

Miles College



2021 Annual Report Annual Campus Security and Fire Safety Report

Reporting for 2020

Table of Contents

Mission.....	1
A Message From President Bobbie Knight	1
A Message From Chief Tonikos Vandiber	2
Introduction.....	3
How to Report a Crime	3
Campus Security Authority.....	4
Crime Prevention and Safety Training.....	5
Alcohol and Drug Policy.....	6
Access to Campus Facilities.....	6
Emergency Evacuation Procedures.....	7-8
Notification of Missing Students.....	8-9
Crime Log.....	9
Sexual Misconduct Policy.....	9-25
Crime Statistics	
Campus Crime Statistics 2018.....	26
Campus Crime Statistics 2019.....	27
Campus Crime Statistics 2020.....	28
Safety Tips.....	29-30
Fire Safety Report.....	31-33
Appendix A.....	34-49

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, thereby 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 2021 Annual Security Report is to provide students, employees, and guests with information about crimes that occurred on the Miles College campus. This year has been full of challenges as the College has managed through the COVID-19 pandemic in addition to ensuring the mental and physical safety of our students, faculty, and staff.

To keep the Miles College community safe as possible and help ensure the ability to continue in-person learning and teaching faculty and staff are now required to be fully vaccinated with a CDC authorized COVID-19 vaccine in accordance with CDC guidelines.

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 aid assistance programs, disclose campus crime statistics, and other security information to students, faculty staff and the public. The VAWA amendments added requirements that College discloses statistics, policies, and programs related to dating violence, domestic violence, sexual assault, and stalking, among other changes.

This report has been prepared by a team of the College's employees who collected the information related to policies, procedures, campus crimes and fire safety.

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. We 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 a 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 essential. Members must accept responsibility for their safety and the security of their belongings by taking 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. The College is in the process of upgrading the emergency phone towers and they may be inoperable during that time.

You may obtain a copy of the 2021 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 2018, 2019, and 2020 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 1st of each year and may be viewed online at www.miles.edu hover over “ABOUT.” 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, staff, and contractors.

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.

- Name
- The 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 Authority (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.

Moreover, information indirectly received by a CSA, 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:

- Emergency assist **911**
- 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:

- **Patricia Wilson**, Title IX Coordinator, Brown Hall (205) 929-1440 titleix@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 well-being 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. All faculty, staff and students receive emergency management and safety training annually.

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

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.

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.

All faculty, staff and students receive drug and alcohol abuse training annually.

DRUG AND ALCOHOL EDUCATION

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

FIRE AND WEAPON 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 the 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. 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 in place an Emergency Notification System, Bear Alert system 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 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.

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.

Emergency Evacuation Procedures

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 no formal security education to the college community.

The College is planning to adopt the National Incident Management System (NIMS) as its policy and procedure and will follow the fundamental principles thereof to ensure the safety and well-being of the campus.

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 Student

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 are 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 Assistance	911

CRIME LOG

The College maintained a crime log to report the daily incidents and alleged criminal incidents that occurred and reported to the campus police or security department. The crime log is maintained on-site and available for inspection upon request by calling (205) 929-1720 or email milesofficer@miles.edu.

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, faculty and staff 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.

When Sexual Misconduct does occur, all members of the Miles College community are strongly encouraged to report it promptly through the procedures outlined in this Policy.

Sexual Misconduct Policy

The purpose of this Policy is to ensure uniformity throughout the colleges reporting and addressing sexual misconduct. Policy expressly prohibits Sexual Harassment, which includes, but is not limited to, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as well as gender-based violence, and/or violence based on sexual orientation or gender identity or expression.

This Policy applies to all members of the Miles College community. This Policy is not intended to infringe or restrict rights guaranteed by the United States Constitution including free speech under the 1st Amendment, or the due process of 5th and 14th Amendments.

Definitions and Prohibited Conduct

Community: Students, faculty, and staff, as well as contractors, vendors, visitors, and guests.

Complainant: An individual who is alleged to have experienced conduct that violates this Policy.

Consent: Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation or coercion; by ignoring or acting in spite of objections of another; or by taking advantage of the incapacitation of another where the respondent knows or reasonably should have known of such incapacitation. Consent is also absent when the activity in question exceeds the scope of consent previously given. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time by a party by using clear words or actions.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Domestic Violence: Violence committed by a current or former spouse or intimate partner of the alleged victim; by a person with whom the alleged 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, or by a person similarly situated to a spouse of the alleged victim.

Incapacitation: The physical and/or mental inability to make informed, rational judgments. It can result from mental disability, sleep or any state of unconsciousness, involuntary physical restraint, status as a minor under the age of 16, or from intentional or unintentional taking of alcohol and/or other drugs. Whether someone is incapacitated is to be judged from the perspective of an objectively reasonable person.

Nonconsensual Sexual Contact: Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act.

Sexual Misconduct Policy

Nonconsensual Sexual Penetration: Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes “Rape, Incest, and Statutory Rape” as defined by the Clery Act.

Confidential Employees: Institution employees who have been designated by the institution to talk with a Complainant or Respondent in confidence. Confidential Employees include those providing counseling, advocacy, health, mental health, or sexual assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of the Respondent (if known) without revealing any information that would personally identify the alleged victim. This minimal reporting must be submitted in compliance with Title IX and the Clery Act. Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety

Reasonable Person: An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.

Reporter: An individual who reports an allegation of conduct that may violate this Policy but who is not a party to the complaint.

Respondent: An individual who is alleged to have engaged in conduct that violates this Policy.

Responsible Employees: Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Title IX Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).

Sexual Assault: Sexual Assault is an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which, for the purposes of this Policy, only includes:

- Rape—sexual intercourse against a person’s will
- Forcible sodomy—anal or oral sex against a person’s will
- Forcible object penetration—penetrating someone’s vagina or anus, or causing that person to penetrate her or himself, against that person’s will
- Marital rape
- Unwanted sexual touching
- Sexual contact with minors, whether consensual or not
- Incest (Sexual intercourse or sexual intrusion between family members.)
- Any unwanted or coerced sexual contact

Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Sexual Misconduct Policy

Examples of sexual exploitation may include, but are not limited to, the following:

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, of sexual activity;
4. Non-consensual distribution of photo, video of sexual activity, even if the sexual activity or capturing of the activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
8. Sexually based bullying.

Sexual Harassment (Student on Student): Unwelcome verbal, nonverbal, or physical conduct based on sex as well as on the basis of gender identity, determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

Sexual Harassment (Other than Student on Student): Unwelcome verbal, nonverbal, or physical conduct, based on sex including gender identity, that may be any of the following:

1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity.
2. A basis for employment or educational decisions; or
3. Is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.

Sexual Harassment also includes an incident of sexual violence that does not qualify as Sexual Assault, gender-based violence, and/or violence based on sexual orientation or gender identity or expression. These forms of Sexual Harassment need not be on the basis of sex.

Sexual harassment comes in many forms and can be committed:

- By or against anyone, regardless of gender, age, position, or authority.
- By a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- By or against an individual or maybe a result of the actions of a group of individuals.
- By or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- In the presence of others, or when the parties are alone.

Miles College also prohibits unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a Miles College education program or activity in violation of Title IX.

Sexual Misconduct Policy

Sexual Misconduct: Includes, but is not limited to, such unwanted behavior as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment, and stalking.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. 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 person's property.
2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Types of Claims

1. Quid Pro Quo: This is the demand for sexual favors in exchange for some job or academic benefit (something for something)
2. Hostile Environment: This is sexually harassing conduct that unreasonably interferes with an individual's work or creates a hostile, intimidating, or offensive work or learning environment. The "hostile" work or learning environment forms of sexual and unlawful harassment may include offensive language, jokes, emails, gestures, comments, graphics, calendars, or graffiti.
3. A hostile environment is created when sexual harassment is severe, or persistent or pervasive, and objectively interferes with, denies or limits someone's ability to participate in or benefit from Miles College's educational, employment, social or residential program.

Miles College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing such behavior may not result in the imposition of discipline under the College's policy but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms.

For assistance with conflict resolution techniques, employees should contact Human Resources and students should contact the Dean of Students or the Title IX Coordinator.

Reporting Sexual Misconduct

Initial Evaluation of Sexual Misconduct Reports: Upon notice of the alleged Sexual Misconduct, the institution's Title IX Coordinator will assess whether a formal investigation, informal resolution, or dismissal would be appropriate. In making this determination, the Title IX Coordinator will assess whether the allegation(s), if true, would rise to the level of prohibited conduct, whether a Formal Complaint must be filed, whether an investigation is appropriate in light of the circumstances, whether the parties prefer an informal resolution, and whether any safety concerns exist for the campus community. The need to issue a broader warning to the community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") shall be assessed in compliance with federal law.

Sexual Misconduct Policy

Interim Measures:

Interim measures may be implemented at any point after the institution becomes aware of an allegation of Sexual Misconduct and should be designed to protect any student or other individual in the Miles College community. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter Sexual Misconduct and retaliation. Interim measures must be implemented consistent with the provisions in applicable Board and institutional policies and procedures.

An interim suspension should only occur where necessary to promote safety and should be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Before an interim suspension is issued, the institution must make reasonable efforts to give the Respondent the opportunity to be heard on whether the Respondent's presence on campus poses a danger. If an interim suspension is issued, the terms of the interim suspension take effect immediately. The Respondent shall receive notice of the interim suspension and the opportunity to respond to the interim suspension.

Within three business days of receiving a challenge the institution will determine whether the interim suspension should continue.

Miles College encourages the reporting of all Sexual Misconduct as soon as possible. While there is no statute of limitations on the college's ability to respond to a report, the ability to respond diminishes with time, as information and evidence may be more difficult to secure.

Institutional Reports

An institutional report occurs when the institution has notice of a complaint. That notice occurs in two instances:

1. When a Responsible Employee receives a complaint; or
2. When the Title IX Coordinator or their designee receives a complaint.

Any individual may make a report, but the institution does not have notice of the report until information is known to a Responsible Employee or the Title IX Coordinator. The report may be made directly to the Title IX Coordinator in multiple formats to include writing, email, phone, letter, fax, interview, or other method that provides the basis of the complaint of sexual misconduct. There is no specific information required to constitute a report; however, the report should contain as much information as can be provided. To submit an incident report, options for resolution, support services and more:

Sexual Misconduct Policy

Title IX Coordinator – Patricia Wilson

Phone: (205) 929-1440

Office Location: Brown Hall, RM 101

Email: titleix@miles.edu

<https://www.miles.edu/sites/miles.edu/files/documents/MilesCollegeTitleIXComplaintForm.pdf>

Complainants, or anyone with knowledge of Sexual Misconduct, may file a report with a Responsible Employee or the Title IX Coordinator. That Responsible Employee must provide a complete reporting of all information known to them to the Title IX Coordinator. Responsible Employees informed about Sexual Misconduct allegations should not attempt to resolve the situation but must notify and report all relevant information to the Title IX Coordinator as soon as practicable.

Upon receipt of an institutional report, the Coordinator will contact the Complainant. The Title IX Coordinator will discuss the availability of supportive measures, the invitation to the Complainant to discuss their wishes with respect to implementation of supportive measures and explain the process of filing a complaint. An institutional report does not automatically prompt an investigation.

The Title IX Coordinator's identity and contact information shall be published prominently on the institution's website, as well as in any relevant publication. Miles College may choose to have Deputy Title IX Coordinators to whom reports may be made, as well.

The Title IX Coordinator shall notify the Appropriate Cabinet member of any allegation(s) of Sexual Misconduct that could, standing alone as reported, lead to the suspension or expulsion of the Respondent(s). The Appropriate Cabinet member will work with the institution to determine whether any support services or interim measure(s) are necessary and to assign an investigator who will work under the direction of the Appropriate Cabinet member or designee. If an allegation is not initially identified as one that would lead to the suspension or expulsion of the Respondent(s), but facts arise during the course of the investigation that could lead to the Respondent's suspension or expulsion, the Title IX Coordinator shall notify the Appropriate Cabinet member or designee. The Appropriate Cabinet member shall have the discretion to oversee the handling of the complaint.

Confidential Reports

Confidential Employees or Privileged Employees may receive reports of Sexual-based Misconduct without the requirement to report that information to the Title IX Coordinator, except as dictated by law or professional standards. Upon request by the Complainant, Confidential Employees and Privileged Employees may make a report to the Title IX Coordinator within the degree of specificity dictated by the Complainant. Nothing in this provision shall prevent an institution staff member who is otherwise obligated by law (i.e., the Clery Act) to report information or statistical data as required.

Law Enforcement Reports

Because Sexual Misconduct may constitute criminal activity, a Complainant also has the option, should the Complainant so choose, of filing a report with campus or local police, for the Complainant's own protection and that of the surrounding community. The institution may assist the Complainant in reporting the situation to law enforcement officials. Filing a criminal report does not automatically constitute an institutional report.

Sexual Misconduct Policy

Emergency Assistance 911
Miles College Police Department Reporting (205) 929-1720
Fairfield Police Department (205) 786-4111
Jefferson County Sheriff's Office (205) 325-1450

Anonymous Reports

Miles College provides a mechanism by which individuals can report incidents of alleged Sexual Misconduct anonymously. Individuals should understand, however, that it will be more difficult for the institution to respond and to take action upon anonymous reports.

Complaint Consolidation

Miles College may consolidate complaints as to allegations of Sexual Misconduct against more than one Respondent, by more than one Complainant against one or more Respondents, or cross-complaints between parties, where the allegations of sexual misconduct arise out of the same facts or circumstances.

Parties shall have the opportunity to request or object to the consolidation; however, the institution shall have the Miles College authority to make the final determination. For the purpose of this Policy, consolidation may occur during the investigation and/or the adjudication phases of the sexual misconduct process.

Complaint Dismissal

Miles College is permitted, but not required, to dismiss complaints on the following grounds:

1. The alleged conduct, even if proved, would not constitute sexual misconduct.
2. The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the complaint:
3. The Respondent is no longer enrolled or employed by the institution; or
4. There are circumstances that prevent the institution from gathering evidence sufficient to reach a determination regarding the complaint.

The parties shall receive simultaneous written notice of the dismissal and the reason(s) for the dismissal. The parties shall have a right to appeal the institution's decision to dismiss the complaint.

Retaliation

Anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any manner in the Sexual Misconduct Process, shall not be subjected to retaliation. Anyone who believes that they have been subjected to retaliation should immediately contact the Title IX Coordinator or their designee. Any person found to have engaged in retaliation in violation of this Policy shall be subject to disciplinary action.

Sexual Misconduct Policy

False Complaints

Individuals are prohibited from knowingly making false statements or knowingly submitting false information to a system or institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of this Policy shall be subject to appropriate disciplinary action (up to and including suspension or expulsion) and adjudicated under the appropriate institutional process.

Amnesty

Individuals should be encouraged to come forward and to report Sexual Misconduct notwithstanding their choice to consume alcohol or to use drugs. Information reported by a student during an investigation concerning the consumption of drugs or alcohol will not be used against the particular student in a disciplinary proceeding or voluntarily reported to law enforcement; however, students may be provided with resources on drug and alcohol counseling and/or education, as appropriate. Nevertheless, these students may be required to meet with staff members in regard to the incident and may be required to participate in appropriate educational program(s). The required participation in an educational program under this amnesty procedure will not be considered a sanction.

Nothing in this amnesty provision shall prevent an institution staff member who is otherwise obligated by law (the Clery Act) to report information or statistical data as required.

Responding to Reports of Misconduct

Support Services

Once the Title IX Coordinator has received information regarding an allegation of Sexual Misconduct, the parties will be provided written information about support services. Support services are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge that are made available to the Complainant and Respondent before or after the filing of a complaint or where no complaint has been filed. Support services include counseling, advocacy, housing assistance, academic support, disability services, health and mental services, and other services, available at the student's institution.

Interim Measures

Interim measures may be implemented at any point after Miles College becomes aware of an allegation of sexual misconduct and should be designed to protect any student or other individual in the Miles College community.

Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus community, or deter Sexual Misconduct and retaliation. Interim measures will be provided consistent with the provisions in applicable Board of Trustees and institutional policies and procedures.

Sexual Misconduct Policy

Emergency Removal

Emergency removal will only occur where necessary to maintain safety and should be limited to those situations where the Respondent poses a serious and immediate danger or threat to persons or property. In making such an assessment, the institution should consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

Jurisdiction

Miles College will take necessary and appropriate action to protect the safety and well-being of its community. Sexual misconduct allegedly committed is addressed by this Policy when the misconduct occurs on institution property, or at institution-sponsored or affiliated events, or off-campus, as defined by the student conduct policy.

Advisors

Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing at the party's own expense. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process. All communication during the Sexual Misconduct process will be between the institution and the party, and not the advisor. With the party's permission, the advisor may be copied on all communications.

Informal Resolutions

Allegations of Sexual Misconduct may be resolved informally. The Complainant, the Respondent, and the institution must agree to engage in the informal resolution process and to the terms of the informal resolution. The Complainant(s) and the Respondent(s) have the option to end informal resolution discussions and request a formal process at any time before the terms of an informal resolution are reached. However, matters resolved informally shall not be appealable.

Timeframe

Efforts will be made to complete the investigation and resolution within 120 business days. Temporary delays and limited extensions may be granted by Miles College for good cause throughout the investigation and resolution process. The parties will be informed in writing of any extension or delay and the applicable reason. The institution shall keep the parties informed of the status of the investigation.

Responding to Reports of Sexual Harassment Pursuant to Title IX

The implementing Title IX regulations require special handling of complaints of sexual harassment, as defined in the regulations and listed below. The following section outlines the required specialized handling of these matters that may differ from an institution's handling of Sexual Misconduct, as defined in this Policy. Unless expressly mentioned in this section, other provisions of this Policy shall apply to all alleged Sexual Misconduct.

Sexual Misconduct Policy

Other Title IX sex-discrimination allegations are handled pursuant to other applicable institutional policies.

Definition of Sexual Harassment

Under Title IX sexual harassment, means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
- 3) "Sexual assault" as defined by the Clery Act and "dating violence," "domestic violence," and "stalking" as defined by the VAWA Amendments.

Jurisdiction

Alleged misconduct is addressed by Title IX when the misconduct occurs against a person in the United States on institution property, or at institution-sponsored or affiliated events where the institution exercises substantial control over both the Respondent and the context, or in buildings owned or controlled by a student organization that is officially recognized by the institution.

Formal Complaints

A Formal Complaint is a written document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment, as defined by Title IX and its implementing regulations, against a Respondent and requesting that the institution open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.

Informal Resolution

Formal Complaints may be resolved informally, except in the instance of an allegation by a student against an institution employee. The following must be met in order to proceed with the informal resolution process:

1. The parties have received written notice of the allegations.
2. The parties have received written explanation of the informal process to include, but not limited to:
 - a. Written agreement of the parties to initiate the informal resolution process;
 - b. Written notice that the parties may withdraw from the process at any time prior to the agreement of the terms of the resolution;
 - c. Written notice that the final resolution precludes any further institutional actions on the allegations.
3. The institution has agreed to engage in the informal resolution process.

Advisors

Sexual Misconduct Policy

Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the Sexual Misconduct process but may not actively participate in the process except to conduct cross-examination at the hearing. If a party chooses not to use an advisor during the investigation, the institution will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

All communication during the Sexual Misconduct process will be between the institution and the party, and not the advisor. The institution will copy the party's advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

Process for Investigation and Resolving Sexual Misconduct Reports

Investigation

Throughout any investigation and resolution proceeding, a party shall receive written notice of the alleged Sexual Misconduct, shall be provided an opportunity to respond, and shall be allowed the right to remain silent or otherwise not participate in or during the investigation and resolution process without an adverse inference resulting. If a party chooses to remain silent or otherwise not participate in the investigation or resolution process, the investigation and resolution process may still proceed, and policy violations may result.

Until a final determination of responsibility, the Respondent is presumed to have not violated the Sexual Misconduct Policy. Prior to the finalization of the investigation report, timely and equal access to information directly related to the allegations that has been gathered during the investigation and may be used at the hearing will be provided to the Complainant, the Respondent, and a party's advisor (where applicable).

Formal judicial rules of evidence do not apply to the investigation process. Additionally, the standard of review throughout the Sexual Misconduct process is a preponderance of the evidence.

- 1) The parties shall be provided with written notice of the: report/allegations with sufficient details, pending investigation, possible charges, possible sanctions, available support services and interim measures, and other rights under applicable institutional policies. For the purposes of this provision, sufficient details include the identities of the parties involved, if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known. This information will be supplemented as necessary with relevant evidence collected during the investigation. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the party's institution email.
- 2) Upon receipt of the written notice, the parties shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice. Throughout the Sexual Misconduct process, the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.

Sexual Misconduct Policy

- 3) If the Respondent admits responsibility, the process may proceed to the sanctioning phase or maybe informally resolved, if appropriate.
 - 4) An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
 - 5) An investigator shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
 - 6) The initial investigation report shall be provided to the Complainant, the Respondent, and a party's advisor (if applicable). This report should fairly summarize the relevant evidence gathered during the investigation and clearly indicate any resulting charges or alternatively, a determination of no charges. For purposes of this Policy, a charge is not a finding of responsibility.
 - 7) The Complainant and the Respondent shall have at least 10 calendar days to review and respond in writing to the initial investigation report and directly related information gathered during the investigation. The investigator will review the Complainant's and the Respondent's written responses, if any, to determine whether further investigation or changes to the investigation report are necessary.
 - 8) The final investigation report should be provided to the Complainant, the Respondent, and a party's advisor, if applicable, at least 10 calendars days prior to the Hearing. The final investigation report should also be provided to all Hearing Panel members for consideration during the adjudication process.
- A. **Access to Advisors:** Both the Complainant and the Respondent, as parties to the matter, shall have the opportunity to use an advisor (who may or may not be an attorney) of the party's choosing.
 - B. The advisor may accompany the party to all meetings and may provide advice and counsel to their respective party throughout the sexual misconduct process, including providing questions, suggestions and guidance to the party, but may not actively participate in the process except to conduct cross-examination at the hearing as outlined in the Resolution/Hearing section below. If a party chooses not to use an advisor during the investigation, Miles Collee will provide an advisor for the purpose of conducting cross-examination on behalf of the relevant party.

All communication during the sexual misconduct process will be between the institution and the party, and not the advisor.

The institution will copy the party's advisor prior to the finalization of the investigation report when the institution provides the parties the right to inspect and review directly related information gathered during the investigation. With the party's permission, the advisor may be copied on all communications.

Sexual Misconduct Policy

B. Investigation: Throughout any investigation and resolution proceeding, a party shall receive written notice of the allegations made against them and shall be provided the opportunity to respond. All employees, both parties and non-parties, are required to cooperate to the fullest extent possible in any internal investigation conducted by Miles College, when directed to do so by the persons who have been given investigative Miles College authority.

Until a final determination of responsibility, the Respondent is presumed to have not violated any applicable policies associated with the allegations.

Prior to finalizing the investigation report, timely and equal access to information directly related to the allegations that has been gathered during the investigation and may be used at the hearing will be provided to the Complainant, the Respondent, and a party's advisor (where applicable).

Formal judicial rules of evidence do not apply to the investigation process; additionally, the standard of review throughout the investigation and resolution processes is a preponderance of the evidence.

Additionally, the investigation procedures will provide the following:

1. The parties shall be provided with written notice of the: report/allegations with sufficient details, pending investigation, possible charges, possible sanctions, available support services and interim measures, and other rights under applicable institutional policies. For the purposes of this provision, sufficient details include the identities of the parties involved, if known, the conduct allegedly constituting sexual misconduct, and the date and location of the alleged incident, if known. This information will be supplemented as dictated by evidence collected during the investigation. The notice should also include the identity of any investigator(s) involved. Notice should be provided via institution email to the party's email.
2. Upon receipt of the written notice, the parties shall have at least three business days to respond in writing. In that response, the Respondent shall have the right to admit or deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A Complainant shall have the right to respond to and supplement the notice. Throughout the investigation and resolution process, the Complainant and the Respondent shall have the right to present witnesses and other inculpatory and exculpatory evidence.
3. If the Respondent admits responsibility, the process may proceed to the sanctioning phase or may be informally resolved, if appropriate.
4. An investigator shall conduct a thorough investigation and should retain written notes and/or obtain written or recorded statements from each interview. The investigator shall also keep a record of any party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed.
5. An investigator shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.

Sexual Misconduct Policy

Hearings, Possible Sanctions and Appeals-Employees

Title IX Hearings: The investigator may testify as a witness regarding the investigation and findings but shall otherwise have no part in the hearing process and shall not attempt to otherwise influence the proceedings outside of providing testimony during the hearing. All directly related evidence shall be available at the hearing for the parties and their advisors to reference during the hearing. Relevant facts or evidence that were not known or knowable to the parties prior to the issuance of the final investigative report shall be admissible during the hearing. The institution will determine how the facts or evidence will be introduced.

The admissibility of any facts or evidence known or knowable by the parties prior to the issuance of the final investigative report, and which were not submitted during the investigation, shall be determined by the institution in compliance with the obligation to provide both parties an equal opportunity to present an respond to witnesses and other evidence.

Notice of the date, time, and location of the hearing as well as the designated Hearing Officer shall be provided via email at least 10 calendar days prior to the hearing. Parties may attend the hearing with their advisor.

Hearings shall be conducted in-person or via video conferencing technology. At all times participants in the hearing process, including parties, a party's advisor, and institution officials, are expected to act in a manner that promotes dignity and decorum throughout the hearing. Participants are expected to be temperate, respectful to others, and follow procedural formalities outlined by this Policy and the institution. Institutions may establish their own rules of decorum and expectations of behavior during the hearing process. The institution reserves the right to remove any participant from the hearing environment.

Each institution shall maintain documentation of the investigation and resolution process, which may include written findings of fact, transcripts, audio recordings, and/or video recordings. Any documentation shall be maintained for seven years.

Additionally, the following standards will apply:

1. Where a party or a witness is unavailable, unable, or otherwise unwilling to participate in the hearing, including being subject to cross-examination, the Hearing Officer shall not rely on statements of that party or witness in reaching its determination regarding responsibility. The Hearing Officer shall not draw an adverse inference against the party or witness based solely on their absence from the hearing or refusal to be subject to cross-examination.
2. The parties shall have the right to present witnesses and evidence at the hearing.
3. The parties shall have the right to confront any witness, including the other party, by having their advisor ask relevant questions directly to the witness. The Hearing Officer shall limit questions raised by the advisor when they are irrelevant to determining the veracity of the allegations against the Respondent(s). In any such event, the Hearing Officer shall err on the side of permitting all the raised questions and must document the reason for not permitting any particular questions to be raised.
4. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior shall be deemed irrelevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or consent between the parties during the alleged incident.

Sexual Misconduct Policy

5. Decision maker(s) shall not access, consider, disclose, or otherwise use a party's records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional made in connection with the party's treatment unless the party has provided voluntary written consent. This also applies to information protected by recognized legal privilege.
6. Formal civil rules of evidence do not apply to the resolution process and the standard of evidence shall be a preponderance of the evidence.
7. Following a hearing, the parties shall be simultaneously provided a written decision via email of the hearing outcome and any resulting disciplinary or administrative actions. The decision must include the allegations, procedural steps taken through the investigation and resolution process, findings of facts supporting the determination(s), determination(s) regarding responsibility, and the rationale for any disciplinary or other administrative action.

Title IX Disciplinary Action-Employees: In determining the severity of sanctions or corrective actions the following should be considered: the frequency, severity, and/or nature of the offense; history of past conduct; an offender's willingness to accept responsibility; previous institutional response to similar conduct; strength of the evidence; and the wellbeing of the university community. The institution will determine disciplinary action and issue notice of the same, as outlined above.

Title IX Appeals-Employees: The Complainant and the Respondent shall have the right to appeal the outcome on any of the following grounds: (1) to consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original investigation (or hearing), because such information was not known or knowable to the person appealing during the time of the investigation (or hearing); (2) to allege a procedural error within the investigation or hearing process that may have substantially impacted the fairness of the process, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Title IX Coordinator, investigator(s), or administrative decision maker(s), or (3) to allege that the finding was inconsistent with the weight of the information.

The appeal must be made in writing, must set forth one or more of the bases outlined above, and must be submitted within five business days of the date of the final written decision. The appeal should be made to the President of the institution solely on the three grounds set forth. The appeal shall be a review of the record only, and no new meeting with Respondent or the Complainant is required.

The President may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to the decision maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand. The President's decision shall be simultaneously issued in writing to the Complainant, the Respondent within a reasonable time period. The President's decision shall be the final decision of the institution.

Sexual Misconduct Policy

Resources for Information and Assistance State Resources	Resources for Information and Assistance National Resources
Alabama Coalition Against Rape P.O. Box 4091 Montgomery, AL 36104 (334) 264-0123 www.acar.org Alabama Crime Victims Compensation Commission P.O. Box 231267 Montgomery, AL 36123-1267 (334) 290-4420 1-800 541-9388 (for victims only) www.acvcc.alabama.gov Alabama Attorney General's Office for Victims Assistance Alabama State House 11 South Union St. 3rd Floor Montgomery, AL 36130 (334) 242-7300 1-800-626-7676 www.ago.state.al.us Governor's Office for Victims of Crime State Capitol 600 Dexter Avenue Montgomery, AL 36104 (334) 242-7100 www.governor.state.al.us/staff.htm National Suicide Prevention Lifeline https://suicidepreventionlifeline.org/ 1-800-273-8255	National Center for Victims of Crime 1-855-4-VICTIM 1-855-484-2846 https://victimsofcrime.org/ National Organization for Victim Assistance 1-800-TRY-NOVA 1-800-879-6682 www.try-nova.org Office for Victims of Crime Resource Center 1-800-627-6872 TTY 1-877-712-9279 www.ojp.usdoj.gov/ovc/ovcres/welcome.html National HIV/AIDS Hotline 1-800-342-AIDS 1-800-342-2437 TTY 1-800-243-7012 Spanish 1-800-344-SIDA National Sexual Violence Resource Center 717-728-9740 www.nsvrc.org Rape, Abuse & Incest National Network 1-800-656-HOPE 1-800-656-4673 www.rainn.org Violence Against Women Office 202-307-6026 www.ojp.usdoj.gov/vawo

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

Campus Crime Statistics 2020

Crime	Year	Student Residences	On-Campus	Non-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	2020	0	0	0	0	0
Negligent Manslaughter	2020	0	0	0	0	0
Robbery	2020	0	0	0	0	0
Aggravated Assault	2020	1	1	0	0	2
Burglary	2020	5	2	0	0	7
Theft-Motor Vehicles and Golf Carts	2020	0	0	0	0	0
Domestic Violence	2020	0	1	0	0	1
Stalking	2020	0	0	0	0	0

Forcible/Non-Forcible Sex Offenses						
Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Forcible Rape	2020	0	0	0	0	0
Non-Forcible						
Incest	2020	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0

Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Liquor Law	2020	0	0	0	0	0
Drug Violations	2020	0	0	0	0	0
Weapon Possession	2020	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 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 and Safety Report

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 class, 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

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.

Fire and Safety Report

(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.

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	1		8/25/21	20:43	8/25/21	20:44	undetermine	2	0	\$1,015,000
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 2018	Number of Evacuation (fire)Drills each academic year 2019	Number of Evacuation (fire)Drills each academic year 2020
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

Appendix A

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	Murder-ALA. CODE §13A-6-2. (a) A person commits the crime of murder if he or she does any of the following: • 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. 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. <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.

Appendix A

Criminally Negligent Homicide - ALA. CODE §13A-6-4. A person commits the crime of criminally negligent homicide if he or she causes the death of another person by criminal negligence.

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)

INTIMATE PARTNER VIOLENCE: DATING VIOLENCE

A felony or misdemeanor crime of violence committed –

- 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

- *First Degree Domestic Violence*- 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.

Appendix A

	<i>Second Degree Domestic Violence</i> - ALA. CODE § 13A-6-131(a). A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant. 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. <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. 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.
STALKING	
FED/CLERY	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: 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

Appendix A

	means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. 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)
Alabama	<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. <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. <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. <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.

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	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. Lack of consent results from:

Appendix A

	(1) FORCIBLE COMPULSION. Use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. Factors to be considered in determining an implied threat include, but are not limited to, the respective ages and sizes of the victim and the accused; the respective mental and physical conditions of the victim and the accused; the atmosphere and physical setting in which the incident was alleged to have taken place; the extent to which the accused may have been in a position of authority, domination, or custodial control over the victim; or whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim. (2) INCAPACITATED. The term includes any of the following: 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. 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. 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. A person is deemed incapable of consent if he or she is: Less than 16 years old; or Mentally defective; or • 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	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

Appendix A

	or having sexual contact with a student under the age of 19 years. Refer to AL definitions below for those. Rape in the First Degree – ALA. CODE §13A-6-61. A person commits the crime of rape in the first degree if: • 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
--	--

Appendix A

	- The person, being 16 years of age or older, engages in deviate sexual intercourse with a person who is less than 12 years old. <i>Second Degree Sodomy</i> – 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. <i>Sexual Misconduct</i> - 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. <i>Sexual Torture</i> – 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. <i>Sexual Abuse in the First Degree</i> - 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. <i>Sexual Abuse in the Second Degree</i> – 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. <i>Indecent Exposure</i> - 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
--	--

Appendix A

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 § 13A6-69(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

Appendix A

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
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.

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	A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately: • 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. 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

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.

Appendix A

BURGLARY	
FED/CLERY	Burglary is the unlawful entry of a structure to commit a felony or theft. Burglary includes: 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. 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. 3. Unlawful Entry – No Force. The entry of a structure achieved by use of an unlocked door or window. 4. Attempted Forcible Entry – Situations in which a forcible entry into a locked structure is attempted but not completed.
Alabama	<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: • 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. <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: • 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.

Appendix A

	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. <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: • He or she knowingly enters or remains unlawfully in a dwelling with the intent to commit a crime therein; • 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.
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	<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. <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. <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.
Weapons Violation	

Appendix A

Miles	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. <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 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: (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. (2) The motor vehicle is operated or parked in a location where it is otherwise permitted to be. (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. 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. 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. <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.
-------	---

Appendix A

Robbery

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.

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

Appendix A

(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.

(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:

Appendix A

	(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 (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	Ala. Code § 13A-5-13: (a) The Legislature finds and declares the following: (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. (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. (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. (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. (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: (1) Felonies:

Appendix A

- 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.
 - 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.
 - c. On conviction of a Class C 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 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.