the Title IX Policy.

**Victims of sexual violence are not required to report to law enforcement in order to receive assistance from or pursue any options provided by SHC.**

***Reporting of Crimes and Disciplinary Statistics***

The College also has certain reporting obligations under the Clery Act, with regard to incidences of sexual misconduct and violence, including issuing timely warnings as necessary. These reporting obligations do not require the release of any personally identifiable information and will be limited to date, time, location, and nature of the incident. A copy of the College’s annual Clery report can be found at <http://departments2.shc.edu/publicsafety/security-reports>.

**Mandatory Reporting**

In addition to reports of sexual misconduct or violence, Alabama law and College policy imposes a mandatory reporting duty of known or suspected child abuse on certain individuals, including all College employees, who must report to the SHCPD. College Policy implementing the law also encourages students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of College facilities with responsibilities that involve interaction with children) to report (orally and then in written form) known or suspected child abuse to SHCPD. Sexual abuse, which is one element of the more comprehensive term “abuse” under the Alabama law, includes actual or attempted rape, molestation, sexual exploitation, etc. For child protection purposes, a child is any person under 18 years of age. A freshman student, a “dual enrolled” high school student, or a summer camp participant, among others, may fall into the category of a “child.

**Public Awareness Events and IRB Research**

Responsible Employees are not required to report information disclosed (a) at public awareness events (e.g. Take Back the Night, protests, survivor speak outs) or (b) during a student’s participation in an Institutional Review Board-approved human subject research protocol (“IRB Research”). The College may provide information about Title IX rights and about available College and community resources and support at Public Awareness Events. Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research.

**Confidentiality and Privacy**

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this Policy. The College also is committed to providing assistance to help students, employees, third Parties and visitors make informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance

with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this Policy:

**Privacy:** Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of College Employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All Employees who are involved in the College’s response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the College’s FERPA Policy. The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA.

**Confidentiality:** Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Alabama law. The College has designated individuals who have the ability to have privileged communications as “Confidential Employees.” When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

#### **Request of Confidentiality/Requests that Prohibited Conduct Not Be Investigated**

If a Complainant wants to inform a Responsible Employee but also wants to maintain confidentiality and/or request that no investigative or disciplinary measures be taken, the Responsible Employee or Title IX Coordinator will advise the Complainant that the College will consider the request but cannot guarantee that the College will be able to honor the request. The College will weigh such a request against the College’s obligation to provide a safe, non-discriminatory environment. There will be times when the College may not be able to honor a request in order to comply with this obligation. The ultimate decision as to whether the request for confidentiality will be honored will be made by the Title IX Coordinator. If the College honors a request for confidentiality or decision not to participate in an investigation, the College’s ability to meaningfully investigate the incident or pursue conduct action against the Respondent(s) may be limited.

#### ***Interim Protective Measures and Support***

The College provides a range of support services for survivors of sexual misconduct, including interim measures. Interim measures are available to provide for the safety of the Complainant and the campus community while the College is investigating an allegation of sexual misconduct. Requests for interim measures can be made by or on behalf of the Complainant to the College Title IX Coordinator. The Title IX Coordinator will work with the appropriate office(s) to ensure that any necessary interim measures are promptly provided.

Upon the receipt of a report of sexual misconduct, and until any investigation into the report has been completed, the College will provide reasonable protective measures and interim support to provide a

safe educational and work environment and to prevent additional acts of sexual misconduct, even when there is no specific request for protective action.

The College may impose any measure that can be tailored to the parties involved to achieve the goals of this Policy.

An individual's failure to comply with restrictions imposed by interim measures is a violation of this Policy and a basis for disciplinary action.

### **Other Information Related to Reporting Sexual Misconduct**

#### **Advisor**

Complainants and respondents may be accompanied by one advisor throughout the investigation and any hearing process. An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or hearing. An advisor may not speak, write, or otherwise communicate with an investigator, hearing officer or panel on behalf of the complainant or respondent. Advisors who do not abide by these guidelines may be excluded from the process. Consistent with the College's obligations to promptly resolve sexual misconduct complaints, the College reserves the right to proceed with any meeting, hearing, or interview regardless of the availability of the party's selected advisor.

This Policy does not create a privileged relationship between the respondent/complainant and the Advisor. If the Advisor is a member of the College community, the Advisor is under the obligations of a Responsible Employee.

Consistent with the College's obligations to promptly resolve sexual misconduct complaints, the College reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected advisor.

#### **Conflict of Interest**

Any person exercising authority under this Policy who believe they may be unable to exercise that authority impartially in any case shall excuse themselves from the matter and will be replaced with another person. If the complainant or respondent believes a person exercising authority under this Policy has a personal, professional, or financial involvement with the Complainant or Respondent that would prevent the person from exercising their authority impartially, they may make a prompt objection to the Title IX Coordinator. If the Title IX Coordinator determines that the objection is reasonable, the challenged person will be replaced with another person. Knowledge of or acquaintance with the complainant, respondent or witnesses in a matter, awareness of a matter, participation as a consequence of one's official role in events surrounding a matter, and/or participation in the investigation process prior to the formal disciplinary process, will not automatically be grounds for disqualification. The decision of the Title IX Coordinator regarding a challenge will be final.

#### **Filing a Criminal Complaint and Coordination with Law Enforcement**

The College ensures Complainants are aware they can pursue criminal action for incidents of sexual misconduct that may also be crimes under Alabama law. In general, the College will notify the SHCPD of allegations of sexual violence. The College will also assist a complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law.

The filing and processing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the College may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a respondent nor the outcome of any criminal prosecution is determinative of whether sexual misconduct occurred under the College's Policy.

### **False Allegations**

The College prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct. If an investigation results in a finding that a person who has accused another of sexual misconduct has acted maliciously or has recklessly made false accusations, the reporting party will be subject to appropriate sanctions.

### **Preservation of Information and Tangible Material**

Preservation of information and tangible materials related to sexual assault is essential for both law enforcement investigators and campus disciplinary investigations. Therefore, complainants, respondents, witnesses, or others reporting possible violations of this Policy are encouraged to preserve all information and tangible material relating to the incident. Examples include electronic information (e.g. e-mails, text messages), photographs, clothing, bedding, and medical information. In the case of medical information, prompt examination can be critical.

### **Training and Prevention Education Programs**

The College engages in comprehensive educational programming to prevent Prohibited Conduct. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students and faculty that:

- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Define what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Define what behavior and actions constitute consent to sexual activity in the State of Alabama;
- Provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provide information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The College also provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

## 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/Dean of Students 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, nor are 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 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.

**2017 Annual Security Report Mobile 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	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Sex Offenses, Forcible	2017	6	6	0	0
	2016	2	2	0	0
	2015	3	3	0	0
Sex Offenses, Non- Forcible	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Robbery	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Aggravated Assault	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Burglary of Structure	2017	0	0	0	0
	2016	3	2	4	0
	2015	4	4	0	0
Motor Vehicle Theft	2017	0	0	0	0
	2016	2	0	0	1
	2015	0	0	0	1
Arson	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

Hate Crimes	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Domestic Violence	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Dating Violence	2017	0	0	0	0
	2016	1	0	0	0
	2015	1	1	0	0
Stalking	2017	1	0	0	0
	2016	2	0	0	0
	2015	1	0	0	0
Illegal Weapons Possession Arrests	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Illegal Weapons Violations Referred for Disciplinary Action	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Drug Law Arrests	2017	0	0	0	0
	2016	0	0	0	0
	2015	1	1	0	1
Drug Law Violations Referred For Disciplinary Action	2017	33	33	0	1
	2016	14	14	0	0
	2015	4	4	0	0
Liquor Law Arrests	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Liquor Law Violations Referred For Disciplinary Action	2017	88	88	0	1
	2016	48	48	0	0
	2015	158	158	0	0

Fires in SHC Residential Facilities	2017	0	0	0	0
	2016	0	0	0	0
	2015	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 22 code of conduct violates College policies. Documentation of behavior in the Italy program may become part of a student’s disciplinary record at the SHC home campus.

**2017 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	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Sex Offenses, Forcible	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Sex Offenses, Non- Forcible	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Robbery	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

Aggravated Assault	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Burglary of Structure	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Arson	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Hate Crimes	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Domestic Violence	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Dating Violence	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Stalking	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Illegal Weapons Possession Arrests	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Illegal Weapons Violations Referred for Disciplinary Action	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

Drug Law Arrests	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Drug Law Violations Referred For Disciplinary Action	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Liquor Law Arrests	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Liquor Law Violations Referred For Disciplinary Action	2017	0	0	0	0
	2016	3	0	0	0
	2015	0	0	0	0
Fires in SHC Residential Facilities	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0