

Miles College

2020 Annual Report

Annual Campus Security and Fire Safety Report

Snorton Hall



Reporting for 2019

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MISSION STATEMENTS

MISSION STATEMENT OF MILES COLLEGE

Miles College is a senior, private, liberal arts Historically Black College with roots in the Christian Methodist Episcopal Church. The College through dedicated faculty cultivates students to seek knowledge that leads to intellectual and civic empowerment. Students are transformed through rigorous study, scholarly inquiry, and spiritual awareness enabling graduates to become responsible citizens who help shape the global society.

MISSION STATEMENT OF MILES COLLEGE CAMPUS

SECURITY AND POLICE DEPARTMENT

The mission of Miles College Campus Security and Police Department is to ensure through education, environment, and enforcement that Miles College is a safe and secure environment where members of the campus community can achieve their purpose.

A MESSAGE FROM PRESIDENT BOBBIE KNIGHT

The purpose of the 2020 Annual Security Report is to provide students, employees, and guests with information about crimes that occur on the Miles College campus. The report is prepared by a team of the College's employees who collect the information related to policies, procedures, and campus crimes on Miles College property.

In 1990, Congress passed the Crime Awareness and Campus Security Act (CACSA) amendments to the Higher Education Act of 1965 (HEA). Amendments to CACSA in 1998 renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in memory of a student who was murdered in her dorm room. In 2013, Congress passed the Violence Against Women Reauthorization Act (VAWA), which included additional amendments to the Clery Act.

The Clery Act requires Miles College to comply with laws and regulations to be eligible to participate in Title IV student financial assistance programs, disclose campus crime statistics, and other security information to students and the public. The VAWA amendments added requirements that the College discloses statistics, policies, and programs related to dating violence, domestic violence, sexual assault, and stalking, among other changes.

A MESSAGE FROM CHIEF TONIKOS VANDIBER

It is my distinct privilege on behalf of Miles College Police/Security Department (MCPSD) to welcome you to our campus. It is our desire to be an integral part of the Miles campus. Whether you are a student, faculty, staff or guest to Miles, we strive to make your stay on campus a safe and pleasant experience.

MCPSD publishes the Annual Crime and Safety report which includes crime and fire statistics and outlines Miles security and fire safety policies and procedures. We are committed to safety, security, fair and impartial treatment of all. Please take the time to familiarize yourself with this report so you can become an informed member of our community and contribute to the College's efforts to create and maintain a safe environment in which we all can live, study, work and play. Don't hesitate to contact MCPSD whenever you need assistance or more information about the services they provide.

The members of the MCPSD are committed to providing high-quality public safety services with a strong emphasis on customer service.

To accomplish this goal

- We pledge to honor the spirit and letter of the laws we are charged to uphold.
- We will dedicate full attention to our duties to promote a safe environment while earning and maintaining the public's trust.
- We will endeavor to continually enhance our professional skills and knowledge.
- We will hold each other accountable for demonstrating professional and ethical behavior.
- We will actively identify and pursue opportunities to improve our department and the way we serve the campus community.

The hallmark of our service is of constant dedication to the principles of **honesty, integrity, fairness, courage, and courtesy**. *Please let us know how we can best serve you.*

RESPONSIBILITIES OF THE COLLEGE COMMUNITY

The cooperation and participation of the individual community members in the campus safety program are absolutely essential. Members must accept the responsibility for their own personal safety and the security of their belongings by making common-sense precautions. They should walk on lighted sidewalks near emergency phone towers when walking at night and should walk in pairs whenever possible. Room doors should be locked at night and anytime the room is unoccupied. Valuable items should be stored out of sight and safeguarded by locks whenever possible. Cars should be parked in assigned areas and kept locked at all times with valuable items locked in the vehicle out of sight.

You may obtain a copy of the 2020 Annual Report by going to www.miles.edu and hover over "ABOUT."

INTRODUCTION

Miles College (referred to herein as either (“Miles” or the “College”) exists to nurture persons in their development of intellect, creativity, and faith. As a Christian Methodist Episcopal Church affiliation institution, the College community fosters academic, career, and ethical competency while encouraging social and civic responsibility, and service to others. College life is enhanced by a safe and secure campus where students, faculty, administrators, staff, and visitors can conduct activities without the threat of physical or psychological harm. In furtherance of its obligations under applicable federal law, and to provide beneficial information to its current and prospective students, employees and others, Miles provides this combined 2020 Annual Campus Security and Fire Safety Report. The report informs students, prospective students, faculty, staff, and others information about crime statistics, crime prevention programs, public safety services, fire safety, and drug and alcohol policies of the College in accordance with requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC §1092(f) as a part of the Higher Education Act of 1965 (the “Clery Act”). The Clery Act requires colleges and universities to make an annual disclosure of information about, among other things, campus crimes, security and safety policies. All public and private postsecondary education institutions participating in federal student financial aid programs are subject to the requirements of the Clery Act. See Appendix A to this report for a more detailed description of the crimes that are subject to the reporting requirements of the Clery Act.

In addition to campus crime reports and statistics, this updated report provides policy and procedure information related to campus crime, emergency procedures and notifications, alcohol and drug use, weapons, fire safety in and on-campus residential facilities, and Title IX. Included are annual crime and fire statistics for 2017, 2018, and 2019 calendar years that were reported within the College’s Clery Act geography, consisting of on-campus facilities, off-campus buildings, and properties owned or controlled by the College that was used by students, and specific public property within or immediately adjacent to and accessible from the College campus. The College collects crime statistics from campus reports, local police department reports, campus security authorities, and non-campus geographical reporting agencies.

This report is published electronically for the College community no later than October 1 of each year and may be viewed online at www.miles.edu hover over “ABOUT.” Due to COVID-19, the deadline for the 2020 Annual Security Report is December 31, 2020 and January 14, 2021 for the online survey. This report is not a contract and shall not be deemed or construed as part of any agreement between Miles College and any student, faculty, employee, contractor, or other people.

HOW TO REPORT CRIME

Students, employees, contractors, and visitors are encouraged to call 911 to promptly and accurately report all crimes and public safety incidents. If a victim of a crime elects not to publish or is unable to report such incidents, other members of the campus community are strongly encouraged to do so. Persons reporting a crime or other situation that threatens the safety of Miles College students, employees, contractors, or visitors should communicate as much of the following information as soon as possible.

HOW TO REPORT CRIME (cont'd)

- Name
- Exact location of the incident
- Description of the scene
- Description of any suspects
- Description of any vehicles involved, including license numbers.

If a call to 911 is made first to report a crime or other emergency situation, the MCPSD (205-929-1720) must then be promptly notified. Reports of criminal activity will be assessed for timely warning notification and incorporation in the College's Annual Safety Report and the Daily Crime Log.

All suspicious activity should be reported immediately to the MCPSD, even if the situation does not appear to create an emergency. Examples of suspicious **activity** include a person with a weapon, conduct that may be harmful to the actor or others, aberrant behavior, a person who appears to be out of place, and someone who enters the campus from an unauthorized entry location.

CAMPUS SECURITY AUTHORITIES (CAS)

Crimes that occur within the Clery Act geography of the College must be reported to the Miles College Police Department ("MCPSD") and included in the crime statistics that must be contained in the Annual Security Report. The reportable crimes are:

State Law Crimes

Murder and Non-negligent manslaughter, Manslaughter by negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle, and Theft Arson;

Hate Crimes

Race, Religion, Sexual Orientation, Gender/Sex, Gender Identity, Ethnicity, and National Origin Disability;

VAWA CRIMES

Domestic Violence, Dating, Violence, Stalking and Sexual Assault

Assault Arrests and Disciplinary Referrals for Violation of Weapons

Drugs and Liquor Laws, Disciplinary Action, Alcohol Violation Arrest, Alcohol Law Violation Disciplinary Action, Weapon Violation Arrest, Weapon Law Violation Disciplinary Action, Drug Violation Arrest, Drug Law Violation; and CSA includes (i) all MCPSD personnel, (ii) individuals responsible for campus security who are not MCPSD personnel, (iii) individuals and organizations specified in Miles's campus security policy as persons or entities to which students and employees should report criminal offenses, and (iv) The College officials who have significant responsibility for student and campus activities, including, but not limited to, athletics, student housing, student discipline, and campus judicial proceedings. All allegations or information concerning an actual or a potential Clery Act crime that comes to the attention of a CSA must be reported by a CSA to the MCPSD either (i) in person, (ii) by telephone at (205) 929-1720, or (iii) by submitting a completed report form that can be accessed at <https://www.miles.edu/administrative-units/6/Campus-Security-and-Police>. A CSA is neither required nor encouraged to investigate an alleged incident.

CAMPUS SECURITY AUTHORITIES (cont'd)

Moreover, information received by a CSA in an indirect manner, such as overheard hallway conversations to which the CSA is not a party, the information conveyed in classroom discussions or references to an incident in a speech.

In most instances, a CSA should not attempt to apprehend the perpetrator of a crime or even determine if a crime occurred. CSAs should report suspected or alleged crimes directly to the MCPSD at (205) 929-1720 or by calling 911.

In addition to all MCPSD personnel, persons employed by Miles in any of the positions named in the below chart are CSAs. These CSAs will not directly manage alleged crimes that are subject to the Clery Act, but they will assist others in reporting information to the MCPSD.

To Law Enforcement:

- **911** (for emergencies)
- Miles College Police Department **(205) 929-1720 or (205) 929-1722**
- Fairfield Police Department **(205) 786-4111**
- Jefferson County Sheriff's Office **(205) 325-1450**

To the College:

- **Diana Knighton**, Interim Title IX Coordinator, Brown Hall (205) 929-1442 dknighton@miles.edu
- **Kenneth Coachman**, Chief of Staff, Brown Hall (205) 929-1457 kcoachman@miles.edu
- **Tonikos Vandiber**, Chief of Police, Miles College Police Department (205) 929-1720
tvandiber@miles.edu
- **Charles Stallworth**, Dean of Students, Student Activity Center (205) 929-1156 cstallworth@miles.edu
- **Campus Conduct Hotline (866) 943-5787**
- **National Domestic Violence Hotline (800)799-7233**
- **Birmingham Crisis Center (205) 323-7782**
- **National Sexual Assault Telephone Hotline (800) 656-4673**

CRIME PREVENTION AND SAFETY TRAINING

Miles emphasizes the dignity and worth of all members of the College community. The College endeavors to minimize or eliminate opportunities for criminal conduct on its campus. Miles also encourages students, faculty, staff, and guests to be responsible for their personal wellbeing and the safety of others. During New Student Orientation at the beginning of each fall semester, students and their families are provided information about crimes that may occur on campus and the prevention resources offered by the MCPSD.

Crime prevention programs are offered to students and employees on a year-round basis. The programs include instruction in basic self-defense, emergency response and evacuation procedures, crime prevention, security, and sexual assault awareness and prevention.

A network of emergency assistance phones is located across the campus in well-lit areas, including parking facilities and elevators. The emergency phones connect directly to the MCPSD and are answered 24 hours per day, seven days a week, including all holidays. Emergency phones can be used to:

- Request help
- Report a crime
- Report suspicious activities
- Request an escort
- Report any other emergency

CRIME PREVENTION AND SAFETY TRAINING (Cont'd)

Security monitoring cameras are installed in numerous campus locations to enhance constant observation of the campus. The security cameras are checked by the MCPSD constantly.

Campus residential facilities have building-specific security measures that may include:

- Safety patrols by the MCPSD
- Keeping exterior entry doors (other than the main lobby entrance) locked. Propping open exterior doors is prohibited. Residence lobbies are patrolled periodically by MCPSD officers.
- Resident students are provided key access 24 hours per day.
- Visitors of the opposite sex to campus residence halls are limited to scheduled visitation times and days and are required to sign in.
- Guests to resident halls must always be escorted by their host(s).

Crime statistics are reported pursuant to the Clery Act in accordance with the definitions used in the Uniform Crime Reporting System of the Department of Justice, the Federal Bureau of Investigation, the State of Alabama and the modifications of such definitions as prescribed by the Hate Crime Statistics Act, The Higher Education Amendments of 1992, and the Violence Against Women Act of 2013 (“VAWA”) which, among other things, amends the Clery Act.

SEX OFFENDER REGISTRATION

The Federal Campus Sex Crimes Prevention Act requires Miles College to inform the campus community where it can find information on registered sex offenders. The law also requires registered sex offenders to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteer services or is enrolled as a student. Pursuant to applicable federal guidance, students, faculty, staff, and guests can obtain information about registered sex offenders from the Jefferson County Sheriff Department at <http://www.icrimewatch.net/index.php?AgencyID=53840&disc> or by requesting the Sheriff Office 2200 8th Avenue North, Birmingham, Alabama 35023.

ALCOHOL AND DRUG POLICY

DRUG AND ALCOHOL ABUSE PREVENTION POLICY

Miles College affirms a strong commitment to compliance with the Drug-Free Schools and Communities Act Amendment of 1989 and the requirements as set forth by the Department of Education. Miles College, as a private educational institution, shall not permit on its premises, or at any activity which it sponsors, the possession, use, or distribution of any alcoholic beverage or any illicit drug by any employee or visitor.

The College may conduct searches for illegal drugs or alcohol on College premises based on reasonable suspicion.

ALCOHOL AND DRUG POLICY (Cont'd)

This might include personal vehicles parked on College property, lockers, desks, and searches of the student when there is a reasonable and articulable basis upon which to believe that illegal drugs or alcohol have been brought onto College property and the search is conducted on College property.

DRUG AND ALCOHOL EDUCATION

Pamphlets, books, and videos are available for loan to students and employees through Miles College's Counseling and Testing Services.

Firearms and Weapons Policy

No person shall carry, maintain, or store a weapon as defined in the College's policy, concealed or otherwise, on any property owned, leased, or controlled by Miles College. This policy applies to weapons carried on the person and maintenance or storage of any weapon in any College facility, building, residence hall, or within any parked or moving vehicle on college premises. Law Enforcement Officers in the course of official duty are exempt.

ACCESS TO CAMPUS FACILITIES

RESIDENCE HALLS

All exterior doors to the student residence halls are locked 24 hours a day except, the front doors of the main entrance which are accessible during normal business hours. Students are responsible for locking their own individual rooms. Male guests in residence halls must be escorted at all times by the student they are visiting. Student rooms in newer residence halls have deadbolts, but in some older residence halls rooms have conventional door locks. MCPSD Officers make routine security checks of the residence halls, checking for building safety and security. MCPSD will respond to all reports of fire alarms and safety hazards. Routine fire drills are conducted regularly for students living in residence halls to familiarize them with emergency evacuation procedures and exit routes from their rooms.

NIGHTTIME CAMPUS ACCESS CONTROL GATE

All-access on and off-campus is made at the West Gate entrance. An officer is posted at the gate to monitor the person(s) arriving on or departing from campus. Resident students are issued a campus decal that allows access onto campus. All other students, faculty, staff, and visitors must have proper credentials for access.

FACULTY SECURITY

Administrative buildings are secured after normal business hours. Classroom buildings are secured after the last class of the day. Through routine patrols, MCPSD officers make regular checks of each building to ensure that the buildings remain secure until scheduled opening time.

EMERGENCY EVACUATION PROCEDURES

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergencies and disasters can happen at any moment, and they usually occur without warning. Individuals should familiarize themselves with the College's Emergency Response Plan that includes information about the Emergency Response Management Team; response to incidents; shelter-in-place, and evacuation guidelines. The College departments are responsible for developing contingency plans for their staff and areas of responsibility.

When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Miles College Campus Security and Police and the Fairfield Police Department. They typically respond and work together to manage the incident. Depending on the nature of the incident, other local or federal agencies could also be involved in responding to the incident.

NOTIFICATION TO THE MILES COMMUNITY ABOUT IMMEDIATE THREAT

Miles College has an Emergency Notification System name Bear Alert to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to life, health, the safety of students, employees, and visitors on the campus. **It is important to periodically review and update your contact information to ensure that you receive critical safety messages.**

Miles College will, without delay, and taking into account the safety of the community, determine the content upon the notification and initiate the notification system, unless the notification will, in a professional judgment of the Emergency Response Management Team (ERMT), compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The President (or designee), after receiving notification from governmental authorities that an emergency has been declared for the area, or that an obvious emergency condition exists or has occurred on campus property, shall determine when emergency procedures are to effect, including the interruption of classes and normal administrative functions. The President (or designee) will convene a meeting of the ERMT at the designated Emergency Operation Center or alternate place, if necessary. Recommendations may be provided by the Vice Presidents, the Dean of Students, the Director of Facilities Management, and the Director of Campus Security. After normal college hours and on weekends and holidays, Campus Security and Police will be responsible for monitoring possible emergencies that have occurred on campus. Campus Security and Police Officers will notify the dispatcher of field emergencies that are occurring. The dispatcher/chief will notify the Director of Campus Security so that he/she can authorize notification of the ERMT members. The Director of Campus Security will confer with the Sr. Vice President of Finance and Administration.

EMERGENCY EVACUATION PROCEDURES (cont'd)

Miles College has in place: college e-mail, cell phone text messaging, building emergency coordinators, and college personnel equipped with two-way radios to aid in the immediate notification to the campus community of an on-campus emergency.

EVACUATION PROCEDURES - General

Upon activation of the fire alarm system, all persons shall immediately evacuate the building and meet at the predetermined Emergency Assembly Point (EAP). While evacuating, remain vigilant for dangerous or criminal activity, and report such observations to the police, as soon as possible.

Familiarize yourself with the evacuation procedures for any building; locate the nearest exit and fire extinguishers.

EMERGENCY RESPONSE AND EVACUATION TESTING PROCEDURES

The College conducts one emergency response tabletop exercise each year, and three tests of the emergency notification system of the campus. These exercises/tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

EDUCATION OF MEMBERS OF THE COLLEGE COMMUNITY

Currently, Miles College provides formal security education to the college community.

NOTIFICATION OF MISSING STUDENTS

In compliance with the “Higher Education Opportunity Act (2008)” Missing Resident Student Notification Policy and Procedures, it is the policy of Miles College to actively investigate any report made to MCPSD about a missing student who is enrolled at the college and residing in on-campus housing. Each student will be notified of the Missing Resident Student Policy and Procedures via the Student Handbook.

If a member of the College community has a reason to believe that a resident student is “missing,” that member **MUST** contact MCPSD at (205) 929-1720 immediately. The initial college MCPSD campus investigation will begin as a “Welfare Concern” and will be upgraded to a Missing Person incident if MCPSD determines the resident student to be a Missing Person under Alabama laws.

For the purposes of this policy, a student may be considered to be “missing” if the student’s absence is contrary to his/her usual pattern of behavior or unusual circumstances may have caused the absence. Such circumstances could include, but are not limited to, a report or suspicion that the missing student may be a victim of foul play, has expressed suicidal thoughts, is medication dependent, is in a life-threatening situation, or has been with persons who may endanger the student’s welfare.

NOTIFICATION OF MISSING STUDENTS (cont'd)

Upon receiving a notification, MCPSD, Residence Life, The Dean of Students, and other applicable College personnel will make reasonable efforts to locate the student to determine their state of health and well-being. These efforts may include, but not limited to, checking the student's room, class schedule, ID card use, talking with friends, locating the resident's vehicle and calling the student's cell phone number if one is on file with the college. As a part of the investigation, the college reserves the right to communicate with emergency contacts to help determine the whereabouts of the student.

Each student has the option to identify the name and telephone number of the individual(s) to be notified in case of emergency or if the student is reported missing. In the event the student is under the age of 18 and is not emancipated, the college is required to contact the custodial parent or guardian.

If upon investigation by MCPSD and staff, the resident student has been determined to be 'missing' for at least 24 hours, the following will occur within the next 24 hours:

- a. A college representative will attempt to notify the resident's designated emergency contact person, or
- b. If the student is under 18 years of age, a college representative will contact the custodial parent or legal guardian, and
- c. MCPSD will inform the appropriate law enforcement agency.

The investigation will continue in collaboration with law enforcement officers, as appropriate.

Who to Contact if a Student is Missing	
Campus Police Department	(205) 929-1720
Director of Residence	(205) 929-1455
Dean of Student Affairs	(205) 929-1156
Fairfield Police Department	(205) 786-4111
Jefferson County Sheriff Department	(205) 325-1450
Emergency	911

SEXUAL MISCONDUCT POLICY

The Higher Education Amendments Act of 1992 requires that certain information regarding campus sexual assaults be reported to students annually. Miles College's behavioral expectations for students are based on Christian values, including the intrinsic worth of every individual within its community. The College will not condone actions that violate or denigrate the value of any person.

Sexual misconduct, such as sexual harassment, sexual assault, dating violence, domestic violence, stalking and sexual exploitation are prohibited by the Miles College Sexual Discrimination and Sexual Misconduct Policy (the "Sexual Misconduct Policy"). The Sexual Misconduct Policy prohibits designated behaviors either on campus or in connection with any Miles College activities by or against students, faculty, staff and others.

SEXUAL MISCONDUCT POLICY (cont'd)

The College's Board of Trustees approves the Student Handbook. The Sexual Misconduct Policy was communicated to all Miles College students and employees by email and posted on the College website. The Sexual Misconduct Policy training will be conducted for employees and students ongoing. An article introducing the Sexual Misconduct Policy was also featured in the employee publication. Included below is a summary of certain provisions of the Sexual Misconduct Policy.

THE FULL TEXT OF THE SEXUAL MISCONDUCT POLICY IS ANNEXED TO THIS REPORT AS APPENDIX (A) AND IS INCORPORATED HEREIN BY REFERENCE. ALL MILES COLLEGE STUDENTS AND EMPLOYEES SHOULD READ AND BE FAMILIAR WITH THE FULL POLICY TEXT.

According to the Sexual Misconduct Policy, Miles College responds to allegations of sexual misconduct according to the severity or pervasiveness of the offense and the threat it poses to an individual and the College community. Individuals found responsible for violations of this policy may face disciplinary sanctions up to and including College expulsion (for students) and termination of employment (for faculty, staff and other non-student employees). In determining whether this policy has been violated, the College applies the 'preponderance of the evidence standard,' which means that it is more likely than not that a policy violation occurred. Retaliation against an individual who makes a report, participates in a resolution process or assists as a bystander to prevent sexual misconduct is also prohibited. Community members who engage in retaliation will be subject to disciplinary action.

Definitions of Conduct Prohibited by the Sexual Misconduct Policy

The Sexual Misconduct Policy prohibits certain acts of sexual misconduct that are briefly described as follows:

A. Sexual Discrimination: Unlawful or unequal treatment based on a person's sex that is sufficiently serious to interfere with or limit his or her opportunity to participate in or benefit from a Miles College program or activity, or that otherwise adversely affects a term or condition of an individual's employment, education or living environment.

B. Sexual Harassment: Sexual harassment is the unwelcome conduct of a sexual nature that creates a hostile living, learning, or working environment or the toleration of such conduct as the basis for an academic or employment decision affecting a student or employee.

C. Non-Consensual Sexual Penetration: The sexual penetration with another individual without consent, including vaginal or anal penetration, however slight, with a body part or an object, or oral penetration involving mouth to genital contact.

D. Non-Consensual Sexual Contact: Sexual contact with another individual without consent, including any intentional touching of the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposing another person without permission.

E. Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another person for the advantage or the benefit of the perpetrator or any person other than the individual being exploited.

SEXUAL MISCONDUCT POLICY (cont'd)

F. Domestic Violence: Violence committed by (i) a current or former spouse or intimate partner of the complainant;

(ii) a person with whom the complainant shares a child in common; (iii) a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, or (iv) any other person against a complainant who is protected from that person's acts under the domestic or family violence laws of Alabama, including parents, stepparents, children, step-children, brothers, sisters, half-brothers, half-sisters, grandparents, grandchildren, and in-laws.

G. Dating Violence: Violence committed by a person with whom the victim is or has been in a social relationship of a romantic or intimate nature. Dating violence may be physical (including sexual) abuse or the threat of physical abuse, either as an isolated act or as part of an ongoing pattern of behavior.

H. Stalking: A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear.

I. Complicity: Acts taken to aid, facilitate, promoting or encouraging a violation of the Sexual Misconduct Policy.

J. Retaliation: Intimidating, threatening, coercive, or otherwise discriminatory conduct against a person or a group of people for exercising rights under the Sexual Misconduct Policy.

K. Sexual Assault: An offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program and included in Appendix A of 34 CFR Part 668.

Statement on Consent, Coercion and Incapacitation

The Sexual Misconduct Policy requires that persons who engage in sexual activity must first obtain the consent of the other party. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent to one form of sexual activity does not, by itself, constitute consent to engage in another form of sexual activity, nor does consent to engage in sexual activity with one individual constitute consent for sexual activity with anyone else. Individuals with a prior or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of an intimate relationship, there must be mutually understandable communication that indicates a willingness to engage in each instance of sexual activity. An outward demonstration by an individual indicating that he or she freely chooses to engage in sexual activity is necessary for consent. It may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. Failure to physically resist or verbally refuse sexual activity is not necessarily the same as consent. A verbal statement of "no," "stop," or words of similar meaning are clear demonstrations of the lack of consent. Either party may withdraw consent at any time by an outward demonstration through words or actions that indicate a desire to cease sexual activity. As soon as it is expressed that consent is withdrawn, sexual activity must cease immediately.

Consent is not effective if it results from the use or threat of physical force, intimidation, coercion, or other conduct that eliminates or compromises an individual's ability to freely choose whether to have sexual contact.

SEXUAL MISCONDUCT POLICY (cont'd)

Likewise, an individual incapacitated by alcohol or drug consumption (voluntarily or involuntarily) or who is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent to sexual activity.

How to Report Violations of the Sexual Misconduct Policy

Anyone who experiences or becomes aware of sexual misconduct should immediately report the incident to any of the following offices:

To Law Enforcement:

- **911** (for emergencies)
- Miles College Police Department **(205) 929-1720 or (205) 929-1722**
- Fairfield Police Department **(205) 786-4111**
- Jefferson County Sheriff's Office **(205) 325-1450**

To the College:

- **Diana Knighton**, Interim Title IX Coordinator, Brown Hall (205) 929-1442 dknighton@miles.edu
- **Kenneth Coachman**, Chief of Staff, Brown Hall (205) 929-1457 kcoachman@miles.edu
- **Tonikos Vandiber**, Chief of Police, Miles College Police/Security Department (205) 929-1720
- **Charles Stallworth**, Dean of Students, Student Activity Center (205) 929-1051 cstallworth@miles.edu
- **Campus Conduct Hotline (866) 943-5787**
- **National Domestic Violence Hotline (800) 799-7233**
- **Birmingham Crisis Center (205) 323-7782**
- **National Sexual Assault Telephone Hotline (800) 656-4673**

In addition to the Sexual Misconduct Policy, students are provided the Student Handbook that includes the Code of Conduct, the student conduct code that establishes behavioral expectations and the values that are foundational to those behaviors. Through activities such as student orientations, residence hall programs, fraternity and sorority educational events, employee training and online resources, students are informed of Miles College's values and behaviors that are inconsistent with those values, including sexual misconduct. The procedure for a student to report sexual misconduct is outlined in the Student Handbook.

Assistance to Persons Impacted by Sexual Misconduct

When an alleged violation of the Sexual Misconduct Policy is reported, the Title IX Coordinator will provide students and employees impacted by the incident with written information about various academic, living and employment accommodations and how those measures may be requested. Examples of accommodations include reasonable modifications of class schedules, housing assignments, work schedules, and dining schedules. Adjustment decisions are based on the nature of the offense, unavoidable contact that would result if no modification is made, and the perseverance of the academic, social and work environments on campus. Information is also provided about programs and services existing on and off-campus. Examples include descriptions and contact information for counseling, victim advocacy, student financial aid, law enforcement, and health and wellbeing.

Amnesty

The reporting of all incidents of sexual misconduct is encouraged so that those affected can receive the appropriate support and resources and the reported conduct can be adequately investigated.

SEXUAL MISCONDUCT POLICY (cont'd)

To encourage prompt reporting, a person who makes such a report may be exempt from disciplinary action when the reporter was also engaged in conduct that violates one or more College policies, provided that such violations did not jeopardize the health or safety of others.

Confidentiality

A person reporting an incident of sexual misconduct may request confidentiality and that the College not pursue an investigation of a formal resolution of the allegation. In such cases, Miles College will maintain confidentiality to the extent permitted by law and consistent with the safety and well-being of the Miles College community.

Nevertheless, the College reserves the right to review any alleged sexual misconduct as necessary to protect Miles College students, employees and others. In such instances, the nature of an allegation and the identity of the reporting person may be disclosed by the College as is appropriate under the circumstances.

Interim Measures

Upon completion of the initial assessment of reported sexual misconduct, the Miles College Title IX Coordinator may impose interim measures to eliminate a hostile environment, prevent its reoccurrence, and to remedy its effects.

Interim measures may be implemented irrespective of whether the complainant requests formal disciplinary action, and regardless of whether the complainant has reported or intends to report the incident to law enforcement.

The purpose of interim measures is to preserve a person's educational, employment or volunteer experience and the general safety and well-being of the campus. The imposition of an interim measure is neither a determination of responsibility nor a form of discipline.

Judicial Protection Orders

Persons who are involved in altercations and other acts of actual or threatened violence may seek an order of the Jefferson County Family Court to restrain the physical and verbal presence of others. Any such orders will be enforced by the Jefferson County Sheriff Department and the Fairfield Police Department as permitted by their respective jurisdictions.

Title IX Coordinator, Title IX Investigators, and Review Panel Training

The Title IX Coordinator and Title IX Investigators receive annual training related to Title IX and VAWA by development and enforcement, including rules for adjudications, eliminating bias in the review process, fundamental fairness and due process, establishing credibility, witness interviews, and making determinations of responsibility.

The Title IX Coordinator receives national training twice a year and plans training opportunities for the panel members that review charges of violations of the Sexual Misconduct Policy. Panel training includes a seminar at the beginning of the academic year and on-going instruction on topics such as weighing evidence, process, confidentiality and the standard of evidence.

SEXUAL MISCONDUCT POLICY (cont'd)

Procedures for Reviewing Allegations of Sexual Misconduct

The following is a summary of information on how alleged violations of the Sexual Misconduct Policy are reviewed. However, there may be circumstances in which the procedure is modified, yet remains fundamentally fair in all material respects.

Reporting an Allegation, Preliminary Assessment and Formal Charge

Once an alleged violation of the Sexual Misconduct Policy is reported to a Campus Security Authority, it is reported to the Title IX Coordinator who makes a preliminary assessment of the allegation and determines if interim measures are appropriate. The Title IX Coordinator interviews the person who is the victim of the alleged conduct (the “complainant”) and the alleged Wrongdoer (the “respondent”). The Title IX Coordinator will then determine whether to formally charge the respondent. A charge is made if it is plausible and more than a mere possibility that the allegations of the complainant could constitute a violation of the Sexual Misconduct Policy. No presumption of responsibility arises from the issuance of a charge. The Title IX Coordinator may deliver the charge either in person, by mail to the local permanent address of the student as indicated in the official College records, or by email to the student’s Miles College-issued email account.

Investigation of the Incident

If the Title IX Coordinator elects to make a charge, and the complainant wishes to proceed in that manner, the respondent will be notified of the charge and the Title IX Coordinator will initiate an investigation. Upon receipt of the charge, the respondent has two (2) business days to provide the Title IX a reply. If a respondent does not admit responsibility, the charge will be governed by the review process.

The Title IX Coordinator will assign (or serve as) an investigator to gather information related to allegations of sexual misconduct. If there are multiple reports against a single respondent or group of respondents, the Title IX Coordinator may consolidate those reports into a single investigation if the evidence related to each incident may be relevant and probative in reaching a determination on the other incident(s).

After the initial meetings with the parties, the investigator may schedule subsequent meetings with the complainant and the respondent as the investigator deems necessary or appropriate under the circumstances.

When appropriate and available, the investigator may interview third-party witnesses about the alleged sexual misconduct, the complainant and the respondent. The investigation may also include consideration of information requested and received by an investigator such as notes, emails, text messages, social media posts, pictures, phone logs, face-to-face conversations, and videos.

Upon completion of the investigation, the Title IX Coordinator or investigator will prepare an investigation report that is distributed concurrently to the complainant, the respondent, and the Chair of the Title IX Review Panel.

The Title IX Review Panel

A Title IX Review Panel consists of selected individuals from a larger group of Miles College employees who are trained to review alleged violations of the Sexual Misconduct Policy. Most panels include a faculty chair, two faculty members and two non-faculty employees. Panel members vote by secret ballot.

SEXUAL MISCONDUCT POLICY (cont'd)

The Review Panel Session

Attendance in the review room is limited to the Review Panel, the Title IX Coordinator, the complainant, and the respondent, the designated advisor for the complainant and the respondent, and any witness then appearing before the panel. Advisors may not speak during the review except to the respective advisee. Witnesses for either party may attend and speak at the review at the discretion of the faculty chair.

The complainant or the respondent may elect to participate in the review from an on-campus location that's separated from the other party. In such instances, the Title IX coordinator will arrange for: (i) audio participation (and video participation if available); (ii) a Review Panel member to be physically present with the separated party and advisor; and (iii) appropriate supplies (notepaper/cards, recording device, and writing instruments).

The Review Panel Decision

After receiving statements, documents, reports and other information allowed by the faculty chair, the Review Panel will deliberate. Employing the **preponderance of evidence standard**, the Review Panel will determine if the respondent is responsible for the violation of the Sexual Misconduct Policy for which she or he is charged. If a student is determined to be responsible, the Review Panel will determine the appropriate discipline. If the respondent is a faculty member or non-faculty employee, discipline is determined by the Academic Dean and the Senior Vice President for Finance and Administration. The outcome of a review is distributed simultaneously to the complainant and the respondent. Either the complainant or respondent may request an appeal of a Review Panel decision. Although the College will attempt to promptly review and determine all reports of sexual misconduct, the period required for the investigation and resolution of each complaint will vary depending upon a variety of factors such as the complexity of the allegations, the number of witnesses, the availability and cooperation of the parties and witnesses, the impact of a concurrent criminal investigation or civil lawsuit, school holidays, and Acts of God (e.g. campus closing due to severe weather conditions). The College will diligently complete the review process in a manner that recognizes the needs of thoroughness, fundamental fairness, and promptness. All parties involved are entitled to periodic status updates throughout the investigation and review process.

The Rights of Complainants and Respondents During the Review Process

During the Title IX review process, a complainant and a respondent are entitled to the following:

Notice: To be informed of the specific policy and/or inappropriate behavior which the individual is alleged to have violated.

Procedures: To be informed orally or in writing of the Review Process.

Incident Review Meeting: To have an opportunity to be heard in person before a decision is made.

Evidence: To know the nature of the information related to the alleged violation and be able to challenge the information in question, in front of his/her accusers, unless there are extenuating circumstances which by doing so might jeopardize the safety or well-being of another.

Witness: To be able to offer a defense by having material and/or witnesses to speak on one's behalf. It is the accused student's responsibility to arrange for witnesses to attend a review meeting. The Title IX coordinator should be notified in advance of any witnesses who will be attending.

SEXUAL MISCONDUCT POLICY (cont'd)

Advisor: To have an advisor of his/her choice attend a review meeting with them. The advisor may speak with and advise a student during a review panel session, but the advisor cannot actively participate in the proceedings.

Written decision: To have a written response reporting the outcome of the review meeting.

Confidentiality and Privacy in the Title IX Review Process

The privacy of persons involved in a report of sexual misconduct will be protected in a manner that is consistent with a careful assessment of an allegation with appropriate measures to eliminate the misconduct, prevent its recurrence, and address its effects.

The terms privacy and confidentiality are essential to a proper understanding of the policy and its implementation.

“Privacy” and **“private”** apply to information related to an incident of sexual misconduct that is reported according to the Sexual Misconduct Policy. Access to private information received by the College is available to a limited number of Miles College employees who have a legitimate need to know such information to assist in the assessment, investigation, and resolution of a report. This restricted access is authorized by the Family Educational Rights and Privacy Act (FERPA) and other governing federal and state laws.

“Confidentiality” and **“confidential”** are words used to identify information that is shared by a person with a designated Miles College representative who is legally obligated to maintain the information in confidence unless disclosure is authorized by (i) the individual who communicated the information or (ii) by court order or governing law. Campus officials who may receive information on a confidential basis include the medical providers, professional counselors, and ordained clergy specifically designated in this policy. Confidential off-campus resources include rape crisis counselors. ALA. CODE §15-23-42 Each of these persons is prohibited by law from violating confidentiality unless (i) there is an imminent threat of harm to self or others, (ii) the reported conduct may involve abuse of a minor, or (iii) disclosure is otherwise required or authorized by applicable law.

The privacy of student education records is protected in accordance with 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”), except for any health records protected by FERPA. Access to an employee’s personnel records may be restricted in accordance with applicable laws, regulations, and policies.

Whenever a report of sexual misconduct indicates a serious and immediate threat to the campus community, Miles will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The Clery Act requires, among other things, that a post-secondary school that receives federal funds must report statistical information concerning sexual misconduct that occurs on properties owned or controlled by the school. This data is reported annually by the College to the U.S. Department of Education (“DOE”). The College prepares and publishes the Annual Security Report that includes statistical information concerning reported offenses that occurred either on campus, at off-campus properties controlled by Miles College, or on certain public property adjacent to the College campus.

SEXUAL MISCONDUCT POLICY (cont'd)

Neither the Annual Security Report nor the statistical data provided to the DOE include the name or other personally identifiable information of any person involved in a reported incident. Miles College may also share non-personally-identifying information in aggregate form in various reports, including data about incident outcomes and sanctions.

Disciplinary Action for Sexual Misconduct Policy Violations

A student determined to be responsible for a violation of the Sexual Misconduct Policy is subject to disciplinary measures that are based upon a variety of factors such as the nature of the offense, the impact of the conduct on others, the egregiousness of the behavior, and prior conduct violations. Discipline may include without limitation the following:

Expulsion: Permanent dismissal from the College with no future re-admission. An expelled student is barred from the College property and may be subject to trespass and arrest if he or she returns to campus.

Suspension: Mandatory separation from the College for a specified period. A suspended student is barred from College property and participation in any Miles College program or activity. Suspensions range from one semester to several years.

Interim Suspension: Temporary separation from the College pending a final determination of whether a student is responsible for a reported offense. If a student leaves the College while under interim suspension, he or she may not be able to retrieve institutional information until the alleged offense is determined.

Disciplinary Probation: Notice to a student that his or her future misconduct could jeopardize the student's continued enrollment with the College.

Campus Restriction or Revocation of Privileges: Temporary or permanent loss of campus privileges such as College facilities or services (e.g. fitness center, library, parking garage), campus residence facilities, and participation in campus programs and activities (e.g. fraternities, sororities, camps, recreation, leadership programs).

Termination or change in accommodation – A disciplinary sanction that requires termination or change in a student's employment assignment or schedule, campus housing assignment, class schedule, and/or exam schedule. The College reserves the authority to resolve any complaint of sexual misconduct with any other disciplinary measures that it deems necessary to address the incident and to prevent its reoccurrence. Such actions may require behavioral counseling, restitution for damages, and fines.

Supplemental Appeal of Expulsion. Upon the completion of the appeal process, a student expelled from Miles College has five (5) days from the day of the notification, to request reconsideration of the expulsion to the Academic Dean and Dean of Student Affairs. The decision of the Academic Dean and Dean of Student Affairs is final.

Sexual Violence Prevention and Awareness Campaigns

Miles College offers programs and initiatives to eliminate acts of violence on campus and increase awareness of violence against others. These offerings promote healthy relationships and provide education about behaviors that are indicative of or may result in relationship violence.

Topics include sexual misconduct, sexual assault, healthy relationships, self-defense, personal safety, bystander intervention, and sexual consent. Each program is structured to meet the needs of specific audiences and most encourage audience participation and critical thinking.

SEXUAL MISCONDUCT POLICY (cont'd)

Examples include:

- ***Get Inclusive:*** An online learning tool that enables and empowers students to make well-informed decisions and reduce risks associated with alcohol abuse.
- ***Title IX Reporting:*** An online resource providing students with information on sexual assault and relationship violence, considering their unique perspectives and experiences.
- ***Pamphlets and Brochures:*** The office of the Title IX Coordinator distributes and makes available brochures and pamphlets to students and employees on sexual assault awareness and prevention techniques.
- ***Self-defense Training:*** Offered by Miles College officers to raise situational awareness and teach basic self-defense techniques.
- ***Bear Aware Campaign:*** A program to raise public awareness of domestic violence and sexual assault and encourage bystander intervention. The campaign includes pledges by students and employees to be effective interveners.
- ***Miles Unite:*** An event hosted by several areas of local colleges and universities at a central location to raise awareness of sexual assault and the resources provided by the institutions and local agencies.
- ***Alert! Miles College:*** Immediate electronic access to information concerning violence prevention and sexual assault and includes confidential advisors and Title IX Coordinator contact information.

Miles College employees are provided education and awareness training by online video and campus newsletters. Employee orientation includes information and awareness training on sexual harassment in the workplace and reporting acts of sexual harassment or discrimination in the workplace.

Bystander Intervention

Illegal or unwanted conduct can often be prevented or mitigated by the action of one or more persons who are observers. Observers or bystanders are often the largest groups of people involved in acts of relationship violence. Webster's Dictionary defines a bystander as "one who is present, but not taking part in a situation or event; a chance spectator." In terms of relationship violence, a bystander can be either (i) a person who is aware that an assault is occurring or has knowledge that an assault will occur, (ii) a person who observes an assault or witnesses an attempted assault, or (iii) a person who has information about an assault that has already occurred. By engaging, even slightly, in a violent situation, a bystander may be able to prevent a potential assault or assist a victim by getting help. Effective bystander intervention techniques may include the following:

Watch Out for Friends and Fellow Students

If a friend or acquaintance does or says something inappropriate, tell him or her to stop. Make it clear that his or her behavior is inappropriate. Likewise, when a person sees someone who appears to be in trouble, say something; ask him or her if he or she is okay.

Speak Up and Speak Out

When a bystander sees someone doing or saying something that is not right, let the person know the behavior is wrong and if the behavior does not stop, law enforcement or other appropriate authorities will be contacted.

Do not laugh at racist, sexist or homophobic jokes. Challenge friends, acquaintances and others to be respectful of other people, notwithstanding their different appearances, backgrounds, or customs.

Create a Distraction

If a friend or acquaintance is harassing someone, intervention may be accomplished by creating a distraction. This may include asking the friend a question or requesting that he or she accompany you to a different location. If the harassment is by a stranger, from a distance ask the individual for directions or for the time.

SEXUAL MISCONDUCT POLICY (cont'd)

The goal of distraction is to provide the victim an opportunity to move away and to provide the abuser a chance to refocus his or her thoughts.

Silent Stare

One of the most powerful actions a person can take is to provide a disapproving stare. The use of the stare communicates to the perpetrator that he or she is being watched and that his or her behavior is wrong.

Get Help

Victims of violence often are confused and incapable of making rational decisions after an assault. A bystander can assist a victim by providing reassurance and staying with the victim until professional assistance is obtained. A bystander should also be willing to get help for the victim.

Risk Reduction Techniques that May Assist in Sexual Assault Prevention

Although there is no way to eliminate all risk of being the victim of a sexual assault, students and employees should be mindful of and observe cautionary measures, including the following:

- **Be Aware of Surroundings.** Know where you are and who is available to assist you if caught in a bad situation.
- **Do Not Become Isolated.** Do not let yourself be isolated from a person you do not know or trust.
- **Trust Your Instincts.** If you feel uncomfortable in a situation, leave immediately.
- **Resist Coercion.** Do not be persuaded to remain in a situation or participate in an activity that you do not agree with.
- **Be Prepared.** Always have your fully charged cell phone with you and enough money for cab fare or an uploaded transportation apps such as Uber or Lyft.
- **Never Travel Alone.** When attending a social event, go with a group. Arrive together, check with each other throughout the event, and make sure that all of you leave together.
- **Be Extremely Cautious When Alcohol Is Present.** You should refrain from drinking alcoholic beverages. If you do drink (whether alcohol or not), take the following precautions:
 - * Never leave your drink unattended
 - * If you do leave your drink, pour it out and get another
 - * Do not accept a drink from anyone you do not know and trust
 - * If you choose to accept a drink from someone at a bar, watch the drink being poured and carried to you. At parties, do not drink from punch bowls or open containers. Do not accept an open beer or drink from someone you do not trust.
- **Watch Out for Each Other.** If your friend seems out of control or intoxicated, get him or her to a safe place immediately. Do not allow the person to be separated from you.

CAMPUS CRIME STATISTICS 2017

Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Murder/Non-Negligent Manslaughter	2017	0	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0	0
Robbery	2017	0	2	0	0	2
Aggravated Assault	2017	1	1	0	0	2
Burglary	2017	1	2	0	0	3
Theft-Motor Vehicles and Golf Carts	2017	0	0	0	0	0
Domestic Violence	2017	2	2	0	0	4
Stalking	2017	0	0	0	0	0

Forcible/Non-Forcible Sex Offenses						
Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Forcible Rape	2017	0	0	0	0	0
Non-Forcible						
Incest	2017	0	0	0	0	0
Statutory Rape	2017	0	0	0	0	0
Dating Violence	2017	1	2	0	0	2

Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Liquor Law	2017	0	3	0	0	3
Drug Violations	2017	3	3	0	0	6
Weapon Possession	2017	0	1	0	0	1

CAMPUS CRIME STATISTICS 2018

Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Murder/Non-Negligent Manslaughter	2018	0	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0	0
Robbery	2018	0	1	0	0	1
Aggravated Assault	2018	0	0	0	0	0
Burglary	2018	2	0	0	0	2
Theft-Motor Vehicles and Golf Carts	2018	0	0	0	0	0
Domestic Violence	2018	0	0	0	0	0
Stalking	2018	0	0	0	0	0

Forcible/Non-Forcible Sex Offenses						
Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Forcible Rape	2018	0	0	0	0	0
Non-Forcible						
Incest	2018	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
Dating Violence	2018	0	1	0	0	1

Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Liquor Law	2018	0	1	0	0	1
Drug Violations	2018	0	0	0	0	0
Weapon Possession	2018	1	1	0	0	2

CAMPUS CRIME STATISTICS 2019

Crime	Year	Student Residences	On-Campus	Non-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
Robbery	2019	0	1	0	4	5
Aggravated Assault	2019	2	1	0	0	3
Burglary	2019	3	3	0	0	6
Theft-Motor Vehicles and Golf Carts	2019	0	0	0	0	0
Domestic Violence	2019	2	0	0	0	2
Stalking	2019	0	0	0	0	0

Forcible/Non-Forcible Sex Offenses						
Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Forcible Rape	2019	0	0	0	0	0
Non-Forcible						
Incest	2019	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
Dating Violence	2019	3	1	0	0	4

Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Liquor Law	2019	1	0	0	0	1
Drug Violations	2019	0	0	0	0	0
Weapon Possession	2019	1	2	0	0	3

SAFETY TIPS

OBSCENE PHONE CALLS, HARASSMENT, STALKING

1. Notify MCPSD as soon as possible.
2. If an obscene message is left on your answering machine, save the message and report it to MCPSD.
3. Listen for background noise and keep a written record of the times and dates you received the calls.
4. Report all incidents to MCPSD.

PERSONAL SAFETY

1. The ultimate responsibility for personal safety and security rests with each individual.
2. Each person should be aware of their surroundings and potential risks to personal safety.
3. Exercise caution and take reasonable actions to protect yourself.
4. Walk with friends in lighted areas at night.
5. Keep residence halls secure.
6. Lock residence hall room doors.
7. Do not prop open outer doors
8. Know building evacuation procedures.
9. Know how to contact proper authorities.
10. Drive defensively.
11. Report suspicious activities to MCPSD.

OFFICE AND CLASSROOM SAFETY

1. Avoid working or studying alone in a building at night. If you must work late, notify person(s) you trust know where you are.
2. Avoid using stairs in remote sections of a building.
3. Keep your purse in a locked cabinet or drawer. Never leave it in, on top or underneath a desk.
4. While in class, the library or the labs, keep personal belongings in view.

ATM-AUTOMATED TELLER MACHINE

1. Try to have someone with you, especially late at night.
2. Be ready. Have your card handy but not in plain view.
3. Stand directly in front of the ATM so that no one can see you enter your personal identification number (PIN).
4. Cancel your transaction if anything seems suspicious. You can return later.
5. Pocket your cash immediately. You can count it later.
6. If you lose your ATM card, report it to your financial institution immediately.

SAFETY TIPS

BICYCLE SAFETY

1. Ride with the traffic or use bike paths whenever possible.
2. Use reflectors and reflective tape on your bike or your clothing.
3. Lock your bike up (a U-bar lock is recommended).

VEHICLE SAFETY

1. Have your keys in hand before you reach your vehicle.
2. Check the interior of your vehicle before entering it.
3. When parking your vehicle at night, select a spot that is well lit.
4. Make a habit of keeping car doors locked.
5. Avoid leaving property in your vehicle. If you must do so, lock all property in the trunk or conceal all items so that they are not visible. Mail or packages which include your name should be out of sight.

OUTDOOR SAFETY AT NIGHT

1. Learn the locations of all campus emergency phones.
2. Walk on designated walkways that are well lit and well-traveled.
3. Do not run or jog alone, especially at night.
4. If you must walk alone, let a friend know where you are going and when you should return.
5. If you feel you are being followed, head quickly to a group of people or MCPSD.

FIRE AND SAFETY REPORT

Important Definitions

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Cause of fire: The factor or factors that give rise to a fire. The causal factor may be but is not limited to, the result of intentional or unintentional action, mechanical failure, or act of nature.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-related death: Any instance in which a person (1) Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) Dies within one year of injuries sustained as a result of the fire.

Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system includes sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as alarms, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Residence Halls Fire Prevention Information

Smoke detectors and sprinkler systems: All residence halls have smoke detectors and three of the five residence halls have sprinkler systems installed and a Fire Alarm Control Panel. These three are connected to the central alarm system of the MCPSD.

FIRE AND SAFETY REPORT

Fire Safety Equipment: All suites/apartments are equipped with smoke detectors. Each floor in each residence hall is equipped with fire extinguishers. Tampering with fire safety equipment or setting off a false alarm is against the law. It also will make the system ineffective and endanger the lives of other residents. Any person, who sets off a false alarm, interferes with the operation of the alarm system, damages or removes any part of the alarm system, fire extinguishers, smoke detectors, or exit signs are subject to severe disciplinary action, including dismissal from the residence halls, possible suspension from the College, and/or criminal prosecution. If a smoke detector is detached from the wall for any reason, it is the responsibility of the resident to report it immediately.

If not reported, all residents will be held responsible for tampering with fire safety equipment and will be disciplined and/or fined.

Fire drills/safety education: To comply with state and local fire regulations and for fire safety education, unannounced fire drills are conducted every semester. All persons inside the residence hall during emergency drills are required to evacuate the building. Failure to evacuate the residence hall for any reason, including sleeping through an alarm, may result in disciplinary action.

Fire evacuation procedures: In the event of a fire, all residence hall buildings will be evacuated to protect the health and safety of the residents, guests, and visitors. When an alarm is sounded you must assume there is an emergency and you must follow the following steps.

- (1) REMAIN CALM.
- (2) Evacuate by the nearest safety exit stairway.
- (3) DO NOT USE ELEVATORS. Elevators will either automatically return to the first floor or the MCPSD will return them to the first floor.
- (4) Although Miles College requires all occupants of a building to evacuate when the fire alarm is activated, individuals with disabilities may need assistance or special procedures to evacuate effectively. For this reason, they should inform other individuals, especially Counselors or Advisors that they may need assistance in a fire alarm during the emergency evacuation-planning phase. One tip that may prove useful during a fire alarm evacuation is to utilize the buddy system. During the first few days at a new job or classes, discuss with others your need for a “buddy” if the fire alarm goes off. Obtain several buddies in different locations where you may be during an alarm and discuss your evacuation plan with your buddies (especially Counselors or Advisors). Explain what type of assistance you would need during a fire alarm. Plan and practice your procedure or evacuation during a fire alarm. If possible, your buddy should assure your location; capabilities and need for assistance during a fire alarm (however, do not risk your life). Your buddy should inform MCPSD or the Fairfield Fire and Rescue Service of your need for assistance, plan, and location during a fire alarm. During the evacuation phase, persons utilizing wheelchairs should be taken to an area of rescue assistance (usually stairwell landings) or stay where they are located. This still requires their buddy to notify MCPSD or the Fire Department of their location once they reach the assembly location outside. If the mobility-impaired individual is alone, he/she should dial

FIRE AND SAFETY REPORT

911 and inform the dispatcher of his/her location, inability to evacuate and/or area of rescue assistance where they are located. Persons with mobility impairments but without the need of a wheelchair will need to attempt to evacuate the building, allowing traffic to pass, when needed, in areas like stairwells.

These individuals may decide to remain in place and contact MCPSD or 911 with their location if there is no sign of imminent hazard, and due to their impairment, they would not be able to evacuate the building at this time without assistance. Individuals who are visually impaired may need a buddy to assist him/her through the evacuation route. If the visually impaired individual is unable to evacuate alone, he/she should dial 911 and inform the dispatcher of his/her location, inability to evacuate and/or the area of rescue assistance where they are located.

Once occupants have successfully evacuated the building and are outside, occupants should move away from the building to a pre-designated location where a headcount should be initiated by the building representative, advisor, or another designated individual. Occupants should also notify MCPSD of anyone needing assistance exiting the building. The building representative or some other supervisory personnel should notify MCPSD of anyone unaccounted for during the evacuation. Occupants should remain outside and away from the building until they are given further instructions from Fairfield Fire and Rescue Service or MCPSD.

(5) After departing the hall, proceed directly to the designated assembly point away from the building. Do not leave the assembly area until told so by a responsible official. A suitable emergency shelter will be provided as soon as possible.

(6) Return to the hall ONLY when told by Fire Department Officials, MCPSD, or Advisor.

Fire Safety Regulations

Residents must observe and follow all fire safety regulations. Electrical appliances with exposed heating elements are prohibited. All appliances must be UL approved. No open flames (candles, incense, kerosene, lamps, etc.) or any incendiary devices are permitted in the residence halls, rooms/suites/apartments. Smoking is not permitted in the residence halls, including balconies, vestibules, etc. Smoking is permitted in designated smoking areas only.

Future Improvements in Fire Safety

Miles College is dedicated to improving fire safety and fire safety systems. Older fire alarm systems are replaced and buildings are retrofitted with sprinkler systems as renovations occur. All new housing facilities are equipped with sprinkler systems. To review the specific fire safety features of an on-campus housing facility, see the Fire Safety System Description.

A link to the diagram for the fire safety systems in the residence halls can be found in the student handbook on the website.

FIRE AND SAFETY REPORT

Residential Facilities	Total Fires in each Bldg.	Fire No	Report Date	Report Time	Incident Date	Incident Time	Cause of Fire	Number of injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Snorton Hall	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pitts Halls	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Bass Hall	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Murchison Hall	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Stewart Reddick	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Fire Alarm Monitoring Done on Site (MCPSD)	Partial 1 Sprinkler System	Full 2 Sprinkler System	Smoke Detection	Fire Extinguisher	Evacuation Plans Placards	Number of Evacuation (fire)Drills each academic year 2017	Number of Evacuation (fire)Drills each academic year 2018	Number of Evacuation (fire)Drills each academic year 2019
Snorton Hall		X	X	X	X	2	2	2
Pitts Halls		X	X	X	X	2	2	2
Bass Hall		X	X	X	X	2	2	2
Murchison Hall		X	X	X	X	2	2	2
Stewart Reddick		X	X	X	X	2	2	2

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HOMICIDE: MURDER AND NON-NEGLIGENT MANSLAUGHTER: NEGILGENT MANSLAUGHTER

FED/CLERY	Murder and non-negligent manslaughter are the willful (non-negligent) killing of one human being by another. Manslaughter by negligence is the killing of another person through gross negligence.
Alabama	<p>Murder-ALA. CODE §13A-6-2. (a) A person commits the crime of murder if he or she does any of the following:</p> <ul style="list-style-type: none"> • With intent to cause the death of another person, he or she causes the death of that person or of another person. • Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a person other than himself or herself, and thereby causes the death of another person. • He or she commits or attempts to commit arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree, aggravated child abuse under Section 26-15-3.1, or any other felony clearly dangerous to human life and, in the course of and in furtherance of the crime that he or she is committing or attempting to commit, or in immediate flight therefrom, he or she, or another participant if there be any, causes the death of any person. • He or she commits the crime of arson and a qualified governmental or volunteer firefighter or other public safety officer dies while performing his or her duty resulting from the arson. <p>A person does not commit murder under the first 2 items above if he or she was moved to act by a sudden heat of passion caused by provocation recognized by law, and before there had been a reasonable time for the passion to cool and for reason to reassert itself. The burden of injecting the issue of killing under legal provocation is on the defendant, but this does not shift the burden of proof. This subsection does not apply to a prosecution for, or preclude a conviction of, manslaughter or other crime.</p> <p><i>Manslaughter</i> – ALA. CODE §13A-6-3. (a) A person commits the crime of manslaughter if: (a) the person recklessly causes the death of another person, or (b) the person causes the death of another person under circumstances that would constitute murder under Section 13A-6-2; except, that the death is due to a sudden heat of passion caused by provocation recognized by law, and before a reasonable time for the passion to cool and for reason to reassert itself.</p> <p><i>Criminally Negligent Homicide</i> - ALA. CODE §13A-6-4. A person commits the crime of</p>

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	criminally negligent homicide if he or she causes the death of another person by criminal negligence.
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INTIMATE PARTNER VIOLENCE: DATING VIOLENCE

FED/CLERY	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. 34 C.F.R. § 668.46(a)
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INTIMATE PARTNER VIOLENCE: DATING VIOLENCE

	<p>A felony or misdemeanor crime of violence committed –</p> <ul style="list-style-type: none"> • By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; • By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; • 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 • 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. 34 C.F.R. § 668.46(a)
Alabama	<ul style="list-style-type: none"> • <i>First Degree Domestic Violence</i>- ALA. CODE § 13A-6-130(a). (a)(1) 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; aggravated stalking pursuant to Section 13A-6-91; or burglary in the first degree pursuant to Section 13A-7-5 and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant. • (2) For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party. • (b) Domestic violence in the first degree is a Class A felony, except that the defendant shall serve a minimum term of imprisonment of one year without consideration of probation, parole, good time credits, or any other reduction in time for any second or subsequent conviction under this subsection. <p><i>Second Degree Domestic Violence</i> - ALA. CODE § 13A-6-131(a). A person commits the</p>

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	<p>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>2. For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.</p> <p><i>Third Degree Domestic Violence</i> - 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 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.</p> <p>2. For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.</p>
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STALKING

FED/CLERY	<p>Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition:</p> <p>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.</p>
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	<p>Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.</p> <p>Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. 34 C.F.R. § 668.46(a)</p>
Alabama	<p><i>First Degree Stalking</i>- ALA. CODE § 13A-6-90(a). A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.</p> <p><i>Second Degree Stalking</i> - 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 he/she is guilty of the crime of stalking in the second degree.</p> <p><i>Aggravated First Degree Stalking</i> – ALA. CODE § 13A-6-91. A person who violates the provisions of Section 13A-6-90(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the first degree.</p> <p><i>Aggravated First Degree Stalking</i> – ALA. CODE § 13A-6-92. A person who violates the provisions of Section 13A-6-90.1 and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the second degree.</p>

SEXUAL ASSAULT OFFENSES-CONSENT, SEXUAL ASSAULT & SEXUAL EXPLOITATION, FONDLING, INCEST, RAPE AND STATUTORY RAPE

CONSENT	
FED/CLERY	The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter.
Alabama	<p>Whether or not specifically stated, it is an element of every offense defined in Article 6 of Title 13A, with the exception of subdivision (a)(3) of Section 13A-6-65, that the sexual act was committed without the consent of the victim.</p> <p>Lack of consent results from:</p> <p>(1) FORCIBLE COMPULSION. Use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. Factors to be considered in</p>

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	<p>determining an implied threat include, but are not limited to, the respective ages and sizes of the victim and the accused; the respective mental and physical conditions of the victim and the accused; the atmosphere and physical setting in which the incident was alleged to have taken place; the extent to which the accused may have been in a position of authority, domination, or custodial control over the victim; or whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim.</p> <p>(2) INCAPACITATED. The term includes any of the following:</p> <p>a. A person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct.</p> <p>b. A person is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender.</p> <p>c. A person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate.</p> <p>A person is deemed incapable of consent if he or she is: Less than 16 years old; or Mentally defective; or</p> <ul style="list-style-type: none"> • Mentally incapacitated; or • Physically helpless. ALA. CODE § 13A-6-70

SEXUAL ASSAULT/SEXUAL CONTACT/SEXUAL EXPLOITATION

FED/CLERY	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)
Alabama	<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 an enter vehicle, house, etc. for immoral purposes, sexual abuse of a child less than 12 years old, school employees engaging in a sex act or deviate sexual intercourse or having sexual contact with a student under the age of 19 years. Refer to AL definitions below for those.</p> <p>Rape in the First Degree – ALA. CODE §13A-6-61. A person commits the crime of rape in the first degree if:</p>

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- The person engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or
- The person 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
- The person, being 16 years of age or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years of age.

Rape in the Second Degree – ALA. CODE §13A-6-62. A person commits the crime of rape in the second degree if:

- Being 16 years of age or older, a person 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 2 years older than the member of the opposite sex.
- A person engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.

First Degree Sexual Abuse – ALA. CODE § 13A-6-66. A person commits the crime of sexual abuse in the first degree if:

- The person subjects another person to sexual contact by forcible compulsion; or
- The person subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.

Second Degree Sexual Abuse - ALA. CODE § 13A-6-67. A person commits the crime of sexual abuse in the second degree if:

- The person 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
- The person, 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.

First Degree Sodomy – ALA. CODE § 13A-6-63. A person commits the crime of sodomy in the first degree if:

- The person engages in deviate sexual intercourse with another person by forcible compulsion; or
- The person engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or
- The person, being 16 years of age or older, engages in deviate sexual intercourse with a person who is less than 12 years old.

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Second Degree Sodomy – ALA. CODE § 13A-6-64. A person commits the crime of sodomy in the second degree if:

- The person, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old; or
- The person engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

Sexual Misconduct - ALA. CODE § 13A-6-65. A person commits the crime of sexual misconduct if:

- A male engages in sexual intercourse with a female without her consent, under circumstances other than those constituting rape, or where the female's consent was obtained by use of fraud or artifice; or
- A female engages in sexual intercourse with a male without his consent; or
- A person engages in deviate sexual intercourse with another person in circumstances other than those constituting sodomy.

Sexual Torture – ALA. CODE § 13A-6-65.1. A person commits the crime of sexual torture:

- 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.
- 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.
- 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.

Sexual Abuse in the First Degree - ALA. CODE § 13A-6-66. A person commits the crime of sexual abuse in the first degree if: (1) he or she subjects another person to sexual contact by forcible compulsion; or (2) he or she subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.

Sexual Abuse in the Second Degree – ALA. CODE § 13A-6-67. A person commits the crime of sexual abuse in the second degree if: (1) he or she subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or (2) he or she, 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.

Indecent Exposure - ALA. CODE § 13A-6-68. 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 § 13A6-

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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, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.

Sexual Abuse of a Child Less than 12 Years Old – ALA. CODE § 13A-6-69.1(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.

School employee engaging in a sex act or deviant sexual intercourse with a student under the age of 19 years. – ALA. CODE §13A-6-81. A person commits the crime of a school employee engaging in a sex act or deviant sexual intercourse with a student under the age of 19 years if he or she is a school employee and engages in a sex act or deviant sexual intercourse with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. As used in this section, sex act means sexual intercourse with any penetration, however slight; emission is not required. As used in this section, deviant sexual intercourse means any act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another.

School Employee Having Sexual Contact with a Student Under the Age of 19 Years - ALA. CODE §13A-6-82. 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. 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.

FONDLING

FED/CLERY

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, without the consent of the victim, including instances where the victim is permanent mental incapacity. 34 C.F.R. § 668.46 Appendix A

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Alabama	Sexual Contact: any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin contact.
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INCEST

FED/CLERY	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
Alabama	<p>A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:</p> <ul style="list-style-type: none"> • His ancestor or descendant by blood or adoption; or • His brother or sister of the whole or half-blood or by adoption; or • His stepchild or stepparent, while the marriage creating the relationship exists; or • His aunt, uncle, nephew or niece of the whole or half-blood. <p>A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed. Ala. Code § 13A-13-3</p>

RAPE

FED/CLERY	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
Alabama	See Sexual Assault/Sexual Contact/Sexual Exploitation above

STATUTORY RAPE

FED/CLERY	Sexual intercourse with a person who is under the statutory age of consent. 34 C.F.R. § 668.46 Appendix A
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 above the state definition of consent.

BURGLARY

FED/CLERY	Burglary is the unlawful entry of a structure to commit a felony or theft. Burglary includes:
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	<p>1. Local Classified Crimes - Offenses classified by local law enforcement agencies as burglary; unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at such offenses.</p> <p>2. Forcible Entry - All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony.</p> <p>3. Unlawful Entry – No Force. The entry of a structure achieved by use of an unlocked door or window.</p> <p>4. Attempted Forcible Entry – Situations in which a forcible entry into a locked structure is attempted but not completed.</p>
Alabama	<p><i>Burglary in the first degree.</i> ALA. CODE §13A-7-5. A person commits the crime of burglary in the first degree if he or she knowingly and unlawfully enters or remains unlawfully in a dwelling with intent to commit a crime therein, and, if, in effecting entry or while in dwelling or in immediate flight therefrom, the person or another participant in the crime:</p> <ul style="list-style-type: none"> • Is armed with explosives; or • Causes physical injury to any person who is not a participant in the crime; or • In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the dwelling or immediate flight from the dwelling, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary. <p><i>Burglary in the second degree</i> - ALA. CODE §13A-7-6. (a) A person commits the crime of burglary in the second degree if he or she knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein and, if in effecting entry or while in the building or in immediate flight therefrom, the person or another participant in the crime:</p> <ul style="list-style-type: none"> • Is armed with explosives; or • Causes physical injury to any person who is not a participant in the crime; or • In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the building or in immediate flight from the building, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary. <p>Alternatively, a person commits the crime of burglary in the second degree if he or she unlawfully enters a lawfully occupied dwelling-house with intent to commit a theft or a felony therein.</p> <p><i>Burglary in the third degree</i> - ALA. CODE §13A-7-7. A person commits the crime of burglary in the third degree if any of the following occur:</p> <ul style="list-style-type: none"> • He or she knowingly enters or remains unlawfully in a dwelling with the intent to commit a crime therein;

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	<ul style="list-style-type: none"> • He or she knowingly enters or remains unlawfully in an occupied building with the intent to commit a crime therein; or • He or she knowingly enters or remains unlawfully in an unoccupied building with the intent to commit a crime therein.
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Motor Vehicle Theft

FED/CLERY	Motor vehicle theft is the theft or attempted theft of a motor vehicle. Theft of any self-propelled vehicle that runs on land surface and not on tracks, such as sports utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs are included in this classification.
Alabama	Theft of property in the first degree – ALA. CODE §13A-8-3. The theft of property which exceeds two thousand five hundred dollars (\$2,500) in value, or property of any value taken from the person of another, constitutes theft of property in the first degree. The theft of a motor vehicle, regardless of its value, constitutes theft of property in the first degree.

Arson

FED/CLERY	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
Alabama	<p><i>Arson in the first degree.</i> ALA. CODE §13A-7-41. - A person commits the crime of arson in the first degree if he or she intentionally damages a building by starting or maintaining a fire or causing an explosion, and when: (1) another person is present in such building at the time, and (2) the actor knows that fact, or the circumstances are such as to render the presence of a person therein a reasonable possibility.</p> <p><i>Arson in the Second Degree</i> - ALA. CODE §13A-7-42. A person commits the crime of arson in the second degree if he or she intentionally damages a building by starting or maintaining a fire or causing an explosion.</p> <p><i>Arson in the Third Degree</i> - ALA. CODE §13A-7-43. A person commits the crime of arson in the third degree if he or she recklessly damages a building by a fire or an explosion.</p>

Weapons Violation

Miles	<p>Miles prohibits the possession or use of firearms, ammunition, bowie knives, bows and arrows, and other potentially dangerous weapons, including firecrackers or other explosive or incendiary devices, in any college buildings, facilities and properties. This prohibition applies to all faculty, staff, students, and visitors of the college. There are only two exceptions to the general prohibition of weapons on campus.</p> <p><i>Exception No. 1.</i> The first exception is pursuant to Alabama Act 2013-283. A Miles employee may transport or store a lawfully possessed firearm or ammunition in the</p>
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	<p>employee's own privately-owned vehicle while it is properly parked in a Miles parking area if the employee satisfied all of the following requirements:</p> <p>(1) The employee either: (a) has a valid concealed weapon permit; or (b) if the weapon is an unloaded firearm that is legal for use for hunting in Alabama other than a pistol: (i) the employee possesses a valid Alabama hunting license; (ii) it is during a season in which hunting is permitted by Alabama law or regulation; (iii) the employee has never been convicted for a crime of violence and is not subject to domestic violence order; and (iv) the employee has no documented prior workplace incidents involving the threat of physical injury or which resulted in physical injury.</p> <p>(2) The motor vehicle is operated or parked in a location where it is otherwise permitted to be.</p> <p>(3) The firearm is either: (a) kept inside the employee's vehicle and out of sight while the employee is attending the vehicle; or (b) kept out of sight, locked in a compartment, container, or in the interior of the employee's privately owned vehicle or in a compartment or container securely affixed to the employee's vehicle, when the vehicle is unattended.</p> <p>Employees not meeting the above requirements are prohibited from having a firearm in a vehicle on Miles's property. Miles reserves the right to restrict or prohibit the presence of a hunting weapon by an employee, to the extent permitted by the Americans with Disabilities Act, if the Chief of the or the Director of Human Resources knows that the employee meets any of the factors listed in Ala. Code § 13A-11-75(a)(1) a.1.-8.</p> <p>An employee may not possess a firearm in an automobile owned by Miles or by another person. Miles has the right to question an employee regarding verification of any of the foregoing legal requirements concerning firearms. In any instance in which Miles believes that an employee poses a risk of danger to themselves or others, the college may make further inquiries as to whether the employee has a weapon on Miles's property. If it is determined that an employee is not in compliance, he or she is subject to disciplinary action, including termination.</p> <p><i>Exception No. 2.</i> The second exception is for the Miles College Police Department officers who are authorized by the Chief to be armed and have a weapon on campus while performing job-related duties.</p>
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Robbery

	<p>FED/CLERY the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.</p>
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Ala. Code § 13A-5-13: (a) A person commits the crime of robbery in the first degree if he violates Section 13A8-43 and he:

(1) Is armed with a deadly weapon or dangerous instrument; or

(2) Causes serious physical injury to another.

(b) Possession then and there of an article used or fashioned in a manner to lead any person who is present reasonably to believe it to be a deadly weapon or dangerous instrument, or any verbal or other representation by the defendant that he is then and there so armed, is prima facie evidence under subsection (a) of this section that he was so armed.

(c) Robbery in the first degree is a Class A felony.

Aggravated Assault

FED/CLERY an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Ala. Code § 13A-6-20:

a) A person commits the crime of assault in the first degree if:

(1) With intent to cause serious physical injury to another person, he causes serious physical injury to any person by means of a deadly weapon or a dangerous instrument; or

(2) With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such an injury to any person; or

(3) Under circumstances manifesting extreme indifference to the value of human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to any person; or

(4) In the course of and in furtherance of the commission or attempted commission of arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree or any other felony clearly dangerous to human life, or of immediate flight therefrom, he causes a serious physical injury to another person; or

(5) While driving under the influence of alcohol or a controlled substance or any combination thereof in violation of Section 32-5A-191 he causes serious bodily injury to the person of another with a motor vehicle.

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

Ala. Code § 13A-6-21:

(a) A person commits the crime of assault in the second degree if the person does any of the following:

(1) With intent to cause serious physical injury to another person, he or she causes serious physical injury to any person.

(2) With intent to cause physical injury to another person, he or she causes physical injury to any person by means of a deadly weapon or a dangerous instrument.

(3) He or she recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.

(4) With intent to prevent a peace officer, as defined in Section 36-21-60, or emergency medical personnel or a firefighter from performing a lawful duty, he or she intends to cause physical injury and he or she causes physical injury to any person.

(5) With intent to cause physical injury to a teacher or to an employee of a public educational institution during or as a result of the performance of his or her duty, he or she causes physical injury to any person.

(6) For a purpose other than lawful medical or therapeutic treatment, he or she intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him or her, without his or her consent, a drug, substance or preparation capable of producing the intended harm.

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

Ala. Code § 13A-6-22:

(a) A person commits the crime of assault in the third degree if:

(1) With intent to cause physical injury to another person, he causes physical injury to any person; or

(2) He recklessly causes physical injury to another person; or

(3) With criminal negligence he causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or

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(4) With intent to prevent a peace officer from performing a lawful duty, he causes physical injury to any person.

(b) Assault in the third degree is a Class A misdemeanor.

Hate Crimes

FED/CLERY	A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.
Alabama	<p>Ala. Code § 13A-5-13: (a) The Legislature finds and declares the following:</p> <p>(1) It is the right of every person, regardless of race, color, religion, national origin, ethnicity, or physical or mental disability, to be secure and protected from threats of reasonable fear, intimidation, harassment, and physical harm caused by activities of groups and individuals.</p> <p>(2) It is not the intent, by the enactment of this section, to interfere with the exercise of rights protected by the Constitution of the State of Alabama or the United States.</p> <p>(3) The intentional advocacy of unlawful acts by groups or individuals against other persons or groups and bodily injury or death to persons is not constitutionally protected when violence or civil disorder is imminent and poses a threat to public order and safety, and such conduct should be subjected to criminal sanctions.</p> <p>(b) The purpose of this section is to impose additional penalties where it is shown that a perpetrator committing the underlying offense was motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.</p> <p>(c) A person who has been found guilty of a crime, the commission of which was shown beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, shall be punished as follows:</p> <p>(1) Felonies:</p> <p>a. On conviction of a Class A felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 15 years.</p> <p>b. On conviction of a Class B felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 10 years.</p> <p>c. On conviction of a Class C felony that was found to have been motivated by the</p>

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victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than two years.

d. On conviction of a Class D felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 18 months.

e. For purposes of this subdivision, a criminal defendant who has been previously convicted of any felony and receives an enhanced sentence pursuant to this section is also subject to enhanced punishment under the Alabama Habitual Felony Offender Act, Section 13A-5-9.

(2) Misdemeanors:

On conviction of a misdemeanor which was found beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the defendant shall be sentenced for a Class A misdemeanor, except that the defendant shall be sentenced to a minimum of three months.