



MILES COLLEGE

CLERY ANNUAL CAMPUS SECURITY
AND FIRE SAFETY

SUBMITTED 2023

2020, 2021, 2022

THIS REPORT'S INFORMATION IS IN COMPLIANCE WITH
THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY
POLICY AND CAMPUS CRIME STATISTICS ACT.
THIS REPORT CONTAINS CRIME AND FIRE STATISTICS.

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MISSION STATEMENTS

MISSION STATEMENT OF MILES COLLEGE

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

MISSION STATEMENT OF MILES COLLEGE PUBLIC SAFETY DEPARTMENT

The mission of Miles College Public Safety 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 2022 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 participant 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 MC DEPARTMENT OF PUBLIC SAFETY

MCDPS 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, and 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 MCDPS whenever you need assistance or more information about the services they provide.

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 2022 Annual Report by going to www.miles.edu.

INTRODUCTION

The Annual Security Report is mandated by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act) and informs the campus community of crimes occurring within Miles College's geography in the three most recent calendar years.

This report contains information for calendar years 2020, 2021, and 2022 and has been prepared by the Department of Public Safety using data supplied by various sources, including the College's Department of Public Safety, and local Law Enforcement.

The purpose of the Annual Security Report is to provide our campus community with information needed to make informed decisions about personal safety. Campus geography crime statistics are provided along with related policies, procedures, resources, and programs of the College.

The Annual Fire Safety Report is also included and contains fire statistics, fire safety systems, and related policies and procedures. Each fall, an email notification is made to all enrolled students and employees and provides the website address to access the Clery report. Paper copies may be obtained in person at the Department of Public Safety located at 508 56th Street, Fairfield, AL 35064.

You may also obtain a copy by calling the Department of Public Safety at (205)929-1720 or by email at dps@miles.edu. The Annual Security Report and the crime statistics are updated annually.

NOTICE OF NON-DISCRIMINATION & CONTACT INFORMATION FOR THE TITLE IX COORDINATOR

NOTICE OF NON-DISCRIMINATION

Miles College is an equal opportunity employer dedicated to building an inclusive and diverse workforce. Miles College does not discriminate in its educational programs and activities on the basis of race, color, religion, ethnic or national origin, age, disability, sex, gender, gender identity, gender expression, sexual orientation, veteran status, or any other bases prohibited by law. Inquiries about the application of Title IX and its supporting regulations may be directed to:

Dr. Patricia Wilson, Title IX Coordinator
Brown Hall Room 101
5500 Myron Massey Blvd Fairfield, AL 35064
205-929-1440, titleix@miles.edu.

Please [click here](#) for information on the Title IX Sexual Harassment/Sexual Assault policy and grievance procedures.

PROCEDURES FOR REPORTING CRIMINAL ACTIONS AND EMERGENCIES

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 MCDPS (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 MCDPS, 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. All crimes reported by victims or witnesses are on a voluntary basis and will remain confidential for inclusion into the annual security report.

DISCLOSURE OF CRIME STATISTICS

DEFINITIONS (Appendix A):

Aggravated Assault

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. Simple assaults are excluded.

Any other crime involving bodily injury

Include in this category all applicable crimes with the exception of aggravated assault.

Arson

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.

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Drug Law Violations

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and the making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Forcible Sex Offenses

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

1. **Forcible Rape** — The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
2. **Forcible Sodomy** — Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
3. **Sexual Assault with an Object** — The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
4. **Forcible Fondling** — The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Hate Offenses

The above criminal offenses that manifest evidence of prejudice based on race, religion, sexual orientation, sex, disability or ethnicity can be classified as Hate Crimes as prescribed by the Hate Crimes Statistics Act (28 U.S.C 534) occurred.

Illegal Weapons Possession

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Intimidation

To willfully place another person in reasonable fear of bodily harm, with threatening words and/or other conduct, but without displaying a weapon or subjecting a weapon or subjecting the victim to actual physical attack.

Liquor Law Violations

The violations of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possession of intoxicating liquor, maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving while under the influence are not included in this definition.)

Larceny-Theft

The unlawful taking, carrying, leading or riding away of property for the possession of constructive possession of another. Examples of offenses in this classification include pocket picking and purse snatching (where no more force is employed than necessary to take the property).

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter

The killing of another person through gross negligence.

Non-Campus Building or property

(1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Non-forcible Sex Offenses

Unlawful, non-forcible sexual intercourse.

1. **Incest** — Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. **Statutory Rape** — Non-forcible sexual intercourse with a person who is under the statutory age of consent.

On-Campus

Defined as (1) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and is used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Public Property

Defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Robbery

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.

Simple Assault

Is an assault and attempted assault which are not of an aggravated nature and do not result in serious injury to the victim. Stalking, intimidation, coercion, and hazing are included.

Vandalism

Is to willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person have custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth or any other such means as may be specified by local law. Attempts are included.

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 dps@miles.edu.

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.

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's Department at <http://www.icrimewatch.net/index.php?AgencyID=53840&disc> or by requesting the Sherriff Office 2200 8th Avenue North, Birmingham, Alabama 35023.

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	2	0	0	3	1
Larceny-theft	2020	0	0	0	0	0
Simple assault	2020	0	0	0	0	0
Intimidation	2020	0	0	0	0	0
Vandalism	2020	0	0	0	0	0

CRIME STATISTICS 2021

Crime	Year	Student Residences	On-Campus	Non-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	2021	0	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0	0
Robbery	2021	0	0	0	0	0
Aggravated Assault	2021	1	1	0	0	0
Burglary	2021	5	2	0	0	7
Theft-Motor Vehicles and Golf Carts	2021	0	0	0	0	0
Domestic Violence	2021	0	1	0	0	0
Stalking	2021	0	0	0	0	0
Forcible/Non-Forcible Sex Offenses						
Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Forcible Rape	2021	0	0	0	0	0
Non-Forcible						
Incest	2021	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
Dating Violence	2021	0	0	0	0	0
Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Liquor Law	2021	0	0	0	0	0
Drug Violations	2021	0	0	0	0	0
Weapon Possession	2021	1	2	0	0	0
Larceny-theft	2021	0	0	0	0	0
Simple assault	2021	0	0	0	0	0
Intimidation	2021	0	0	0	0	0
Vandalism	2021	0	0	0	0	0

CRIME STATISTICS 2022

Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
Robbery	2022	0	0	0	0	0
Aggravated Assault	2022	2	0	0	2	4
Burglary	2022	10	0	0	1	11
Theft-Motor Vehicles and Golf Carts	2022	0	0	0	0	0
Domestic Violence	2022	0	2	0	0	2
Stalking	2022	0	1	0	0	1
Forcible/Non-Forcible Sex Offenses						
Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Forcible Rape	2022	0	1	0	0	0
Non-Forcible						
Incest	2022	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
Dating Violence	2022	0	0	0	0	0
Crime	Year	Student Residences	On-Campus	Non-Campus	Public	Total
Liquor Law	2022	0	0	0	0	0
Drug Violations	2022	0	1	0	0	1
Weapon Possession	2022	0	0	0	0	0
Larceny/theft	2022	0	0	0	0	0
Simple Theft	2022	0	0	0	0	0
Intimidation	2022	0	0	0	0	0
Vandalism	2022	0	0	0	0	0

POLICIES ON ACCESS TO CAMPUS FACILITIES

ACCESS TO CAMPUS FACILITIES

During business hours, the College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours' access to all College facilities are by key or electronic card if issued, or by admittance via the Office of MCDPS. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities.

Some facilities may have individual hours, which may vary at different times of the year. Examples are the Library, Student Center, and Cafeteria. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic will be reported to the MCDPS office. The MCDPS Safety Committee composed of representatives from MCDPS, Administrative, Faculty, Staff, Student SGA, and Presidents Office meets monthly from August to April to discuss these reports, campus safety, and MCDPS issues. Additional meetings are called as necessary and are open to anyone.

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.

MCDPS Officers make routine security checks of the residence halls, checking for building safety and security. MCDPS 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, MCDPS officers make regular checks of each building to ensure that the buildings remain secure until the scheduled opening time.

CAMPUS SECURITY AUTHORITIES

Crimes that occur within the [Clery Act geography](#) (Appendix B) of the College must be reported to the Miles College Department of Public Safety (MCDPS) 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

ENFORCEMENT AUTHORITY OF MCDPS PERSONNEL

Miles College employs APOSTC Certified police officers and security officers; however, the security officers are not sworn, officers. MCDPS security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Miles College. MCDPS security officers have the authority to issue parking tickets. Certified police officers carry weapons and have arrest power. If minor offenses involving campus policies are committed by a college student, MCDPS would refer the individual to the Dean of Students. Criminal incidents are investigated by MCDPS police officers. In case of an arrest, local police are notified to assist with transport. The MCDPS Office at Miles College maintains a highly professional working relationship with local, county, and state police

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 MCDPS personnel, (ii) individuals responsible for campus security who are not MCDPS 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 MCDPS either (i) in person, (ii) by telephone at (205) 929-1720, or (iii) by submitting a completed [silent witness form](#) that can be accessed at [MCDPS](#) 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 MCDPS at (205) 929-1720 or by calling 911.

In addition to all MCDPS 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 MCDPS.

To Law Enforcement:

- Emergency assist **911**
- Miles College Department of Public Safety **(205) 929-1720 or (205) 929-1722**
- Fairfield Police Department **(205) 786-4111**
- Jefferson County Sheriff's Office **(205) 325-1450**

To the College:

- **Dr. 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
- **Chief of Police**, Miles College Police Department (205) 929-1720 dps@miles.edu
- **Miles College Department of Public Safety** dps@miles.edu
- **Dean of Students**, Student Activity Center (205) 929-1156

To National and State Hotlines:

- **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**
- **988 Suicide and Crisis Lifeline**

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 MCDPS.

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 MCDPS 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

The College has numerous surveillance cameras located throughout the campus both on the interior and exterior of the building. Video data is captured and stored on a digital server for thirty (30) days. The cameras are used for both real time monitoring and after-action investigations via the recorded footage. The system is monitored and managed by the MCDPS.

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

- Safety patrols by the MCDPS
- Keeping exterior entry doors (other than the main lobby entrance) locked. Propping open exterior doors is prohibited. Residence lobbies are patrolled periodically by MCDPS 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.

EDUCATIONAL PROGRAMS ON SECURITY AND CRIME PREVENTION

During orientation in September and January, students are informed of services offered by MCDPS. Information is disseminated to students and employees through an emergency procedures booklet that is available during registration and in the MCDPS Facility, and through the [Everbridge app](#). When time is of the essence, information is released to the college community through the Everbridge app, texts, and emails. New students and returning students also receive training on Title IX, Campus Fire, Alcohol & Other Drugs, Active Shooter, Mental Health, and Creating & Respectful Campus for LGBTQ+ Students.

Also see: [Title IX/Sexual Misconduct Policy](#) / [Staying Safe on Campus](#) / [DAAPP](#)

Prevention: Reducing Your Chances of Being Sexually Assaulted

Be Aware of Your Surroundings

Be aware of your surroundings and think of where you can go, and where you can get help if you need it. People frequently ask, "Where are the dangerous areas?" We tell people to be aware of their surroundings wherever they are, not just in "dangerous areas." What is a dangerous area? Instead of naming places, apply these three criteria of a place that has a higher risk.

- Isolation, by location, darkness, or both.
- Limited escape routes.
- Limited or no means of communication to summon help.

Higher-risk areas could be anywhere that meets any one or all of those tests.

Miles College Department of Public Safety (MCDPS) is available to escort you both to and from your classes. Contact them at 205-929-1720 or at campus extension 1720 to avail yourself of this service.

Enroll in a Self-Defense Class

Carry a Whistle or Personal Self-Defense Alarm

These can be helpful to summon help for yourself or someone else in the event of an emergency. If you keep the whistle on your keychain, it can be used as a mental reminder for you to be aware of your surroundings and your safety each time you use your keys.

Safe Night Time Services

As noted, Miles College MCDPS is available to escort you both to and from your classes. Contact them at 205-929-1720 or at campus extension 1720 to avail yourself of this service.

Rohypnol

Rohypnol is known as the "date rape drug," and its street name is "roofies." In recent years there has been information in the media to inform people of the dangers of this drug. It was first developed as an anesthetic. Although manufactured in the US, it is not legal for use, and is exported to Mexico. People are urged to take precautions against this and any other drug that can be added to a beverage. Originally Rohypnol was odorless and tasteless, and could be added to a drink and ingested without the victim being aware of it. Changes have been made to make the drug visible in a drink, so it can be tasted or detected when you can't see the color of the drink. Effects are similar to those of alcohol as it can reduce inhibitions, impair judgment and cause the victim to become unconscious. When combined with alcohol the effects can be magnified. Additionally, Rohypnol can produce amnesia and the victim may not remember what happened while under the influence of the drug.

Use the following tips to help reduce the risk of exposure to this or any other drug:

- Do not accept an open container from anyone, and ask that you open any containers yourself.
- Maintain positive control of your drink at all times. If you cannot say that it would have been impossible for anyone to place anything in your drink, then throw it away.
- If you leave your drink unattended for any length of time, get a new drink.
- Do not leave your drink out for anyone else to drink.

Symptoms If you are not drinking alcohol and feel intoxicated, or if you are drinking alcohol and feel that you are more intoxicated you should have a trusted friend take you to a medical facility immediately. There are tests to detect the presence of Rohypnol, but they must be taken within 48 to 72 hours of ingestion of the drug.

The potential for illegal use of Rohypnol exists, and we need to protect ourselves from it. However, evidence shows that the date rape drug of choice on this campus is alcohol. Approximately 80 percent of the acquaintance assaults reported by students are related to alcohol on the part of the victim, the offender, or both.

Survivor Guide

If You are a Victim of Sexual Assault

- Get to a safe place.
- Do not shower, bathe, wash your hands, brush your teeth, use the toilet or clean up in any way. You could destroy evidence.
- Do not change or destroy clothing. Your clothes are evidence.
- If it was in your home, do not rearrange and/or clean up anything. You could destroy evidence.
- Get medical attention as soon as possible. (Evidence should be collected when you get to the hospital.)
- Contact a friend or family member you trust or call the local rape crisis center hotline.
- Most of all, know this is not your fault.
- Determine whether to report the crime.
- Ask for female police or MCDPS officer if you choose to report.
- Locate an attorney to represent you. (The prosecutor is not your attorney.)
- Sue the rapist for money in civil court.
- Request that someone accompany you in the examination room.
- Be considered a rape victim/survivor regardless of the rapist's relationship to you.

Getting back to normal can take a long time and you may be wondering if there is anyone who can help. Many survivors have found it helpful to talk to rape crisis counselors. Locally, <https://www.rapecounselorsofeastalabama.com/> offers a 24-hour confidential hotline (334-705-0510) as well as information on resources and free counseling for our area. You may also call the 24-hour National Sexual Assault Hotline, operated by [RAINN](#), at 1.800.656.HOPE. When calling this number, you will be automatically connected to the closest rape crisis center. Rape crisis centers are on call 24 hours a day.

When It Is Someone You Know

When someone you know or care about has been assaulted, it is normal for you to feel upset and confused. At a time when you may want to help most, you will be dealing with a crisis of your own. You may find it difficult to listen when s/he needs to talk about his or her feelings. You may hope that by not talking about it, the feelings both of you have will go away. You may be tempted to make decisions for the survivor, to be over-protective. You may want to hide the assault from others. You may feel disturbed or confused when the survivor continues to be affected for weeks, months, and even years. Some partners may want more physical intimacy sooner than the survivor does. Others may feel repulsed. Maybe you feel guilty and responsible, believing you could somehow prevent the assault. You may also feel anger at the survivor or at everyone in general.

All of these feelings are understandable following the sexual assault of someone you love. Please know that if these feelings are hidden or expressed in hurtful ways, they can interfere with the resolution of your crisis and that of the survivor. The survivor may need your support and understanding. You, however, also need support. Rape is a violent assault, not a sexually-motivated or gratifying act. The rapist's aim is to dominate, humiliate, control, and degrade the victim. Because the same body parts are involved in sexual assault as in making love, many people confuse sex and violence. Some respond to a survivor as if s/he provoked, wanted, or enjoyed it. Many people also believe rape is not traumatic. Not understanding the reality of sexual assault can make the crisis more difficult for both of you. The emotional impact of sexual assault does not disappear, and talking about it can help. Your feelings are normal, and resources are available for you too.

Also see: [Title IX/Sexual Misconduct Policy](#) / [Staying Safe on Campus](#)

Policy Statement Addressing Counselors

Camps pastoral counselors and campus counselors, when acting as such, are not considered to be campus security authorities and are not required to report crimes for inclusion into the annual security report. Miles College does not have a written procedure regarding the reporting of crimes discovered by its counselors. The counselors determine on a case-by-case basis when and how to encourage students to report crimes voluntarily to law enforcement for investigation and when and how to confidentially report crimes solely for inclusion in Miles College annual security report.

Policies for Disclosing Incident Reports to Members of the Campus Community

Incident reports are made available in two ways. First, all incident reports are available for review in the MCDPS Facility. Second, the MCDPS Committee reviews the reports at each meeting.

Policy statement Addressing Criminal Activity off Campus

When a Miles College student is involved in an off-campus offense, MCDPS may assist with the investigation in cooperation with local, state, or federal law enforcement. Jefferson County Police routinely work with campus officers on any serious incidents occurring on-campus or in the immediate neighborhood surrounding the campus. Miles College operates no off-campus housing or off-campus student organization facilities.

Reporting a Crime or Emergencies

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to the MCDPS office in a timely manner.

To report a crime or an emergency 24 hours a day on the Miles College campus, call MCDPS at extension 1720 or, if off-campus, 205-929-1720 To report a non-emergency MCDPS or public safety matter 24 hours a day, call MCDPS at extension 1720 or, if off-campus 205-929-1720. In response to a call, MCDPS will take the required action, dispatching an officer or asking the victim to report to MCDPS to file an incident report.

All MCDPS incident reports involving students are forwarded to the Dean of Students for review and potential action. MCDPS Officers will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Students.

If assistance is required from the Jefferson County Police Department or the Fairfield Fire Department, MCDPS Services will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including MCDPS, will offer the victim a wide variety of services. and make a report to the Title IX coordinator Dr. Patricia Wilson, ext. 1440, or Dean of Students, ext. 1156, 2) report the assault to MCDPS (ext. 1720) and obtain medical assistance. We also encourage members of the Miles College community who have been sexually assaulted: for students, talk to a counselor thru Bear Care and for employees, utilize the counseling services thru the EAP program.

Crimes should be reported to the MCDPS to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Anonymous Incident Reporting Form

Have you witnessed an incident? You can report it, anonymously.

If this is an emergency, call 911 immediately. You don't have to provide your name. When this form is emailed, you won't be identifiable by the recipient, which is an Officer with MCDPS. All information provided will be kept strictly confidential. [Silent Witness Form](#)

POLICIES ON ALCOHOL AND ILLEGAL DRUGS

DRUG AND ALCOHOL ABUSE PREVENTION POLICY (DAAPP)

While Miles College recognizes that substance abuse is an illness that requires intervention and support, we strive to provide students and employees with an optimal environment that promotes and secures educational success. Miles College has adopted and implemented a program to prevent students and employees from illegally manufacturing, possessing, using, and distributing illicit drugs and alcohol. Such behavior is inconsistent with what is expected of members of the college community. One of the initiatives is “Clear the Air,” a Miles College student-led initiative that focuses on adopting a 100% tobacco/vape-free campus policy, joining more than 31,000 students to the nearly 2 million impacted through the Truth Initiative Tobacco/Vape-Free College Program. As part of a national movement, students, faculty, and administrators work to address smoking, vaping, and nicotine use at Miles College, with a continued commitment to addressing tobacco as a social justice issue, health, and employability issue. Part of that commitment is required annual training for all students, faculty, and staff on alcohol and drug prevention as part of the [DAAPP program](#).

Furthermore, Miles College is committed to enforcing the provisions of the 1988 Drug-Free Workplace Act and the 1989 Drug-Free Schools and Communities Act, Miles College intends for this policy to apply to all campus activities and college-sponsored events, whether on or off campus. Individuals who violate Miles College policy will face disciplinary action. In accordance with the law, every employee and student enrolled in one or more classes for any type of academic credit will be given a copy of the College's policy prohibiting the unlawful possession, use, or distribution of illicit drugs, alcohol, and tobacco products, as well as a description of the applicable legal sanctions under local, state, or federal law, and a description of the health risks associated with the use of such substances.

Legal Sanctions

The following are sanctions based on Alabama laws and civil codes and fall under the jurisdiction of local and state law enforcement for compliance.

Alcohol: Minors convicted in the criminal court system of possession or consumption of alcoholic beverages may be subject to fines, suspension of driver's license, community service, and a mandatory alcohol education class. Convictions for providing alcohol to minors may subject individuals to fines and a jail term of up to one year. Convictions for driving while intoxicated may subject individuals to up to \$2000 in fines and a jail term of up to six months for a first offense. Fines and jail terms escalate after the first conviction.

Tobacco / Nicotine products: As of September 1, 2019, the possession, purchase, consumption, or receipt of cigarettes, e-cigarettes, or tobacco products by individuals under 21 years of age is prohibited by Alabama Tobacco laws and these offenses are subject to fines upon conviction. The sale of these items to individuals younger than 21 years of age is prohibited and is subject to fines upon conviction.

Controlled substances (drugs): Sanctions upon conviction in the criminal court system for possession, distribution, or manufacture of controlled substances range from fines to probation to imprisonment. The amount of fines, terms of probation, or years of imprisonment generally is contingent upon the circumstances and the amounts of drugs in possession, sale, distribution, or manufacture. Below are commonly used drugs, not an exhaustive list.

Dangerous Drugs/ Controlled Substances	Street Name	Crime and Penalty
Possession of a Controlled Substance (PCS) / Dangerous Drug PCS with Intent to Deliver Manufacture or Delivery of a Controlled Substance (Al Code 13A. Criminal Code § 13A-12-260, §13A-12-211, §13A-12-217)	Cocaine, Ecstasy, Heroin, Marijuana, Methamphetamine, Multiple Prescription Medications	Varies according to the placement of the drug on schedules according to weight/dosage unit. Can be a Class B Misdemeanor through 1 st Degree Felony /\$10,000 fine and up to 10-99 years in prison.
Illicit Synthetic Drugs	Street Name	Crime and Penalty
Possession of a Controlled Substance (PCS) / Unlawful distribution of controlled substances; possession with intent to distribute a controlled substance. (Al Code 13A-12-211)	Synthetic Marijuana, Legal Weed, Kush, Synthetic Cathinones, Bath Salts, 25-I, N-BOMe, N-bombs	Varies according to the placement of the drug on schedules according to weight/dosage unit. Class D felony/ \$10,000 fine and 1 to 5 years in prison.
Alcohol	Crime	Penalty
Consumption or Possession by a Minor (Al Code 28-1-5; 28-3A-25)	Class C Misdemeanor	Up to \$500 fine; Enhancements for subsequent convictions with up to \$500 fine and 90days in jail. Mandatory driver's license suspension of 90 days to 6 months.
Purchasing for or Furnishing Alcohol to a Minor (Al 12-15-111)	Class A Misdemeanor	Up to 1 year in jail; Up to \$6,000 fine
Public Intoxication (Al code 13A-11-10; 13A-5-12)	Class C Misdemeanor	Up to \$500 fine; Enhancements for subsequent convictions up to 6 months in jail.
Driving while intoxicated (Al Code 32-5A-191)	Class B Misdemeanor	First Offense up to \$2,000 fine and 18 days in jail. Numerous enhancements on subsequent convictions
Intoxication Assault (Al Code 13A-6-22)	1 st - 3 rd degree Class A misdemeanor to Class B felony	UP to \$30,000 fine 2-20 years in prison
Intoxication Manslaughter (Al Code 13A-6-3(A)(1))	Class B felony	Up to \$30,000 fine 2-20 years in prison
DUI	1 st Offense 2 nd Offense 3 rd Offense 4 th Offense Class C felony	Up to \$2,000 in fines. License suspended 30 days up to 1 year in jail Up to \$5,000 in fines. License suspended for 1 year and up to 1 year in jail Up to \$10,000 in fines. License suspended for 1 year and up to 1 year in jail Up to \$10,000 in fines. License suspended for 1 year and up to 1 year in jail

Tobacco	Crime	Penalty
Possession, Purchase, Consumption, or Receipt of Cigarettes, E-Cigarettes, or Tobacco Products by Minor (AI Code 28-11-13)	Class "C" Misdemeanor	Up to \$200 fine; minors can be ordered to attend E-Cigarette or Tobacco Awareness programs and/or community service
Sale of Cigarettes, E-Cigarettes, or Tobacco Products to Persons Younger than 21 years of Age (AI Code 13A-12-3)	Class "C" Misdemeanor	Up to \$500 fine; Enhancements for subsequent convictions up to \$1,000 and permit suspensions are possible up to 30 days in jail.

COLLEGE DISCIPLINARY ACTIONS

Since Miles College policy prohibits the unlawful possession, use, or distribution of illegal drugs, alcohol, and tobacco products on campus and at college-sponsored events held off campus, any employee admitting to or convicted of such unlawful possession, use, or distribution of these substances will be subject to disciplinary action (up to and including suspension without pay, and termination). Employees may be required to satisfactorily participate in a drug and alcohol assistance or rehabilitation program or may be referred for prosecution.

Students who violate this policy shall be subject to appropriate disciplinary action as outlined in Miles College's "Student Disciplinary System and the Student Code of Conduct." (Located on page 32 of the Handbook). Such disciplinary action may include referral to alcohol, tobacco, and drug counseling, tobacco cessation or rehabilitation programs or student assistance programs, expulsion, and referral to appropriate law enforcement officials for prosecution.

GOOD SAMARITAN POLICIES

Senate Bill 1331 (2011) states that in the event of possible alcohol poisoning, a person under 21 calling for help for him or herself or another will not be cited for possessing or consuming alcohol. The immunity for minors is limited to the first person who calls for assistance only if he/she stays on the scene and cooperates with law enforcement and medical personnel.

HEALTH RISKS

The abuse of drugs and alcohol can lead to a variety of serious consequences including poor academic and work performance, poor decision making, poor morale, work errors, wasted time and materials, damage to equipment, theft, tardiness, absenteeism, accidents which injure the drug user, accidents which put all employees and students at risk of injury and may lead to disciplinary action, prosecution, illness, and even death. Users of these substances experience depression, isolation, loss of memory, loss of coordination, impaired judgment, reduced morale, anxiety, paranoia, and loss of self-respect.

On average, at least 50% of college students' sexual assaults are associated with alcohol use. One study reported that 74% of the perpetrators and 55% of the victims of rape had been drinking alcohol. Consumption by the perpetrator and/or the victim increases the likelihood of acquaintance and sexual assault. In addition, one in five college students abandons safer sex practices when intoxicated (www.collegedrinkngprevention.gov).

Tobacco use is the leading cause of death, disability, and several chronic diseases, including cancer, lung disease, and cardiovascular disease. Smoking has been linked to at least 12 cancers in the body. Every year, 1 in 3 cancer deaths is caused by smoking. It is estimated that secondhand smoke exposure is responsible for 34,000 heart disease deaths and 7,300 lung cancer deaths each year among U.S. adults. E-cigarettes and other vaping devices have been linked to a plethora of health problems including severe lung damage and death.

OTHER RISKS / CONSEQUENCES

Federal Financial Aid – If you are convicted of a drug-related felony or misdemeanor while receiving federal student aid, you may be ineligible to receive further aid for a specified period upon conviction. The other convictions that might affect your aid is a forcible or nonforcible sexual offense, and you are subject to an involuntary civil commitment upon completion of a period of incarceration for that offense, you cannot receive a Federal Pell Grant. Other areas in which the use of alcohol or drugs can have a negative impact include but are not limited to employment and housing.

AVAILABLE COUNSELING AND TREATMENT PROGRAMS

Both the Miles College Office of Human Resources and the Miles College Student Affairs offer services to employees and students who are seeking support regarding alcohol, tobacco, and other drug issues. Students receive counseling and other services through timelycare.com/milescollege by enrolling. The Human Resource Office at Miles College will assist employees with information concerning insurance coverage and information regarding EPA services. Both offices can provide a list of private and public hospitals, mutual self-help organizations, public treatment centers, and private drug treatment practitioners. Information regarding an individual's request for services will remain confidential. Miles College Human Resource Office nor any other entity at the College will be notified or informed of an employee or student's choice to receive assistance for drug or alcohol issues, including those who use insurance or the Employee Assistance Program.

RESOURCES FOR SUPPORT

Poison Control Center, for immediate help with possible overdose: 800.222.1222 Additional Resources:

CAMPUS RESOURCES

Miles College Dean of Students
205.929.1156

Office of Human Resource
Dr. Patricia Wilson,
Director 205-929-1440
mwilson@miles.edu

Miles College Department of
Public Safety
205-929-1720

New Horizon Employee Assistance Program (for Miles College employees) 713.500.3327
eap.ndbh.com

Miles College "Bear Care"
Timely Care medical/and counseling services to students enrolled at Miles College
[Timelycare.com/milescollege](https://timelycare.com/milescollege)

12- STEP MEETING INFORMATION

(12) Twelve Step Alcoholics Anonymous (AA) Drug Rehab Facilities in Birmingham, Alabama 866-716-0142

Find AA meetings in the Birmingham Area <https://birminghamaa.org/wp/meetings/?tsml-distance=1>

The Greater Birmingham, AL | Al-Anon-Alateen Family Groups (Support for friends and families of alcoholics) <http://bham-al-anon.com/>

Birmingham Narcotics Anonymous – | 800/407/7195 | <https://www.narcotics.com/na-meetings/alabama/birmingham/>

COMMUNITY RESOURCES

Aletheia House
4246 5th Avenue South, Birmingham Alabama 35222
Addiction Hotline 866-716-0142

TOBACCO / E-CIGARETTE (VAPING) CESSATION RESOURCES

Freedom from Smoking Online Program www.freedomfromsmoking.org/
An evidence-based program consisting of eight self-paced modules to help quit tobacco.

[This is Quitting](#), a *youth/young-adult e-cigarette* quit program that is accessed by texting "DITCHJUUL" to 88709. Parents and other adults looking to help young people quit should text "QUIT" to 202.899.7550.

Center for Disease Control and Prevention <https://www.cdc.gov/tobacco/campaign/tips/quit-smoking/> Offers a variety of programs and resources 800.QUIT.NOW.

[Quitnowalabama](#) is a program that offers help to become an expert in living tobacco-free. Confidential phone counseling services and resources such as nicotine patches, gums, or lozenges are free to those who qualify. Call the toll-free Quitline: Alabama Tobacco Quitline: 1-800-QUIT-NOW (784-8669) <https://quitnowalabama.com/>

Truth Initiative Vaping Text Line for youth and young adults: Text "DITCHJUUL" to 88709
Information for parents / other adults: Text "QUIT" to 202.899.7550

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.

POLICIES ON DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

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. The purpose of this Policy is to ensure uniformity throughout the colleges in 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.

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.

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: 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:

- 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.
- 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.

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:

Title IX Coordinator – Dr. Patricia Wilson

Phone: (205) 929-1440

Office Location: Brown Hall, RM 101

Email: titleix@miles.edu

[Title IX Complaint Form](#)

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.

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.

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 applicable in the Board of Trustees and institutional policies and procedures.

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.

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 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

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 a 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.

- 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.

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.

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.

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 anew 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. See also: [Title IX Brochure Questions & Answers Regarding the Title IX Regulations. Summary of Major Provisions](#)

Resources for Information and Assistance State Resources	Resources for Information and Assistance National Resources
<p>Crisis Center Rape Response (205) 323-7273 https://www.crisiscenterbham.org/</p> <p><u>Bear Care (Students Only)</u></p> <p>Alabama Coalition Against Rape P.O. Box 4091 Montgomery, AL 36104 (334) 264-0123 www.acar.org</p> <p>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</p> <p>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</p> <p>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</p> <p>National Suicide Prevention Lifeline https://suicidepreventionlifeline.org/ 1-800-273-8255</p>	<p>National Center for Victims of Crime 1-855-4-VICTIM 1-855-484-2846 https://victimsofcrime.org/</p> <p>National Organization for Victim Assistance 1-800-TRY-NOVA 1-800-879-6682 www.try-nova.org</p> <p>Office for Victims of Crime Resource Center 1-800-627-6872 TTY 1-877-712-9279 www.ojp.usdoj.gov/ovc/ovcres/ welcome.html</p> <p>National HIV/AIDS Hotline 1-800-342-AIDS 1-800-342-2437 TTY 1-800-243-7012 Spanish 1-800-344-SIDA</p> <p>National Sexual Violence Resource Center 717-728-9740 www.nsvrc.org</p> <p>Rape, Abuse & Incest National Network 1-800-656-HOPE 1-800-656-4673 www.rainn.org</p> <p>Violence Against Women Office 202-307-6026 www.ojp.usdoj.gov/vawo</p>

TITLE IX AND VAWA

Title IX and the Violence Against Women Act (VAWA) are two federal laws that promote safe, inclusive and welcoming learning and work environments on college campuses. Title IX prohibits sexual harassment and discrimination. Title IX prohibits sexual assault and sexual violence as forms of sexual or gender-based harassment. Colleges must also address sexual violence, interpersonal violence, and stalking in accordance with VAWA.

The Violence Against Women Reauthorization Act ("VAWA"), signed by President Obama on March 7, 2013, aims to improve the criminal justice response to violence against women. Colleges are now more accountable for educating students and preventing gender-based violence as a result of VAWA. Victims of domestic violence, dating violence, sexual assault, and stalking on campus now have additional protections. [Title IX/Sexual Misconduct Policy](#)

COMMITTED TO SAFETY

Miles College is dedicated to fostering an environment where all members of our campus community are safe, secure, and free from any form of sexual misconduct, including but not limited to sexual assault, dating violence, domestic violence, and stalking. The College expects all interpersonal relationships and interactions to be based on mutual respect, clear consent, and open communication.

EDUCATION AND PREVENTION

Miles College will present primary prevention and awareness programs for new students and new employees, in addition to ongoing awareness campaigns related to the prevention of sexual assault dating violence, domestic violence, and stalking for all students and employees.

Primary prevention programs include training on dating violence, domestic violence, sexual assaults, and stalking that is provided to all students, faculty, and staff in accordance with the requirements of VAWA, Title IX, and the Clery Act. This instruction is made available to all new students and employees. In addition, the college offers workshops and programs that educate students on proactive ways to assist others while ensuring their own safety and well-being. The [Title IX](#) brochure and the [Staying Safe of Campus](#) brochure are distributed to new students and employees. Students have access to TalkNow emotional support, counseling with mental health providers, and Self-Care around the clock.

REPORTING

All individuals are strongly encouraged to report incidents of sexual assault, dating violence, domestic violence, and stalking to Miles College officials and the police. Individuals can report incidents to either the Miles College Department of Public Safety or the Title IX Coordinator.

The College will provide resources to support persons who have been victims of sexual assault, dating violence, domestic violence, and stalking. If an individual reports that they have been a victim of a crime, the procedures taught during training should be followed. Distribute an informational [Title IX](#) resource brochure to the individual and complete an Incident Report with MCDPS.

PROGRAMMING

The College will provide programs that promote awareness and avert domestic violence, dating violence, sexual assault, and stalking on campus and in our community. Programming is directed to all new students and employees, followed by ongoing programs directed to all students and employees in culturally relevant training including:

- Awareness programming on dating violence, domestic violence, stalking, and sexual assault.
- Risk-reduction strategies designed to promote healthy behaviors/relationships and recognize early warning signs of abusive behavior.
- Prevention programs to avert acts of dating violence, domestic violence, sexual assault, and stalking.
- Safe and positive Bystander intervention education and training. ([Bystander Intervention](#))
- On-going College prevention and awareness campaigns.

ADVISOR

Any individual who provides the accuser or accused support, guidance, or advice.

PROCEEDING

All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. The proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

RESULT

Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

EMERGENCY PREPAREDNESS

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 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 Team (ERT), 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 ERT 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 NOTIFICATION SYSTEM

Sign up for [Everbridge](#), the emergency management notification system - enter your contact information and Miles College Department of Public Safety (MCDPS) will notify you in the event of an emergency that impacts the College campus.

REPORTING EMERGENCIES

If you discover an emergency on the Campus:

- Call Miles College Department of Public Safety (MCDPS): 205-929-1720
- Stay Calm
- Give your name, and location, and follow emergency-specific instructions (located in this Emergency Response Guide)

Emergency Phone Numbers

MCDPS: 205-929-1720

911

UTILITY FAILURE

Definition:

When any type of utility and/or facility-related system is interrupted or fails, such as electricity, heat, or ventilation.

Actions:

- **For all utility emergencies contact Campus Police/Safety: (205) 929-1720.**
 - If evacuating the building is required use stairwells. **DO NOT USE ELEVATORS.**
- IF IN A LABORATORY SETTING** - End any activities that require ventilation, power, or hazardous materials. Secure your environment and clean up or put away equipment and chemicals that could be considered hazardous. Notify your lab supervisor immediately.

MEDICAL EMERGENCY

Definition:

An injury or illness that poses a risk to a person's life or health.

Actions:

- **Notify MCDPS: 205-929-1720 or 911 immediately.**
- Follow all instructions given by MCDPS.
- Protect yourself and others: be aware of your surroundings.
- Try to avoid contact with blood or bodily fluids.
- Do not move an injured person unless you are able to do so safely without incurring further injury.
- When possible, remain with the injured person until MCDPS and/or medical personnel arrives.
- Administer first aid/CPR only if you are trained/certified and feel comfortable doing so.

MENTAL HEALTH EMERGENCIES / SUICIDE THREATS

Helping a Person Experiencing Acute Emotional Issues:

- Listen to the person. Offer any help if you are able.
- Report concerns to the Counseling and Health Center at 205-855-3072
- [Bear Care](#) for counseling, medical or emotional support (students)
- [EAP](#) program for employees needing counseling services

Immediate Mental Health/Suicide Threat:

988 Suicide and Crisis Lifeline

ON-CAMPUS: MCDPS 205-929-1720

OFF-CAMPUS: 911 for local police response

SUSPICIOUS PERSON

Definition:

A person or multiple people demonstrating unusual/threatening behavior.

Suspicious Activity Includes:

- Individuals acting furtively and suspiciously.
- Individuals departing quickly when seen or approached.
- Individuals in places they don't belong.
- Individuals forcing their way into a locked area or vehicle.
- Individuals showing unusual mental or physical symptoms.

Actions:

- Notify **MCDPS: (205) 929/1720**.
- Be prepared to tell Campus Police/Safety personnel:
 - Who or what you saw;
 - When you saw it;
 - Where it occurred;
 - Why it's suspicious.

SEVERE WEATHER/NATURAL DISASTER

Definition:

A significant weather emergency that may impact Miles College such as a snowstorm, severe thunderstorm, or tornado. These events may cause strong winds, rain, hail, ice, or snow.

Actions:

Inclement Winter Weather (Snow/Ice/Wind)

- Monitor Emergency Notification Systems (e-mail, text alerts, TV, radio, website).
- Closings or other restrictions of travel can be monitored through the college website, radio/television, and Emergency Text Alerts.

Severe Storm/ Flooding

- Monitor Emergency Notification Systems (e-mail, text alerts, TV, radio, website).
- When advised, evacuate to designated safe areas.
- If able, remove items from near windows and secure loose objects.
- Stay indoors during high winds, and keep away from exterior walls and doors.
- Remain in a safe area until the warning expires or until you receive an "All Clear" alert/signal via text, e-mail, overhead announcement, or from emergency personnel.

FIRE / FIRE ALARM / HAZARDOUS MATERIAL

FIRE / FIRE ALARMS: WHEN FIRE OR SMOKE IS DETECTED

RESCUE people in immediate danger if you can do so without endangering yourself.

ALARM – Pull the fire alarm and call **911**.

CONTAIN – If able, contain the fire by closing all doors, windows, and other openings.

EVACUATE the area. Do not use the elevator unless authorized by emergency personnel. **EXTINGUISH** – Extinguish only a small fire **AND ONLY** if you have been trained. Remember

PASS P (PULL) – A (AIM) – S (SQUEEZE) – S (SWEEP)

Hazardous Materials: On Campus

- Isolate area of spill/leak. Do not attempt to clean.
- Call MCDPS: (205) 929-1720.
- Follow instructions given by emergency personnel for shelter-in-place or evacuation.
- If possible, note any of the characteristics of the material: name, odor, color, physical description
- Report any injuries or exposure to MCDPS (205) 929-1720 *immediately*.

Hazardous Materials: Near Campus

- MCDPS will be notified.
- Follow Emergency Alert messaging for shelter-in-place or evacuation instructions.

BOMB THREAT

If you receive a telephone bomb threat

- Do not hang up.
- Remain calm.
- Try to prolong the conversation and get as much information as possible
- Note what you hear. Are there background noises, such as music, voices, or cars?
- How does the caller's voice sound? Any accent? What sex? What age? Any unusual words or phrases?
- How is the bomb location described?
- Does the caller use a person's name?
- Does the caller give his/her name?

Call Campus Police/Safety: (205) 929-1720 and report a bomb threat. Give the operator all the information you collected on the checklist. Identify yourself - give your name, address, and phone number. If it is deemed necessary to evacuate, you will be notified by the Emergency Notification System or by email and text messaging. Evacuate via the primary route for your area, or by the alternate route if so directed.

SUSPICIOUS PACKAGE

If you discover a suspicious item or package:

Leave it untouched and secure area until Campus Police or first responders arrive

Stay away from the package and refrain from touching or moving it in any way.

Call MCDPS: (205) 929-1720

and report a suspicious item. You may be asked to assist in a search because you are familiar with the area.

If you notice any of the following characteristics pertaining to suspicious packages, please take immediate precautions:

- Protruding wires or aluminum foil;
- Oily stains, discolorations, or odor;
- Ticking sound;
- Excessive security material such as masking tape, string, etc.

SHELTER IN PLACE / EVACUATION

Definition:

In the event of an internal or external disaster, if there is evidence of possible harm to students, visitors, staff, or faculty, an order for protecting yourself in your current location or evacuation of your area may be given.

Shelter in Place:

Stay in your current location. If outside, move immediately to the nearest building and await further instruction.

Actions:

- MCDPS and/or Administration will initiate and communicate a Shelter in Place order.
- Ensure all personnel is inside of campus buildings, facilities, and rooms.
- If possible, account for individuals that you are supervising in your area.
- Secure points of entry; doors and windows.
- Keep sheltering individuals away from points of entry.
- All personnel should remain in the secured area until an “All Clear” announcement is made via the Emergency Notification System or by emergency personnel.

Evacuation:

Leave your location at once. Evacuation requires everyone to exit a building, area, or campus.

- An order to evacuate a building or area of campus may be given by Campus Police/Safety, Administration, or emergency personnel.
- Occupants should use the nearest and safest exit when an evacuation order is given.
- Evacuate in a CALM MANNER and avoid blocking entrances.
- Based upon the type of emergency, occupants may be asked to move farther away from the impacted area(s).
- Remain calm at all times and follow the instructions of your supervisor, professor, Campus Police/Safety, and emergency personnel.

ACTIVE SHOOTER

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area. In most cases, active shooters use firearms and there is no pattern or method to their selection of victims. Active shooter situations are unpredictable and evolve quickly. All employees can help prevent and prepare for potential active shooter situations.

IF YOU ARE IN IMMEDIATE DANGER

RUN: Escape from the area if you are able.

HIDE: Find a safe and secure hiding area.
Remain there quietly until Police

FIGHT: Use all available objects and weapons
to attack the shooter.

RUN If you observe a person on campus, adjacent to campus, or enters a college building brandishing a firearm or other weapon:

1. Exit the building immediately, if possible.
2. Notify others to exit the building and find a safe location and or shelter outdoors
3. Call 911 or 205-929-1720 and relay the following information:
 - Your name and location
 - Location of the incident and number of shooters
 - Identity and description of the shooter(s)
 - Type of firearm(s) used
 - Number and location of victims and their injuries

HIDE If you are unable to exit the building or if you cannot lock the door:

1. Try to remain calm.
2. Proceed to the nearest room, close, lock the door, and turn off all interior lights, if possible.
3. Block or blackout all door windows and any other windows.
4. Turn off all devices that emit noises and sounds, and place mobile phones on silence.
5. Keep yourself out of sight and take adequate cover/protection, i.e. concrete walls, thick desks, and filing cabinets. etc.
6. Notify MCDPS (205) 929-1720 and relay the following information:

** "This is _____, (state your name) I am located at _____, (give your location) we have an active shooter, gunshots fired."*

** If you were able to see the shooter, give the numbers of active shooters, a description of the persons(s) sex, race, clothing, type of weapon(s), location last seen, direction of travel, and identity - if known.*

** If you observed any victims, give a description of the location and number of victims.*

** If you observed any suspicious devices (improvised explosive devices), provide the location seen and a description.*

** If you heard any explosions, provide a description and location.*

If an active shooter enters your office or classroom, you should:

1. Try to remain calm.
2. Try not to do anything that will provoke the active shooter.
3. If there is no possibility of escape or hiding, only as a last resort when it is imminent that your life is in danger should you make a personal choice to attempt to negotiate with or overpower the assailant(s).
4. If the decision is to overpower the assailant(s), a multiple-person attack has a better chance of success than a single-person attack.
5. Once the decision has been made, throw everything on hand at the assailant(s) - books, pens, chairs etc. while engaged in the attack.
6. Call (205) 929-1720 or 911, if possible, and provide the information listed in the previous guideline.
7. If the active shooter(s) leaves the area, barricade the room, or proceed to a safer location.

If you encounter an active shooter, you should:

1. Try to remain calm.
2. When an imminent threat to your life is presented, you should make a personal choice to attempt to negotiate or overpower the assailant(s).
3. If you choose to negotiate, do not make direct eye contact with the assailant.
4. Speak calmly.
5. If you choose to **FIGHT**, the shooter: Acting as aggressively as possible against him/her • throwing items and improvising weapons • yelling • committing to your actions

What to expect from responding police officers?

Police officers responding to an active shooter are trained to proceed immediately to the area in which shots were last heard in order to stop the shooting as quickly as possible. Do exactly as the officers instruct. Do not deviate from their instructions to prevent being targeted as an aggressor.

The first responding officers will be focused on stopping the active shooter and creating a safe environment for medical assistance to be brought in to aid the injured. Never point at an officer during an active shooter incident.

The objectives of responding police officers are:

1. Immediately engage or contain the active shooter(s) in order to stop life-threatening behavior.
2. Identify threats such as improvised explosive devices.
3. Identify victims to facilitate medical response and care.

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.

POLICY ON 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 MCDPS 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 MCDPS at (205) 929-1720 immediately. The initial college MCDPS campus investigation will begin as a “Welfare Concern” and will be upgraded to a Missing Person incident if MCDPS 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.

Upon receiving a notification, MCDPS, 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 MCDPS 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. MCDPS 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 Housing and Residence Life	(205) 929-1455
Dean of Students	(205) 929-1156
Fairfield Police Department	(205) 786-4111
Jefferson County Sheriff Department	(205) 325-1450
Emergency Assistance	911

GENERAL SAFETY TIPS

Miles College is committed to the safety of its students, faculty, staff and community members. The following pages have been developed to provide you with information and resources to help keep you safe, your property safe, and allow you to help others. [Staying Safe on Campus](#)

OBSCENE PHONE CALLS, HARASSMENT, STALKING

- Notify MCDPS as soon as possible.
- If an obscene message is left on your answering machine, save the message and report it to MCDPS.
- Listen for background noise and keep a written record of the times and dates you received the calls.
- Report all incidents to MCDPS. PERSONAL SAFETY
- The ultimate responsibility for personal safety and security rests with each individual.
- Each person should be aware of their surroundings and potential risks to personal safety.
- Exercise caution and take reasonable actions to protect yourself.
- Walk with friends in lighted areas at night.
- Keep residence halls secure.
- Lock residence hall room doors.
- Do not prop open outer doors
- Know building evacuation procedures.
- Know how to contact proper authorities.
- Drive defensively.
- Report suspicious activities to MCDPS. OFFICE AND CLASSROOM SAFETY
- Avoid working or studying alone in a building at night. If you must work late, notify person(s) you trust know where you are.
- Avoid using stairs in remote sections of a building.
- Keep your purse in a locked cabinet or drawer. Never leave it in, on top or underneath a desk.
- While in class, the library or the labs, keep personal belongings in view.

ATM-AUTOMATED TELLER MACHINE

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

BICYCLE SAFETY

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

VEHICLE SAFETY

- Have your keys in hand before you reach your vehicle.
- Check the interior of your vehicle before entering it.
- When parking your vehicle at night, select a spot that is well lit.
- Make a habit of keeping car doors locked.
- 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

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

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 MCDPS.

Fire Safety Equipment: All suites/apartments are equipped with smoke detectors. Each floor in each residence hall is equipped with fire extinguishers. Tampering with fire safety equipment or setting off a false alarm is against the law. It also will make the system ineffective and endanger the lives of other residents. Any person, who sets off a false alarm, interferes with the operation of the alarm system, damages or removes any part of the alarm system, fire extinguishers, smoke detectors, or exit signs are subject to severe disciplinary action, including dismissal from the residence halls, possible suspension from the College, and/or criminal prosecution. If a smoke detector is detached from the wall for any reason, it is the responsibility of the resident to report it immediately. If not reported, all residents will be held responsible for tampering with fire safety equipment and will be disciplined and/or fined.

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

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

- **REMAIN CALM.**
- Evacuate by the nearest safety exit stairway.
- **DO NOT USE ELEVATORS.** Elevators will either automatically return to the first floor or the MCDPS will return them to the first floor.
- 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 MCDPS 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 MCDPS 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 MCDPS 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 MCDPS of anyone needing assistance exiting the building. The building representative or some other supervisory personnel should notify MCDPS 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 MCDPS.

- (1) 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.
- (2) Return to the hall ONLY when told by Fire Department Officials, MCDPS, 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.

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

Fire Alarm Monitoring Done on Site (MCDPS)	Partial 1 Sprinkler System	Full 2 Sprinkler System	Smoke Detection	Fire Extinguisher	Evacuation Plans Placards	Number of Evacuation (fire)Drills each academic year 2020	Number of Evacuation (fire)Drills each academic year 2021	Number of Evacuation (fire)Drills each academic year 2022
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	<p>Murder-ALA. CODE §13A-6-2. (a) A person commits the crime of murder if he or she does any of the following:</p> <ul style="list-style-type: none"> • With intent to cause the death of another person, he or she causes the death of that person or of another person. • Under circumstances manifesting extreme indifference to human life, he or she recklessly engages in conduct which creates a grave risk of death to a person other than himself or herself, and thereby causes the death of another person. • He or she commits or attempts to commit arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree, aggravated child abuse under Section 26-15-3.1, or any other felony clearly dangerous to human life and, in the course of and in furtherance of the crime that he or she is committing or attempting to commit, or in immediate flight therefrom, he or she, or another participant if there be any, causes the death of any person. • He or she commits the crime of arson and a qualified governmental or volunteer firefighter or other public safety officer dies while performing his or her duty resulting from the arson. <p>A person does not commit murder under the first 2 items above if he or she was moved to act by a sudden heat of passion caused by provocation recognized by law, and before there had been a reasonable time for the passion to cool and for reason to reassert itself. The burden of injecting the issue of killing under legal provocation is on the defendant, but this does not shift the burden of proof. This subsection does not apply to a prosecution for, or preclude a conviction of, manslaughter or other crime.</p> <p><i>Manslaughter</i> – ALA. CODE §13A-6-3. (a) A person commits the crime of manslaughter if: (a) the person recklessly causes the death of another person, or (b) the person causes the death of another person under circumstances that would constitute murder under Section 13A-6-2; except, that the death is due to a sudden heat of passion caused by provocation recognized by law, and before a reasonable time for the passion to cool and for reason to reassert itself.</p>

	<i>Criminally Negligent Homicide</i> - 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.
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INTIMATE PARTNER VIOLENCE: DATING VIOLENCE

FED/CLERY	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. 34 C.F.R. § 668.46(a)
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INTIMATE PARTNER VIOLENCE: DATING VIOLENCE

	<p>A felony or misdemeanor crime of violence committed –</p> <ul style="list-style-type: none"> • By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; • By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; • By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or • By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. 34 C.F.R. § 668.46(a)
Alabama	<ul style="list-style-type: none"> • <i>First Degree Domestic Violence</i>- ALA. CODE § 13A-6-130(a). (a)(1) A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20; aggravated stalking pursuant to Section 13A-6-91; or burglary in the first degree pursuant to Section 13A-7-5 and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant. • (2) For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party. • (b) Domestic violence in the first degree is a Class A felony, except that the defendant shall serve a minimum term of imprisonment of one year without consideration of probation, parole, good time credits, or any other reduction in time for any second or subsequent conviction under this subsection.

	<p><i>Second Degree Domestic Violence</i> - ALA. CODE § 13A-6-131(a). A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p> <p>2. For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.</p> <p><i>Third Degree Domestic Violence</i> - ALA. CODE § 13A-6-132(a). A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant.</p> <p>2. For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.</p>
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STALKING	
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FED/CLERY	<p>Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition:</p> <p>Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties; by any action, method, device, or</p>
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	<p>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.</p> <p>Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. 34 C.F.R. § 668.46(a)</p>
Alabama	<p><i>First Degree Stalking</i>- ALA. CODE § 13A-6-90(a). A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.</p> <p><i>Second Degree Stalking</i> - ALA. CODE § 13A-6-90.1(a). A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct he/she is guilty of the crime of stalking in the second degree.</p> <p><i>Aggravated First Degree Stalking</i> – ALA. CODE § 13A-6-91. A person who violates the provisions of Section 13A-6-90(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the first degree.</p> <p><i>Aggravated First Degree Stalking</i> – ALA. CODE § 13A-6-92. A person who violates the provisions of Section 13A-6-90.1 and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the second degree.</p>

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

CONSENT	
FED/CLERY	The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter.
Alabama	<p>Whether or not specifically stated, it is an element of every offense defined in Article 6 of Title 13A, with the exception of subdivision (a)(3) of Section 13A-6-65, that the sexual act was committed without the consent of the victim.</p> <p>Lack of consent results from:</p>

	<p>(1) FORCIBLE COMPULSION. Use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. Factors to be considered in determining an implied threat include, but are not limited to, the respective ages and sizes of the victim and the accused; the respective mental and physical conditions of the victim and the accused; the atmosphere and physical setting in which the incident was alleged to have taken place; the extent to which the accused may have been in a position of authority, domination, or custodial control over the victim; or whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim.</p> <p>(2) INCAPACITATED. The term includes any of the following:</p> <p>a. A person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct.</p> <p>b. A person is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender.</p> <p>c. A person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate.</p> <p>A person is deemed incapable of consent if he or she is: Less than 16 years old; or Mentally defective; or</p> <ul style="list-style-type: none"> • Mentally incapacitated; or • Physically helpless. ALA. CODE § 13A-6-70
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SEXUAL ASSAULT/SEXUAL CONTACT/SEXUAL EXPLOITATION	
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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

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

- The person, being 16 years of age or older, engages in deviate sexual intercourse with a person who is less than 12 years old.

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

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

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

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

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

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

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

Sexual Abuse in the Second Degree – ALA. CODE § 13A-6-67. A person commits the crime of sexual abuse in the second degree if: (1) he or she subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or (2) he or she, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

Indecent Exposure - ALA. CODE § 13A-6-68. A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person

other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises.

Enticing Child to Enter Vehicle, House, Etc. for Immoral Purposes – ALA. CODE § 13A6-69(a). It shall be unlawful for any person with lascivious intent to entice, allure, persuade, or invite, or attempt to entice, allure, persuade, or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.

Sexual Abuse of a Child Less than 12 Years Old – ALA. CODE § 13A-6-69.1(a). A person commits the crime of sexual abuse of a child less than 12 years old if he or she, being 16 years old or older, subjects another person who is less than 12 years old to sexual contact.

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

School Employee Having Sexual Contact with a Student Under the Age of 19 Years - ALA. CODE §13A-6-82. A person commits the crime of a school employee having sexual contact with a student under the age of 19 years if he or she is a school employee and engaging in sexual contact with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. As used in this section, sexual contact means any touching of the sexual or other intimate parts of a student, done for the purpose of gratifying the sexual desire of either party. The term includes soliciting or harassing a student to perform a sex act.

FONDLING

FED/CLERY	The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. 34 C.F.R. § 668.46 Appendix A, without the consent of the victim, including instances where the victim is permanent mental incapacity. 34 C.F.R. § 668.46 Appendix A
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	<p>A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:</p> <ul style="list-style-type: none"> • His ancestor or descendant by blood or adoption; or • His brother or sister of the whole or half-blood or by adoption; or • His stepchild or stepparent, while the marriage creating the relationship exists; or • His aunt, uncle, nephew or niece of the whole or half-blood. <p>A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed. Ala. Code § 13A-13-3</p>

RAPE

FED/CLERY	The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. 34 C.F.R. § 668.46 Appendix A
Alabama	See Sexual Assault/Sexual Contact/Sexual Exploitation above

STATUTORY RAPE

FED/CLERY	Sexual intercourse with a person who is under the statutory age of consent. 34 C.F.R. § 668.46 Appendix A
Alabama	It is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 16), even if the sex is consensual. See above the state definition of consent.

BURGLARY	
FED/CLERY	<p>Burglary is the unlawful entry of a structure to commit a felony or theft. Burglary includes:</p> <ol style="list-style-type: none"> 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	<p><i>Burglary in the first degree.</i> ALA. CODE §13A-7-5. A person commits the crime of burglary in the first degree if he or she knowingly and unlawfully enters or remains unlawfully in a dwelling with intent to commit a crime therein, and, if, in effecting entry or while in dwelling or in immediate flight therefrom, the person or another participant in the crime:</p> <ul style="list-style-type: none"> • Is armed with explosives; or • Causes physical injury to any person who is not a participant in the crime; or • In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the dwelling or immediate flight from the dwelling, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary. <p><i>Burglary in the second degree</i> - ALA. CODE §13A-7-6. (a) A person commits the crime of burglary in the second degree if he or she knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein and, if in effecting entry or while in the building or in immediate flight therefrom, the person or another participant in the crime:</p> <ul style="list-style-type: none"> • Is armed with explosives; or • Causes physical injury to any person who is not a participant in the crime; or • In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the building or in immediate flight from the building, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary.

	<p>Alternatively, a person commits the crime of burglary in the second degree if he or she unlawfully enters a lawfully occupied dwelling-house with intent to commit a theft or a felony therein.</p> <p><i>Burglary in the third degree</i> - ALA. CODE §13A-7-7. A person commits the crime of burglary in the third degree if any of the following occur:</p> <ul style="list-style-type: none"> • He or she knowingly enters or remains unlawfully in a dwelling with the intent to commit a crime therein; • He or she knowingly enters or remains unlawfully in an occupied building with the intent to commit a crime therein; or • He or she knowingly enters or remains unlawfully in an unoccupied building with the intent to commit a crime therein.
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Motor Vehicle Theft

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

Arson

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

Weapons Violation

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

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

(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:

	<p>(1) With intent to cause physical injury to another person, he causes physical injury to any person; or</p> <p>(2) He recklessly causes physical injury to another person; or</p> <p>(3) With criminal negligence he causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or</p> <p>(4) With intent to prevent a peace officer from performing a lawful duty, he causes physical injury to any person.</p> <p>(b) Assault in the third degree is a Class A misdemeanor.</p>
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Hate Crimes

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

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.

APPENDIX B

CLERY GEORRAPHY MAP

