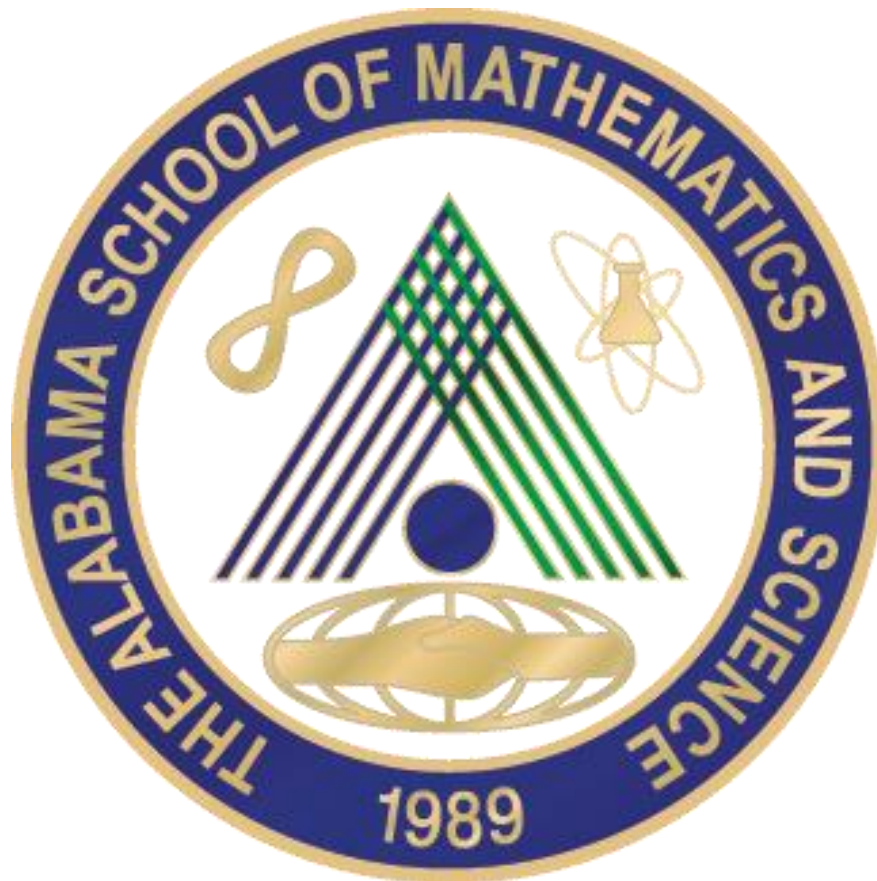


**ASMS Sexual Misconduct  
Response Prevention Handbook  
2020-2021**



**1255 Dauphin Street  
Mobile, AL 36604  
251.441.2100  
[www.asms.net](http://www.asms.net)**

## Anti-Harassment and Sexual Misconduct Handbook

The Alabama School of Mathematics and Science (ASMS) is committed to being a community free of sexual misconduct. ASMS is also committed to equality of opportunity and an environment free of any discriminatory or harassing conduct based on race, color, national origin, sex, sexual orientation, gender identity, religion, disability, genetic information, age, or veteran status. In addition, ASMS students, faculty, and staff should not be subjected to threatening or offensive conduct based on one's socioeconomic status, academic status, social, mental or physical ability, or other personal characteristics.

It is the policy of ASMS that no member of the community may engage in speech or conduct that is unlawfully discriminatory or that constitutes harassment, stalking, hazing, bullying, or sexual violence. All students are guaranteed the right to live and learn in an environment founded on mutual respect for all persons and recognition of the dignity of all members of the community free from harassment and retaliation while enrolled at ASMS. The Office of Student Affairs will inform new students of the policy during orientation and when appropriate. This handbook works in conjunction with other policies outlined in the ASMS Student Community Handbook, including the ASMS Anti-Bullying Policy.

### Get Assistance & Support

ASMS has resources available to any member of the ASMS community affected by sexual misconduct. It does not matter what form of sexual misconduct you experienced, nor when it happened—you have choices about what to do and how to do it. Ms. Katrina Thompson is the ASMS Title IX Coordinator. Questions regarding Title IX may be referred to her, at 251-441-2111 or [kthompson@asms.net](mailto:kthompson@asms.net).

### Report an Incident

Reporting may sound intimidating, but it is just a conversation that allows you to discuss your options and gives you access to various resources. Whether you have experienced or

witnessed an incident or behavior, there are multiple avenues through which you can make a report to the school. Staff members in each department work closely with one another, and the Title IX Coordinator, to help meet your needs if you wish. The reporting options are not mutually exclusive: you can pursue any or all of them. Unless there is an immediate or ongoing threat to individual or community safety, the choices are left up to you.

### Frequently Asked Questions

#### What is Title IX?

*No person in the United States, on the basis of sex, shall be excluded from participation, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.* – Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 protects people from sex and gender discrimination in educational programs and activities at institutions that receive Federal financial assistance. ASMS is committed to providing an environment free from discrimination based on sex and gender. ASMS offers many resources for students, faculty, and staff to address concerns relating to discrimination on the basis of sex or gender.

#### Who is responsible for ensuring Title IX compliance at ASMS?

Ms. Katrina Thompson is the ASMS Title IX Coordinator. Questions regarding Title IX may be referred to her at 251-441-2111 or [kthompson@asms.net](mailto:kthompson@asms.net).

#### What is a Title IX Coordinator?

A Title IX Coordinator is an employee to whom students, faculty, and staff may go when they have questions or would like to make a report concerning issues of sexual misconduct and gender-based discrimination.

**What should you expect when contacting the Title IX Coordinator?**

The ASMS Title IX Coordinator is available to talk with community members about their concerns and questions – no matter how big or small – related to a specific incident or the campus sexual climate in general. They can also connect you with other campus resources, including a personal counselor. If you have experienced sexual misconduct, the Title IX Coordinator will review your options and work with you to address your needs. If necessary, appropriate accommodations and interims can be implemented. If you choose to pursue a disciplinary or criminal complaint, they could connect you with the City of Mobile Police Department. If you have been accused of sexual misconduct, the Title IX Coordinator can review policies, provide and arrange training, and help you find an adviser.

**What will the Title IX Coordinator do with your information?**

The Title IX Coordinator will not share your information with anyone beyond the Title IX Office without your permission. In rare instances, some information may be shared with relevant administrators if the school needs to take action for reasons of community safety. In these instances, your privacy and wishes will be given full consideration.

**If I report an incident or speak to the Title IX Coordinator, will my information remain confidential?**

The coordinator will not share your information with anyone beyond the Title IX office without your permission. In the rare instance when the coordinator needs to take some action to protect your safety or the safety of the community, the coordinator will discuss this with you beforehand.

**If I talk about my experiences with anyone, will they have an obligation to report it to the school's administration?**

Members of the ASMS community have mandatory reporting responsibilities and have an obligation to share information about

incidents related to sexual misconduct with the Title IX Coordinator or with law enforcement agencies.

**What if I'm not sure whether the conduct I experienced was sexual misconduct?**

No incident is too small or trivial for you to access ASMS resources. If you are feeling worried or unsure about a situation, ASMS has trained personnel available to walk you through the experience. The Title IX Coordinator is a great place to start, but you can also talk to a counselor or someone in Student Affairs.

**What if one of the people involved in the sexual misconduct was not a member of the ASMS community?**

If you are not a member of the ASMS community, but your experience of sexual misconduct involves someone who is, you will have access to ASMS's reporting resources. You can speak to someone in Student Affairs and/or our Title IX coordinator, and/or pursue a formal complaint through the proper law enforcement agency. If you are a member of the ASMS community, but your experience of sexual misconduct involves someone who is not, you can also receive support and make a report to the school. ASMS may, in turn, report the misconduct to the appropriate authorities (e.g., the person's employer, the Mobile Police Department, etc.).

**I witnessed an incident of sexual misconduct, but I am not directly involved with the situation. Should I report it?**

If you are not an individual with reporting responsibilities (a student), you are under no obligation to report an incident, but you may still do so. Reporting will allow ASMS to respond to the incident and provide resources as appropriate. If witnessing an incident has affected you, the Title IX Coordinator is always available to talk to you.

**Is there a time limit on when a complaint may be brought forward?**

No, you can come forward at any time. However, you are encouraged to make a report as soon as possible, because it is often the case that the earlier an incident is reported, the more effectively it can be investigated. If the alleged perpetrator is no longer a part of the ASMS community by the time the report is made, the school may not be able to take disciplinary action against that person, although ASMS will still strive to support you and put a stop to any ongoing misconduct.

**Does seeking a resolution with ASMS preclude me from filing a criminal complaint or pursuing legal recourse?**

No. ASMS encourages you to seek whatever resolution is most comfortable to you. Any member of the ASMS community may bring a complaint of sexual misconduct to the Mobile County Police Department. Additionally, if you decide to turn to the police with a complaint of sexual misconduct, all ASMS resources remain fully available to you for pursuing an informal or formal resolution.

**Definitions**

The following definitions apply for the purpose of this policy:

**Bullying** means a continuous pattern of intentional behavior on or off of school property, in a school vehicle, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in this policy. To constitute bullying, a pattern of behavior may do any of the following:

- Place a student in reasonable fear of harm to his or her person or damage to his or her property.

- Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- Have the effect of substantially disrupting or interfering with the orderly operation of the school.
- Have the effect of creating a hostile environment in the school, on school property, in a school vehicle, or at a school-sponsored function.
- Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

**Consent** means a voluntary agreement to engage in sexual activity. Someone who is incapacitated (such as due to the use of drugs or alcohol; when a person is asleep or unconscious; or other disability that prevents the person from having the capacity to give consent) lacks the ability to consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

**Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Harassment** is conduct that unreasonably interferes with an individual's academic or residential performance and/or creates a hostile environment for that individual, affecting his/her personal safety or participation in educational or residential activities. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

**Hazing** refers to any activity expected of an individual joining a group (or seeking to maintain full status in a group) that subjects the person to humiliation, degradation or the risk of emotional and/or physical harm, regardless of the person's willingness to participate.

**Hostile environment** means the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.

**Intimidation** means an unjustified threat or other action that is intended to cause fear or apprehension in a student.

**Retaliation** is defined as adverse treatment taken against individuals exercising their rights under the Harassment policy. Retaliation against an individual who in good faith utilizes the reporting procedures included in this policy and/or participates in any investigation related to an allegation of prohibited harassment, bullying, hazing, cyber-bullying or discrimination is expressly prohibited and will result in disciplinary action, up to and including dismissal. If you believe you have experienced retaliation, you should consult with the Title IX Coordinator.

**Sexual Exploitation** is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

**Sexual Harassment** is unwelcome conduct of a sexual nature, that is severe, persistent, or pervasive enough to create a hostile environment. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Sexual

harassment can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating emails, digital content, or websites of a sexual nature. When the harassment is of a sexual nature it should be reported to the ASMS Title IX Coordinator.

**Sexual Violence** is defined as sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. Sexual violence can be reported to any ASMS staff or faculty member or a member of law enforcement.

**Stalking** is repeated, unwanted attention; repeated and unwanted physical, verbal or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances.

**Student** as used in this policy means a person who is enrolled in ASMS.

### **Reporting**

Any employee who learns of situations involving student discrimination, harassment, sexual harassment, stalking, hazing, bullying, or sexual violence has an obligation to report those circumstances to the Title IX Coordinator. Any employee who learns of situations involving allegations of sexual harassment involving students must promptly report such allegations to the Title IX Coordinator, Ms. Katrina Thompson (251-441-2111; email: kthompson@asms.net). ASMS will grant any student's request to report

harassment to a member of the same sex/gender.

Any student who knows of situations involving discrimination, harassment, sexual harassment, stalking, hazing, bullying, or sexual violence can and should report the incident to any adult member of the ASMS community. Any student associated with ASMS engaging in such improper conduct will be appropriately disciplined, which could result in dismissal for misconduct. Any reported cases will be reviewed for possible referral to the appropriate legal authorities. A false accusation is considered misconduct and may result in appropriate disciplinary action up to and including expulsion for a student and termination for an employee.

### **Coverage and Complaint Procedures**

The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the law and with the necessity to investigate allegations of misconduct and to take corrective action when misconduct has occurred.

A reasonably prompt and impartial investigation will be made of all cases alleging harassment based on presented facts surrounding the misconduct. ASMS will review the totality of the circumstances to determine whether the alleged conduct constitutes harassment. Unless independent evidence exists, the victim must be willing to testify in order for ASMS to take corrective action against the accused. Any interference, coercion, restraint, or reprisal of any person complaining of harassment is prohibited.

ASMS shall investigate the complaint and take appropriate remedial action, if any, within 60 calendar (unless facts dictate otherwise) days from receipt of the written complaint. Due to the sensitive nature of the investigation of harassment complaints, this deadline supersedes any requirements stated in the Student Code of Conduct. The Title IX Coordinator may independently investigate matters reported by third parties in the absence of a formal complaint.

### **Objectives**

Research indicates that creating a supportive school climate is the most important step in preventing harassment. The following objectives have been established to create a supportive school climate:

- Disseminate to all students ASMS's anti-harassment policy statement;
- Sensitize students to the subject through training, orientation, and literature;
- Promptly investigate reports of suspected harassment;
- Use established disciplinary and hearing procedures in addressing harassment; and
- Document all efforts taken to prevent harassment and to respond to complaints.

### **Responsibility**

The ultimate responsibility for the ASMS Student Anti-Harassment Prevention Plan lies with the President. However, the Director of Student Affairs and the Title IX Coordinator are responsible for coordinating the plan and advising as appropriate all parties involved in cases alleging student harassment. The Title IX Investigator is responsible for investigating and obtaining any additional information in cases alleging harassment. All ASMS employees and students are responsible for maintaining an environment free of conduct defined as harassment and/or retaliation.

### **Program Coordination and Process**

1. The Title IX Coordinator coordinates orientation and training programs, meets with parties involved in alleged harassment, investigates allegations, and monitors disciplinary actions.

- Orientation for new and returning students includes discussion of the anti-harassment policy and prevention plan.
- Student Life curriculum addresses adolescent development issues, including protecting students from harassment.

2. The ASMS Counseling Services Office offers counseling to students involved in harassment.

3. If the accused is a student, resulting disciplinary action is handled through the regular judicial process outlined in the Student Code of Conduct. If the accused is an employee, the regular employee disciplinary procedures are followed. The employee will not be allowed to resign to avoid dismissal or other disciplinary action without the written consent of the accuser.
4. Appropriate disciplinary action will be imposed on those who (a) interfere or retaliate against any person alleging harassment, or (b) make unfounded charges of harassment.
5. The accused may appeal any disciplinary action through the appropriate grievance procedure.

The Title IX Coordinator and the General Counsel will evaluate this program annually based on the effectiveness of training programs, number of complaints, nature of cases, and their outcome through the internal complaint procedures; and compliance with program requirements.

### **Violations**

Violations of this policy are defined as Major Violations under the Student Code of Conduct and may result in disciplinary action, up to and including dismissal.

### **Alabama School of Mathematics and Science Grievance Procedures**

Any person who believes that the Alabama School of Mathematics and Science (ASMS) has engaged in discrimination and/or harassment on the basis of race, color, religion, creed, sex, national origin, age, disability, veteran status, sexual orientation, or otherwise may submit a complaint to the designated individual below and a complaint form can be found at the end of this document:

**Dr. Scarlett Studdard**  
**1255 Dauphin St.**  
**Mobile, AL 36604**

The grievance procedures outlined below establish how complaints will be investigated and resolved. These grievance procedures are intended to provide a prompt and equitable

resolution of complaints. Employees, students, parents, or third parties may use these grievance procedures. Additionally, these procedures are applicable to complaints of discrimination and harassment carried out by employees, students, or third parties.

These grievance procedures do not bar individuals from filing claims in other forums to the extent permitted by state and federal law. ASMS encourages individuals to discuss their concerns with appropriate school officials before resorting to a formal complaint. However, individuals are not required to do so before filing a formal written or verbal complaint. ASMS will reduce verbal complaints into written complaints. ASMS will not retaliate against any person who files a complaint in accordance with these procedures. A formal complaint may be filed by following the steps outlined below:

### **Step One**

Notice of the formal complaint must be filed with the individual designated above. Complainants may use the complaint form attached to the grievance procedure. The written notice must include the nature of the complaint, the date(s) of the occurrence, the desired result, and must be signed and dated by the person making the complaint. In most cases, if a student is involved, that student's parent/guardian will be notified.

Upon receipt of the notice of the complaint, the designated individual to whom the complaint was submitted will immediately initiate an adequate, reliable, and impartial investigation of the complaint. Each investigation will include, as necessary, interviewing witnesses, obtaining documents, and allowing parties to present witnesses and evidence. All documentation related to the investigation will remain confidential.

Within 30 business days upon the receipt of the complaint, the individual investigating the complaint will respond in writing to the complainant. However, if ASMS needs additional time beyond the 30 days, it will notify the parties, indicating the reason for the delay and estimating a time for the completion

of the investigation. The response will summarize the course and outcome of the investigation and identify an appropriate resolution. If, as a result of the investigation, it is determined that discrimination or harassment have occurred, appropriate corrective and remedial action will be taken. ASMS will provide written notice to the complainant and the alleged perpetrator(s) of the outcome of the investigation. Furthermore, ASMS will take steps to prevent any recurrence of discrimination or harassment.

### **Step Two**

If the complainant wishes to appeal the decision from Step One, he/she may submit a signed statement of appeal within 10 business days after receipt of the response to:

**ASMS President  
1255 Dauphin St.  
Mobile, AL 36604**

The President will review all relevant information and meet with the parties involved, as necessary. Within 21 business days of receiving the statement of appeal, the President will respond in writing to the complainant and the alleged perpetrator(s) summarizing the outcome of the appeal and any corrective or remedial action to be taken.

### **Step Three**

If the complainant is not satisfied with the decision of the President, he/she may appeal within 10 business days to the receipt of the President's response through a signed written statement to:

**Executive Committee of the Board of  
Directors of ASMS  
1255 Dauphin St.  
Mobile, AL 36604**

In an attempt to resolve the grievance, the Executive Committee of the Board of Directors shall review all relevant information and meet with the concerned parties and their representatives within 30 days upon the receipt of such an appeal. However, if ASMS

needs additional time beyond the 30 days, it will notify the parties, indicating the reason for the delay and estimating a time for the completion of the investigation. A copy of the Executive Committee's disposition of the appeal shall be sent to each concerned party within 15 business days of this meeting. The complainant may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures. The regional office for the state of Alabama is located at 61 Forsyth Street S.W., Suite 19T10, Atlanta, GA 30303 and can be reached at (404) 974-9406 (ph.), (404) 974-9471 (fax).

### **Reporting Responsibilities**

#### **Members of the Campus Community and Visitors**

All members of the campus community and visitors are encouraged to be alert to the possibility of violence by anyone on campus. They should make safety a basic concern, and should report all acts of violence, threats of violence and disruptive or disturbing behavior to the ASMS Security Office, President's Office, Office of Human Resources, or Office of Student Affairs. Employees off campus should notify local police departments by dialing "911." ASMS will institute disciplinary action as appropriate and will follow up with victims and any witnesses to an incident of campus violence, preserving, to the extent required by law or policy, the privacy interests of those involved.

#### **Reporting Workplace Violence**

All faculty and staff members must contact Human Resources when they learn of a violent or potentially violent situation. Students are strongly encouraged to let an adult on campus know when they learn of a violent or potentially violent situation. Immediate threats or perceived potential threats of violence will be reported to the police.

#### **Data to be Reported**

The information to be reported should include the following information, if known:

- Name of threat maker and his/her relationship to the department or victim
- Name(s) of the victim(s) or potential victim(s)



- When and where the incident/threat occurred
- What happened immediately prior to the incident
- What past events may have triggered the incident
- The language contained in the threat
- Physical conduct that would substantiate an intention to follow through with a threat
- How the threat maker appeared or acted physically and emotionally
- Name(s) of others involved and any action(s) that were taken
- How the incident ended or was resolved
- Name(s) of witnesses not directly involved
- What happened to the threat maker after the incident?
- Name(s) of supervisory staff involved and how they responded before, during, and after the incident
- Any preliminary steps which have been taken to ensure that the threat will not be carried out
- Suggestions from staff or others involved on how this specific incident could be prevented in the future

#### **Additional Procedure for Protective or Restraining Orders**

Members of the campus community who apply for or obtain a protective or restraining order which lists ASMS locations as being protected areas, should provide ASMS with a copy of any temporary protective or restraining order which is granted and a copy of any protective or restraining order which is made permanent. Employees should inform their supervisors of such orders.

#### **Confidentiality**

All reports made under this Policy will be handled in a confidential manner, with information released to the appropriate ASMS office only on a need-to-know basis. FERPA and HIPAA guidelines will govern the treatment of reporting information and records.

#### **Retaliation Prohibited**

ASMS prohibits retaliation against or harassment of individuals who act in good faith by reporting real or perceived violent behavior or violations of this Policy. Any member of the

campus community who is found to have retaliated against another in violation of this Policy is subject to appropriate disciplinary action, including dismissal, under the school's applicable disciplinary policies.

#### **Filing of False or Misleading Reports**

ASMS prohibits individuals from making deliberately false or misleading reports of violence or threats of violence under this Policy. Individuals who make such reports will be subject to disciplinary action up to and including dismissal.

#### **Title IX Policy and Grievance Procedure**

ASMS prohibits all forms of sexual misconduct in its community. "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal Financial assistance." 20 U.S.C. Section 1681(a). This Policy is to be utilized as a grievance procedure in the event a complaint is made by any person alleging sexual misconduct has taken place during an ASMS education program or activity.

#### **Definitions**

The following definitions apply for the purpose of this policy:

**Sexual harassment** is defined as conduct on the basis of sex that meets one or more of the following:

- (1) An employee of ASMS conditioning the provision of an aid, benefit or service of ASMS on an individual's participation in unwelcome sexual conduct (quid pro quo sexual harassment);
- (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 educational institution's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C.

12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

**Formal Complaint** is a document or electronic submission filed by a complainant or signed by a Title IX Coordinator, alleging sexual harassment, against a respondent, and requesting that the recipient investigate the allegation of sexual harassment.

**Complainant** is any individual who is alleged to be the victim of sexual harassment.

**Respondent** is any individual who is reported to be the perpetrator of sexual harassment.

**Actual Knowledge** is notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary or secondary school.

**Supportive Measures** are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

**Education program or activity** includes any location, event or circumstance over which ASMS exhibits substantial control over both the alleged harasser and the context in which the harassment occurred.

#### **Responsibility of Title IX Coordinator under this Policy**

The Title IX Coordinator for ASMS is Ms. Katrina Thompson and the Title IX Investigator is Dr. Scarlette Studdard. The Title IX Coordinator manages the process with investigative and decision-making authority allocated to others. The Title IX Coordinator is required to promptly contact the complainant confidentially (even if a formal complaint has not been filed) to:

- a. Discuss the availability of supportive measures, which may include counseling, course

modifications, schedule changes, increased monitoring or supervision, etc.

b. Consider the complainant’s wishes regarding supportive measures.

c. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint.

d. Explain the process for filing a formal complaint. See the section below regarding Coverage and Complaint Process.

The supportive measures mentioned above should be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party involved. They are non-disciplinary, non-punitive and individualized.

#### **Reporting**

Any person may report sex discrimination or sexual harassment regardless of whether the person is the alleged victim. Reporting may be accomplished by mail, telephone or email to the Title IX Coordinator, or by any means that results in receipt by the Title IX Coordinator. It is ASMS’s duty to respond promptly to a sexual harassment complaint in a manner that is not deliberately indifferent. Any employee who learns of situations involving student sexual harassment, sexual violence, or sexual discrimination has an obligation to report those circumstances to the Title IX Coordinator. Any employee who learns of situations involving allegations of sexual discrimination or harassment involving students must promptly report such allegations to the Title IX Coordinator, Ms. Katrina Thompson (251-441-2111; email: kthompson@asms.net). The report will be investigated by the Title IX Investigator, Dr. Scarlette Studdard. Any student who knows of situations involving sexual harassment, sexual violence, or sexual discrimination can and should report the incident to any adult member of the ASMS community. Any student associated with ASMS engaging in such improper conduct will be appropriately disciplined, which could result in dismissal for misconduct. Any reported cases will be reviewed for possible referral to

the appropriate legal authorities. A deliberately false accusation is considered misconduct and may result in appropriate disciplinary action.

### **Coverage and Complaint Procedures**

Title IX protections cover ASMS's "education program or activity" as defined above. It does not extend to off-campus activities or locations outside the institution's control or to persons or activities outside of the United States.

The complainant may file a formal complaint with the Title IX Coordinator by any method made available by ASMS. At the time of filing, the complainant must be participating in or attempting to participate in the educational program or activity of ASMS.

The Title IX Coordinator may also sign a complaint but this does not make the Title IX Coordinator a party in the grievance process. Please note that a third-party reporter cannot file a formal complaint. Once a complaint is filed, this triggers the need to conduct an investigation to protect ASMS from a charge of deliberate indifference.

The complaint must be dismissed if the allegations do not constitute sexual harassment as defined, did not occur in the educational institution's program or activity or did not occur against a person in the United States. The complaint may also be dismissed if complainant notifies the Title IX Coordinator at any time that he/she wishes to withdraw the complaint or an allegation if the respondent's enrollment or employment ends, or if specific circumstances prevent the educational institution from gathering evidence (e.g., passage of several years between complaint and alleged conduct, noncooperation of complainant, etc.). Notice of dismissal must be provided to both parties to include the reasons for dismissal.

The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the law and with the necessity to investigate allegations of misconduct and to take corrective action when misconduct has occurred.

ASMS cannot offer to facilitate an informal resolution process (i.e., mediation, restorative justice) unless a formal complaint has been filed. At any point during the formal complaint process, ASMS may offer to facilitate an informal resolution that does not require a full investigation as long as both parties receive written notice of their rights and the parties provide written, voluntary consent. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. ASMS cannot offer informal resolution in the context of a complaint alleging that an employee harassed a student.

### **Investigation**

ASMS must investigate allegations outlined in a formal complaint. In conducting an investigation, ASMS must provide both parties with an opportunity to present facts and expert witnesses and evidence to support their positions, with no restrictions on the parties' ability to discuss the investigation. Both parties must have equal opportunity to attend any proceeding, along with their advisor, to which they are entitled (advisor does not have to be a lawyer). ASMS must notify any party expected to participate in any proceeding of the date and purpose of the proceeding with sufficient time for the party to prepare.

Prior to completing the investigative report, ASMS must provide each party and the party's advisor with all the evidence obtained in the investigation at least 10 days to review and comment in writing. The investigator then prepares an investigative report summarizing the relevant evidence that is provided to the parties at least 10 days prior to a hearing. Each party has the right to file a written response to the investigative report.

### **Rules for Procedure**

Changes to Title IX in 2020 prescribe for a consistent, transparent grievance process for resolving formal complaints of sexual harassment. These procedures are intended to provide a prompt and equitable resolution of complaints. These grievance procedures do not bar individuals from filing claims in other

forums to the extent permitted by state and federal law. ASMS shall treat complainants and respondents equitably. Further, ASMS recognizes the need for complainants to receive remedies where a respondent is determined responsible and for respondents to face disciplinary sanctions only after a fair process determines responsibility.

A complaint must be filed as designated in this Policy above. If the parties would like to participate in an informal resolution process, both must make a written request within 10 business days after receiving knowledge of the complaint. The informal process must be consistent with this Policy. The Investigator shall evaluate objectively all relevant evidence, both inculpatory and exculpatory, without making credibility determinations based on a party's status as complainant, respondent or witness. The Title IX Coordinator, the investigator(s), the decision-maker(s), and persons who facilitate informal resolutions shall to be free from conflicts of interest and bias and trained to serve impartially without prejudging the facts at issue. The informal resolution process should provide a resolution within 30 days after the complaint is filed unless the parties agree to extend the deadline or circumstances dictate that more time is needed.

There is no presumption of responsibility of respondents until the conclusion of this procedure and a finding of facts. In the event the parties do not agree to an informal resolution process, the Investigator shall make every attempt to complete his/her investigation within 30 days of receiving the complaint and notify the parties of results of the investigation within 45 days of receiving the complaint. Extensions of the deadlines may only be given by agreement of the parties or in cases of extraordinary circumstances.

The Title IX Coordinator shall inform all parties of critical information about the recipient's procedures including

- a. the range of remedies and disciplinary sanctions a recipient may impose;

- b. the standard of evidence applied by ASMS/the decision-maker to all formal complaints of sexual harassment under Title IX (which must be either the preponderance of the evidence standard or the clear and convincing evidence standard);
- c. the appeal procedures; and
- d. the range of supportive measures available to both parties.

Either a resolution meeting or live hearing will be provided within 15 days after receiving the results of the investigation unless the parties agree to an extension or unless circumstances dictate otherwise. ASMS staff shall protect any legally recognized privilege from being pierced during this process. Participation in a live hearing is a decision to be made the parties. If the parties do not choose a live hearing, the decision-maker will make his/her decision based on written submissions and evidence. Please note that either party can request that the live hearing take place with the parties in separate rooms connected with technology that allows the decision-maker(s) and all parties to see and hear one another. At ASMS's discretion, the live hearing may be conducted virtually. However, a hearing is not required. With or without a hearing, ASMS must provide each party the opportunity to submit, after completion of the investigative report, written, relevant questions that the party wants asked of another party with the answers and provide for limited follow-up questions.

The decision-maker must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The written determination must be sent simultaneously to the parties along with the information on how to file an appeal. This determination will be made within 15 days of the submission or live hearing unless circumstances dictate otherwise.

ASMS must offer both parties the right to appeal any determination regarding responsibility and any decisions to dismiss a formal complaint. An appeal must be allowed on procedural irregularities that impacted the outcome, new evidence that was not available prior to the decision that could impact the outcome, or conflict of interest or bias on the part of any institutional representative. ASMS may allow appeal on additional grounds, so long as the opportunity is available to both parties. The decision-maker for the appeal can never be the Title IX Coordinator, the investigator or the initial decision-maker. The decision maker in a hearing shall be the ASMS Dean of Academic Affairs. In the event an appeal is deemed appropriate, the ASMS School President shall decide the appeal.

### **Confidentiality**

ASMS must keep confidential the identity of the complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

### **Retaliation**

Title IX expressly prohibits retaliation against complainants. Complaints alleging retaliation may be filed according to ASMS's grievance procedure on page 37.

### **Alabama DHR/Mandatory Reporting Policy**

All ASMS employees are mandatory reporters required by law to report suspected abuse, neglect, or exploitation. When an ASMS student is known or suspected to be a victim of child abuse or neglect, the mandatory reporter is required to report orally by telephone or direct communication immediately, followed by a written report to a duly constituted authority. The person who has direct knowledge of or suspicion of abuse or neglect must be the one to make the report.

The "duly constituted authority" refers to any law enforcement officer (such as a sheriff or police officer), the DHR office in the county where the abuse is taking place or in the county of the child's residence, or any other

applicable law enforcement authority (i.e. Mobile County Sheriff's office). In the case of an immediate emergency, 911 is an appropriate authority to notify. When the initial report is made to a law enforcement official, that law enforcement official must notify DHR, and likewise, when the initial report is made to DHR, the DHR official must notify law enforcement.

### **Information to include in a report**

- The name and age of the student
- Current location of the student
- County of residence
- Extent of injuries or information that led to knowledge of or suspicious event that led to report
- Address of student and parents or guardian

The Department of Human Resources provides forms: Written Report of Suspected Child Abuse and Neglect (DHR-FCS-1593) for making reports of suspected child abuse and/or neglect (CAN). Mandatory reporters are required to make written reports and should use forms available through the county and state offices of the Department of Human Resources. Forms are available at the Alabama Department of Human Resources, 334-242-9500 or at [www.dhr.alabama.gov](http://www.dhr.alabama.gov).  
*Ref: Alabama Code 26-14-3, Mandatory Reporting in Alabama*

### **Important Numbers**

ASMS Security, 251-441-2118

ASMS Title IX Coordinator, Ms. Katrina Thompson, 251-441-2111

Mobile Police Department, Non-emergency – 251-208-7211; dial 911 in the case of emergency

Hospital Evaluation Center at USA Children's  
and Women's Hospital, 1700 Center Street,  
Mobile, AL 36604, 251-415-1000

Rape Crisis Center

[https://www.lifelinesmobile.org/crisis-  
services/rape-crisis-center/](https://www.lifelinesmobile.org/crisis-services/rape-crisis-center/)

705 Oak Circle Drive E, Mobile AL 36609,  
251-473-7273 or 1-800-718-727



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**Discrimination/Harassment Complaint Form**

Please list any witnesses of the possible violation. Give their names and/or positions:

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Please list any others directly affected by the possible violation. Give their names and/or positions:

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Please list any evidence that you have knowledge of that pertains to this possible violation:

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Your suggestions on resolving the complaint:

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II. Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this complaint.

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Signature of Complainant Date

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Signature of Person Receiving Complaint Date