Foreword

The purpose of this report is to provide the Birmingham-Southern College campus community, prospective students and their parents, and prospective employees with general information related to campus safety as required by the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.” The report includes statistics of certain incidents occurring on campus, and will focus on the ongoing commitment of the BSC Administration and Campus Police Department to educate, assist, and inform the community of matters concerning personal safety.

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BSC Campus Police Receive National Recognition

According to a 2008 survey by Reader’s Digest, BSC is the only institution of higher education in Alabama to receive an “A” safety rating, and it has been ranked 9th in the nation in safety.
Mission Statement

The Birmingham-Southern College Campus Police Department is dedicated to the goal of maintaining a safe environment while providing the highest level of service to the campus community.

From The Campus Police Chief

Welcome to The Hilltop!

Birmingham-Southern College is proud of its commitment to provide a safe environment for its students, faculty, staff and friends. Our department is here to protect you and your property on a twenty-four hour per day, seven day per week basis.

This annual report will communicate clearly our commitment to provide Birmingham-Southern with the highest level of safety and service. We want to educate you on how to help yourself be more aware of your environment and to minimize the risk of your becoming a victim.

This report reviews not only the statistics of incidents occurring on campus, but also highlights ways in which you can help protect yourself and your property.

In an era when personal security issues are of keen importance to everyone, we are proud of our record of service. We look forward to retaining that record throughout the ensuing year.

Sincerely yours,

Jeff Harris
Chief, Campus Police

Development

The BSC Annual Security Report is the result of a collaborative effort of individuals identified as “Campus Security Authorities.” Although the primary responsibility of producing the report rests with the Campus Police, the Associate Vice President for Student Development, the Athletic Director, the Director of Residence Life, Faculty Advisors to student groups, the Chief of Staff, and the Provost of the College all contribute to the development of the report. These departmental leaders are charged with the responsibility of obtaining information on a scheduled basis from individuals in their respective areas for the purpose of statistical reporting and for “timely warnings” to the campus community. While counselors, clergy, health professionals, and clerical staff are not included in the list of campus security authorities, they are encouraged to make individuals reporting
incidents to them aware of their options, which include confidential reporting to the
Campus Police. This group is also encouraged to make individuals they are counseling
aware of additional options related to victim’s rights, as they deem appropriate.

The campus community is made aware of the availability of the BSC Annual
Security Report in a variety of methods. They receive direct mailings via the BSC
(USPS) campus mail system, and by the various campus media sources. While a
hard copy is not distributed, the exact URL for the electronic version and
information regarding how to receive a hard copy upon request is included in all
notifications. Further, within the first week of the fall semester all incoming
freshmen are briefed on the existence of the report during a mandatory personal
safety session facilitated by the Campus Police and members of the Office of
Student Development.

General Information

Birmingham-Southern College employs its own Campus Police personnel. The
goal of our 16-person force is to ensure safety and provide service to the campus
community. The Campus Police Department operates 24 hours per day, seven days
per week, to provide assistance.

CAMPUS POLICE

226-4700

Campus Police Phone Number:

226-4700

In the event of a complete phone systems failure, the Campus Police can be
reached via cellular phone at 365-4067.

Any incident involving criminal activity, violations of College policies, medical
emergencies, fire or security concerns should be reported to the Campus Police
immediately.

The ultimate responsibility for personal safety rests with each individual. Always
be aware of your surroundings and potential risk, know evacuation procedures and
report any security concerns to the Campus Police.

The Campus Police are always ready to assist you. If you are off campus and have
car trouble, you can call the Campus Police for assistance. They will either pick you
up or make arrangements to get you back on campus. If your car battery is dead or
your keys are locked inside your vehicle, the Campus Police can help you.
Anyone wishing to be escorted to an on-campus destination should inform the gate officer upon entering campus, and an officer will meet you.

Escorts are available 24 hours a day through Campus Police services. If studying late at night in a classroom building, call the Campus Police for a ride back to your residence hall.

**Campus Police Authority/Local Law Enforcement Agreements**

Campus Police officers have the authority to detain individuals involved in criminal activity on campus. In the event an incident dictates the need for an arrest, the Birmingham Police Department will be contacted for assistance. The Birmingham-Southern College Campus Police Department maintains a close working relationship with the Birmingham Police Department and other law enforcement agencies.

The campus community is educated throughout the year as to how they should report criminal incidents, beginning with the written overview mentioned earlier that is distributed at the beginning of each school year to all faculty, staff, and students. The various campus media sources, direct mailings, personal safety programming, the Annual Security Report, the Student Handbook, and instructions from campus security authorities not associated with the Campus Police are but a few of the methods utilized in encouraging individuals to promptly report criminal incidents to the Campus Police. In addition, all incoming freshmen are required to attend a mandatory session with the BSC Chief of Campus Police regarding a variety of safety and security subjects including the reporting of criminal incidents.

**Reporting of Incidents**

If you become involved in an incident or need to report criminal activity, there are a number of ways to report incidents or acquire assistance. You can contact the Campus Police by telephone at 226-4700 or in person at the Campus Police Office located at the Bruno Entrance. If you wish to report a non-emergency criminal incident to a campus security authority other than the Campus Police, please see additional suggestions on page 1 under the “Development” section.

If assistance is needed immediately, there are emergency assistance telephones (blue light phones) strategically located throughout the campus. There are call boxes at the main entrance of each residence hall. When the emergency phones are activated, the Campus Police know the exact location of the caller.

Blue light phones are strategically located throughout the campus, plus at the entrance of each residence hall. The phones may be used for assistance at any time.
When an incident is reported to the Campus Police, an incident report will be completed and the matter will be investigated if necessary. Copies of the incident report are distributed to the Chief of Staff, and the Associate Vice President for Student Development. These offices, in conjunction with the Campus Police, will determine the final disposition of the matter reported and will recommend the appropriate action to be taken, including the option of involving outside police agencies. It should be noted that incidents may be reported confidentially by request.

Emergency Response/Notifications/Timely Warnings/Evacuations

In the event an emergency arises on campus that could pose a potentially dangerous or life threatening situation to the campus community, the Campus Police will immediately, as time and the incident allows, initiate the BSC multi-tiered system of campus notifications. That system consists of the utilization of some or all of the following methods: mass notifications via cell phones, voice mail to campus phones, e-mails, portable public address devices, and personal notifications. If an incident as described above occurred, members of the campus community may be instructed to lock themselves within the rooms they are currently in, or to evacuate a room, building, a specific area on campus, or remove themselves from the campus entirely. On an annual basis, the Campus Police, working collaboratively with the BSC Emergency Response Team, tests and practices the College’s evacuation procedures. During the exercise, The ERT convenes at a pre-determined location and conducts an enhanced type table-top disaster exercise. In addition to addressing the scenario, the campus police deploy evacuation route signs, activate a test of the BSC Alert (Mass Notification) System, and actually work the problem as if an actual disaster was occurring on campus. The exercise is made public to the campus community through the Office of Communication (OC). In the event of an actual disaster, the OC would work with media sources to make the community at large aware of the matter.

If criminal incidents occur on campus that do not pose an immediate danger to the community, but the possibility of reoccurring or similar incidents exists, timely warnings describing those incidents will be made and disseminated to all faculty, staff, and students.

Emergency assistance is offered for medical emergencies, fires, and criminal incidents. The Campus Police are always close by for any emergency situation.
Crime Prevention And Awareness

The Birmingham-Southern College Campus Police Department has a designated “Crime Prevention Officer” with the responsibility of coordinating the College’s crime prevention and personal safety efforts. In addition to concerns such as lighting, vegetation, fire safety and other physical safety issues, the Crime Prevention Officer is responsible for the development of programs designed to inform the campus community about campus security procedures, personal safety, and how to prevent anyone from becoming a victim of crime.

Crime prevention programming is a continually evolving process at Birmingham-Southern College. In addition to adhering to the concept of “Community Policing” as an overall strategy in crime prevention, the BSC Campus Police remain cognizant of developing trends and take a “pro-active” approach in modifying programming needs. Listed below are some of the programs designed to keep everyone on the Hilltop safe and secure:

- **ORIENTATION**: Mandatory session for all incoming students regarding personal safety on and off campus.
- **RAD (Rape Aggression Defense)**: A comprehensive 9-hour self-defense course presented annually. RAD is designed exclusively for women as a method of defense in the prevention of sexual assault.
- **STOP (Safety Tips for Office Personnel)**: A program presented to office personnel via the campus email system. STOP highlights safety issues associated with administrative offices.
- **OPERATION I.D.**: Operation I.D. enables students, faculty, and staff members to have valuables permanently inscribed by the Campus Police, or to borrow an inscriber and perform the service themselves. The benefits and description of this program are advertised throughout the year.
- **SEMINARS**: Seminars are conducted annually for the Housing staff, and on a routine basis for new employees. Seminars are also conducted throughout the year upon request for groups in the campus community.
- **REMINDERS (Direct mailings of safety information)**: Throughout the year, information is emailed to students on a variety of subjects including residence hall safety, vehicle and travel information, personal safety, how to protect one’s valuables, and fire safety.
- **REMINDERS (Safety information broadcasted via email)**: Throughout the year, safety messages are broadcasted at appropriate times such as before students leave campus for various breaks in the academic year. Included in these messages is information making students aware of the Campus Police Vehicle Inspection Service.
- **ALCOHOL AWARENESS WEEK**: The Campus Police, in conjunction with the offices of Residence Life, the Counseling Services, and Health Services, jointly sponsor this annual event. The focus of this program is to educate the campus community concerning issues related to the use of alcohol.
With regard to fire safety, Birmingham-Southern College takes a comprehensive and proactive approach to ensuring the safety of its campus residents. Those efforts are based on a philosophy that results in the College exceeding in many cases what is required nationally, and locally, in this area. The Campus Police Department has a designated officer in the role of Fire Marshal whose responsibility it is to work closely with the Birmingham Fire and Rescue Service (BF and RS) in the area of inspections and compliance of national fire standards, and to maintain campus fire systems.

All campus residential buildings have high quality fire alarm systems that are monitored by an off campus UE approved monitoring facility that reports to the BF and RS, and the Campus Police, immediately upon the activation of a fire system. On an annual basis, all campus systems are inspected by a certified outside contractor, and routinely by the BF and RS Inspection Services Division. Action items found during these inspections are immediately addressed. On a weekly basis, the system in each residence hall is checked in person by an officer to visually ensure that the system is working properly. Also on an annual basis, all fire extinguishers are inspected and re-certified by an outside contractor.

Fire drills are conducted a minimum of three times annually (Fall, Spring, Summer). The drills are a joint effort of the BSC Fire Marshal, the Director of Residence Life, and Residence Life Staff. When one or any of those conducting the drills feel that the response was slow or inefficient, that building undergoes subsequent drills until the response is satisfactory. During the drills, complete evacuation of the building is required.

BSC requires each student that wishes to live in on-campus housing to read and sign a housing contract that includes specific rules and regulations concerning fire safety. Open flames (candles, etc.), certain portable electrical devices, and smoking are examples of items not allowed within the residence halls. A complete list of allowable items can be viewed at www.bsc.edu/campus/residence/

Throughout the year, fire safety programming is conducted by the Campus Police and the Office of Residence Life.

**Fire Safety Tips**

- Familiarize yourself with building exits and fire extinguisher locations
- When the fire alarm sounds, leave the building immediately
- If a fire is small and containable, immediately activate the building fire alarm if it is not sounding, and use a fire extinguisher directing the spray at the base of the flame
- If your exit route contains heavy smoke, stay close to the floor
- If you become trapped in a room, hang something out the window to alert rescue personnel as to your whereabouts
- Never prop doors open in residence hall hallways or in individual rooms
Policies

Bruno Entrance: Access to the campus is monitored 24 hours a day, seven days a week. Students, faculty, and staff are issued decals to be affixed to the windshield of their vehicles. Guests of the College are required to sign in with the Campus Police before entering the campus.

The College maintains a fence around the campus to define the College property and limit access. Bruno Entrance is the only means by which to enter and exit campus.

Building Safety: At the end of each business day, Campus Police officers secure all academic and administrative buildings. The buildings are patrolled on a regular basis until they are reopened the following morning. Persons with a valid reason for entering an academic building after it has been secured can request assistance from the Campus Police. Valid reasons for entry may include retrieval of personal items, books, etc., or being inadvertently locked out of the building.

All dormitories at Birmingham-Southern College are locked on a 24 hour a day basis and are equipped with combination locks. The combinations are given to residents only by the Office of Residence Life. Combinations are changed on a monthly basis or as the need arises. Officers patrol the dormitory area 24 hours a day.

Combination locks on each dorm are provided to allow 24-hour security of your living facilities.

24-hour security is provided 365 days a year. Campus Police officers patrol campus on foot and in vehicles. Campus lighting is designed to provide 24-hour lighting to all main areas of campus. Inspections of the fire systems in all living facilities are conducted on a weekly basis.

Safety Tips

In Residence Halls:
- Always lock your dorm room, even if you are only gone a brief time.
- Do not prop external doors open; the locks are for your safety. Engrave valuables; Campus Police has an engraver.
- Report suspicious people or incidents to Campus Police immediately.

In Your Car:
- Always lock your car doors when driving or when you park your car.
- Lock your valuables in the trunk when possible.
- In case of trouble, if someone stops to help, ask for assistance but do not get out of the vehicle; keep the doors locked and the windows up. If you would like the fluid levels, tire pressure, and spare tire checked on your vehicle before traveling, Campus Police will be happy to assist you.
When You Are On Foot:
- Walk in groups of two or more.
- Walk in well lighted, populated areas.
- Call Campus Police on a Blue Light Phone if you are suspicious of someone or require assistance.
- Let your roommate or friend know where you are going and when you expect to return.

Statement Of Policy Regarding Alcohol And Drugs

Birmingham-Southern is committed to an aggressive education program regarding the laws and effects of the possession, use, or sale of alcohol and/or illegal drugs. In an era when substance abuse is linked closely with crime and illegal behavior, education is the primary weapon available to attack this problem. Birmingham-Southern’s Campus Police force works closely with the Office of Student Development and Residence Life staff to conduct programs aimed at prevention and deterrence of possible abuses. Outlined below are the College policies regarding these two sensitive areas of student behavior.

ALCOHOL POLICY | THE LAW | THE STATE OF ALABAMA

Alabama Laws Prohibit:
A. Persons under 21 years of age from attempting to purchase, purchasing, consuming, possessing or transporting alcoholic beverages.
B. Public intoxication as evidenced by boisterous and offensive conduct or endangerment of self, others or property.
C. Driving while under the influence of alcohol or controlled substances.
D. Unlicensed sale, or possession for sale, of any alcoholic beverages.

THE RULES

Birmingham-Southern College Alcohol Policy:
A. Consumption and distribution of alcohol must be within state laws, local laws, and College policy. Consumption of alcohol by and distribution of alcohol to those who are not of legal age is prohibited.
B. The serving, consumption, or possession of alcoholic beverages is prohibited in the following areas of the campus: the Academic Quadrangle, all buildings in which regularly scheduled classes are taught, Yeilding Chapel, Norton Campus Center, Rush Learning Center, Phillips Band Building, Stockham Woman’s Building, Geodome, all areas adjacent to the above enumerated buildings, and at all athletic sites. Consumption of alcoholic beverages in all other areas must be discreet and inconspicuous and in conformity with state and local laws. Any alcoholic beverages which are being consumed in these areas must be in containers which are opaque and which are not identifiable as holding alcoholic beverages.
C. Public intoxication and/or disruptive behavior related to the consumption of alcoholic beverages will be considered a violation of this policy.
D. Failure to comply with the directive of a member of the College’s staff in regard to compliance with this policy will also be considered a violation of this policy.
E. Upon three violations of this policy (a student can accumulate three violations in one incident) in one academic year, the student may be brought before the Social Council by the Office of Student Development.
F. A student who has violated the College’s alcohol policy may be required to enter a program which provides professional help for alcohol abuse.
G. An organization which sponsors an event where alcoholic beverages may be present must provide non-alcoholic beverages and food at the event.
H. There may be no mention or reference to alcohol in the advertisement of any event.
I. For any campus event (at which alcohol may be present), identification (Student I.D. and/or Driver’s License) will be checked upon entering the building. Only those of legal age will be permitted to take alcoholic beverages into an event. Reasonable limits will be set concerning the amount of alcohol an individual will be permitted to bring into the facility. No glass containers may be taken into an event by anyone.
J. Compliance with the alcohol policy of Birmingham-Southern College is considered to be part of the student’s obligation under the Code of Student Rights and Responsibilities. Failure to comply with the policy will be considered to be a violation of that Code and will result in either a fine being levied and filed in the Office of Student Development or in the filing of charges with the Social Council.
K. Providing a student I.D. or Driver’s License to another person for purposes of possessing, purchasing, or consuming alcohol is prohibited.
L. Using or attempting to use a fraudulent or altered Driver’s License or other false form of identification to possess, purchase, or consume alcohol is prohibited.
M. Beer kegs or large distribution containers are not permitted on campus.
N. Driving under the influence of alcohol on campus may result in, but is not limited to, the following sanctions.
- The student’s car keys will be confiscated immediately.
- The student must pay a cash fine of $100.00.
- The student must participate in an alcohol program as specified by the Office of Student Development.
- Failure to submit to an alcohol breath test will result in further disciplinary action.

DON’T DRINK AND DRIVE
Don’t drink and drive. Don’t let a friend drink and drive. If you find yourself in such a situation, use Uber, Lyft, or call a cab (Yellow Cab, 252-1131), Campus Police (226-4700), or a friend. Don’t drink and drive.

HEALTH RISKS ASSOCIATED WITH ALCOHOL ABUSE
Psychological and physical addictions, respiratory depression, depression of the immune system, increased risk of the following: heart disease, cancer, accidents, hypertension, damage to unborn fetus, risk of impotence, brain damage, possible death at high dosage levels.

ALCOHOL/DRUG ABUSE-WHERE TO FIND HELP
- BSC Counseling Services 226-4717
- Alcoholics Anonymous 290-0060
- Al-Anon and Alateen Information Service 322-1500
- Alcohol and Drug Abuse Council 933-1213
- The Bradford Center 647-1945
- Although Birmingham-Southern College has specific policies regarding drug and alcohol abuse, the goal of the College is to undertake an educational approach regarding alcohol and drug abuse.
- The Counseling Services is available to assist you in the areas of alcohol and drug dependence and abuse.
- The Counseling Services and Health Services Department sponsor annual programs (Alcohol Drug Awareness Week) and host speakers in the areas of alcohol and drug abuse.
ILLEGAL DRUG POLICY

Possession or use of narcotic, mind-altering or other illicit drugs, except on prescription of licensed physician, or the sale or distribution of such drugs is prohibited by the College.

Where there is reasonable cause to believe that drug abuse is occurring in College facilities, such facilities may be entered for investigation at any time and without notice by an official of the College.

Charges made for possession or unlawful use, or sale or distribution of drugs on campus will be handled by the Associate Vice President for Student Development. The College may report to the civil authorities anyone charged with violation of drug laws. In all such cases, the College will be concerned with the guarantees of legal due process with respect to any member of the College Community.

When disciplinary action is taken in cases of alleged drug abuse on or off campus, such action may or may not be concurrent with any action pending by the civil authorities.

The College will cooperate with civil authorities in the enforcement of drug abuse laws on and off campus.

While the College prohibits the use, possession, or sale of drugs by its students, and its regulations are consistent with civil laws, the College will undertake an educational approach with respect to drug abuse. Any student who voluntarily submits himself or herself or who is referred by others for counsel and help with the problem of drug use, will be assisted. A student who has violated the College’s illegal drug policy may be required to enter a program which provides professional help for drug abuse.

Statement Of Policy Regarding Sexual Assault

Educational Programs are presented throughout the academic year on the topic of sexual assault/date rape. Additionally, the Director of Health Services is available to educate and consult students on this issue.

What should I do if I have experienced sexual misconduct?

- If you are in immediate danger on-campus, call campus police (205)226-4700. Dial 911 if you are off-campus.
- Immediately seek a safe place.
- Connect with someone you trust for immediate support.
- Preserve all evidence. Do not change your clothing or take a shower. Also, do not remove items from the area where the incident occurred. Remember that this is necessary should you decide to pursue this matter in the future.
- If you choose to press criminal charges, you have the option of contacting the local police.

What are local and campus resources?

- BSC Counseling Services 205-226-4717 On-Campus, Norton Campus Center 2nd Floor
- BSC Health Services 205-226-4717 On-Campus, Norton Campus Center 2nd Floor
- YWCA, Central Alabama 205-322-4878 Off-Campus
- The Crisis Center, Inc. 205-323-7273 (24-hr hotline) Off-Campus

What are my options for reporting?

Individuals have the right to choose whether or not reporting an incident is in their best interest. The college has professional trained staff to assist as students navigate their options.

The College is dedicated to assisting students regardless of the option the may select.
Students may choose more than one of the following options:

- Submit a campus police report
- Submit a report with Birmingham Police Department
- Pursue campus investigation only
- Pursue criminal charges only
- Pursue criminal charges and a campus investigation
- Pursue no investigation

**How do I report?**

Students may contact the following to file a report:

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<tr>
<th>Dr. Brandon R. Brown</th>
<th>Dr. David Eberhardt</th>
<th>Dana Bekurs</th>
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<tr>
<td>Associate Dean of Students</td>
<td>VP for Student Dev.</td>
<td>Assistant Dean</td>
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<td>&amp; Director of Residence Life</td>
<td>205-226-4731</td>
<td>of Students</td>
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<tr>
<td>205-226-4726</td>
<td><a href="mailto:deberhar@bsc.edu">deberhar@bsc.edu</a></td>
<td>Director of Student</td>
</tr>
<tr>
<td><a href="mailto:brbrown@bsc.edu">brbrown@bsc.edu</a></td>
<td>Norton 230</td>
<td>Involvement</td>
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<td>Norton 244</td>
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<td>205-226-4725</td>
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<td><a href="mailto:dwbekurs@bsc.edu">dwbekurs@bsc.edu</a></td>
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<td>Norton 230</td>
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<tr>
<th>Campus Police</th>
<th>Birmingham Police</th>
<th>Norton 230</th>
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<tr>
<td>205-226-4700</td>
<td>205-328-9311 or 911</td>
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<tr>
<td><a href="mailto:campuspolice@bsc.edu">campuspolice@bsc.edu</a></td>
<td>Off Campus</td>
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<td>Student Services 270</td>
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**Sexual and Gender-Based Misconduct Policy and Procedures**

The College forbids any type of sexual or gender-based misconduct among its students, faculty, and staff. The College encourages all members of the academic community to report suspected sexual and gender-based misconduct to the appropriate authorities so that it can be investigated, remedied, and eliminated. Such misconduct is prohibited whether the actor is a student, faculty member, staff member, contractor, visitor, or other member of the College community. BSC forbids retaliation against any person who has opposed, reported, or participated in an investigation concerning sexual or gender-based misconduct.

Sexual misconduct incorporates a range of behaviors including non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, intimate partner violence, stalking, and any other conduct of a sexual nature that is non-consensual, or has the purpose or effect of creating an intimidating, hostile, or offensive environment, or unreasonably interferes with an individual’s work and/or academic performance. Gender-based misconduct encompasses behavior that is not sexual in nature, but is directed at a person because of their gender or gender identification.

Through this policy and related programs and procedures, Birmingham-Southern College intends to comply with Title IX of the Education Amendments of 1973 ("Title IX"), Title VII of the Civil Rights Act of 1964 ("Title VII"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), the Campus Sexual Violence Elimination Act ("SaVE Act"), and the Family Educational Rights and Privacy Act ("FERPA") and all regulations implementing these laws.
A. Policy Definitions

1. Non-Consensual Sexual Intercourse – Any sexual intercourse (anal, oral, or vaginal), however slight, with any body part or object by one person (perpetrator) against the will or without consent of another person (victim).

2. Non-Consensual Sexual Contact – Any intentional sexual touching, however slight, with any body part or object by one person (perpetrator) against the will or without consent of another person (victim). Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another person with any of these body parts, or making another person touch any of these body parts. Sexual contact is not limited to these body parts and may include any intentional bodily contact in a sexual manner.

3. Sexual Exploitation – Behavior that does not constitute one of the other sexual misconduct offenses, but takes sexual advantage of another person in a non-consensual or an abusive manner for the benefit or advantage of someone other than the one being exploited. Sexual exploitation includes but is not limited to: invasion of sexual privacy, prostituting another individual, non-consensual video or audio-taping of nudity or sexual activity, going beyond the boundaries of consent (e.g., allowing friends to hide in the closet to watch consensual sex), engaging in non-consensual voyeurism, knowingly transmitting an STI or HIV to another student, exposing one’s genitals in non-consensual circumstances or inducing another to expose their genitals, or gender-based stalking and/or bullying.

4. Sexual Harassment – Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-based (behavior that is not sexual in nature, but is directed at a person because of their gender or gender identification) nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or access to or the enjoyment of an educational benefit; (2) submission to or rejection of such conduct is used as a basis for employment or academic decisions or decisions concerning the educational benefits affecting the individual; or (3) conduct that has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or other educational benefit or creating an intimidating, hostile or offensive working, learning, or living environment. Sexual harassment often occurs when one individual has actual or apparent authority over another person, such as a faculty member who can affect a student’s grades, or a supervisor who can affect terms and conditions of employment of a subordinate. But sexual harassment can occur between two individuals of any rank or status. For example, it is possible for students to sexually harass each other, a student to sexually harass a faculty member, and a subordinate employee to sexually harass the supervisor.

Sexual harassment is absolutely prohibited, whether the harassing individual is a student, employee, contractor, volunteer, or any other person who benefits from a relationship with the College.

Examples of sexual harassment include but are not limited to:

- an attempt to coerce an unwilling person into a sexual relationship;
- unwelcome questions about sexual behavior or sexual preference;
- unwelcome verbal conduct such as sexual innuendo, suggestive comments, jokes of a sexual nature;
- unwelcome commentary about an individual’s body, appearance or sexuality
- displaying, distributing, or posting of graphic or sexually suggestive objects, pictures, cartoons, or graffiti by any means, including but not limited to, computer networks, cell phones, iPads, or any other electronic device;
- repeatedly subjecting a person to egregious, unwelcome sexual attention;
- suggestive, insulting, or obscene comments or gestures;
- punishing a refusal to comply with a sexual based request;
- conditioning a benefit on submitting to sexual advances;
- sexual or intimate partner violence;
- gender-based stalking;
- gender-based bullying.

5. **Intimate Partner Violence** – Physical, verbal, emotional, financial, or psychological abuse (e.g., threats of violence, intimidation) committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

6. **Stalking** – A course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

B. **Understanding Consent**

1. **Consent** – Consent is an essential aspect of any sexual activity. Consent is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given verbally or non-verbally, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual acts. Consent can be revoked at any time during a sexual interaction. Consent cannot be obtained through force or coercion. A person who is incapacitated cannot give consent. In Alabama, the legal age of consent is usually 16 years of age.

a. **Force** - The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion to overcome resistance or produce consent (e.g. Have sex with me, or I’ll hit you; Have sex with me, or I’ll post compromising photos of you). Note: There is no requirement that an individual resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is inherently non-consensual, but non-consensual sexual activity does not require force.

b. **Coercion** – Exerting unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that he or she does not want to have sex, that they want to stop, or that they do not want to go beyond a certain point of sexual interaction, continued pressure can be coercive.

c. **Incapacitation** – A person is incapacitated when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g. to
understand the “who, what, where, why or how” of their sexual interaction). Engaging in sexual activity with someone who is known (or one should have known) to be mentally or physically incapacitated due to mental disability, involuntary physical restraint, alcohol or drugs, unconsciousness, sleep, or blackout constitutes a violation of this policy.

C. Related Behaviors Representing Violations of the Sexual Misconduct Policy

1. **Attempted Sexual Misconduct** – An attempt to commit an act of sexual misconduct is considered a violation of the sexual misconduct policy.

2. **Aiding Sexual Misconduct** – Providing aid to someone attempting to or engaging in an act of sexual misconduct is considered a violation of the sexual misconduct policy.

3. **Retaliation** – Taking an action against a person who has opposed sexual misconduct, reported sexual misconduct, or participated in an investigation concerning sexual misconduct. Retaliation can include physical violence, threats, intimidation or coercion; adverse employment or educational actions (such as demotion, discharge, giving an unwarranted bad grade); or increasing or intensifying a pattern of sexual misconduct. An act of retaliation toward any person who has opposed, reported, or participated in an investigation of sexual misconduct is prohibited and will be subject to disciplinary action, up to and including immediate expulsion or discharge.

4. **Malicious Reporting** – Submitting a false report of sexual misconduct with the intent of causing emotional, psychological, educational, or other harm to another person. A Sexual Misconduct Hearing Board (described below in F.6 and H) finding of “Not in Violation” regarding the sexual misconduct policy is not sufficient evidence to demonstrate that a report was malicious or that a violation did not occur. A finding of this nature simply indicates the Board felt there was not enough evidence to find a person in violation.

D. Overview of Reporting and Support Resources

1. **Filing an Official Report of Sexual Misconduct**

   The following list provides an overview of the primary resources authorized to receive and investigate official reports of sexual misconduct. A more comprehensive overview of the reporting process is detailed later in the policy.
<table>
<thead>
<tr>
<th>Alleged Victim or Target of Sexual Misconduct</th>
<th>Campus Entity</th>
<th>Contact Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student, Faculty, Staff, or Guest</td>
<td>Campus Police</td>
<td>205-226-4700 <a href="mailto:campuspolice@bsc.edu">campuspolice@bsc.edu</a> Student Services 270</td>
</tr>
<tr>
<td>Student</td>
<td>Dr. Brandon R. Brown Associate Dean of Students &amp; Director of Residence Life</td>
<td>205-226-4726 <a href="mailto:brbrown@bsc.edu">brbrown@bsc.edu</a> Norton244</td>
</tr>
<tr>
<td>Faculty or Staff</td>
<td>Susan Kinney, Director of Human Resources</td>
<td>205-226-4645 <a href="mailto:skinney@bsc.edu">skinney@bsc.edu</a> Munger 308</td>
</tr>
<tr>
<td>Faculty or Staff</td>
<td>Lane Estes, Chief of Staff</td>
<td>205-226-4641 <a href="mailto:lestes@bsc.edu">lestes@bsc.edu</a> Munger 213</td>
</tr>
<tr>
<td>Student, Faculty, Staff, or Guest</td>
<td>David Eberhardt, Title IX Coordinator VP for Student Development</td>
<td>205-226-4731 <a href="mailto:deberhar@bsc.edu">deberhar@bsc.edu</a> Munger 230</td>
</tr>
</tbody>
</table>

Any of the individuals identified above can assist an individual in filing a report; however, in situations where there is an imminent threat of bodily harm, please contact Campus Police (205-226-4700) immediately for assistance.

Individuals have the right to file a criminal complaint with law enforcement officials, regardless of their decision about taking advantage of the College’s adjudicatory process for sexual misconduct. Campus Police can assist with filing police report with local authorities. If you would prefer to contact Birmingham Police directly to file a report, the non-emergency phone number is 205-328-9311.

1. **Confidential Support Resources**
For those individuals seeking confidential support, the following on-campus and off-campus resources are available. These resources may assist an individual in filing an official report through the means detailed above, but they are under no obligation to report incidents of sexual misconduct nor are they authorized to receive or investigate reports of sexual misconduct.
<table>
<thead>
<tr>
<th>Support Resource</th>
<th>Contact Info</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cara Blakes, Counseling Services</td>
<td>205-226-4717 <a href="mailto:clblakes@bsc.edu">clblakes@bsc.edu</a></td>
<td>On-Campus, Norton Campus Center, 2nd Floor</td>
</tr>
<tr>
<td>Yvette Spencer, Health Services</td>
<td>205-226-4717 <a href="mailto:yspence@bsc.edu">yspence@bsc.edu</a></td>
<td>On-Campus, Norton Campus Center, 2nd Floor</td>
</tr>
<tr>
<td>Rev. Julie Holly, College Chaplain</td>
<td>205-226-4761 <a href="mailto:jholly@bsc.edu">jholly@bsc.edu</a></td>
<td>On-Campus, Norton Campus Center, Suite 120</td>
</tr>
<tr>
<td>YWCA, Domestic Violence Svcs. Central Alabama</td>
<td>205-322-4878 (24-hour hotline)</td>
<td>Off-Campus, 309 23rd Street North, Birmingham, AL, 35203 <a href="http://www.ywcabham.org/end-domestic-violence">www.ywcabham.org/end-domestic-violence</a></td>
</tr>
</tbody>
</table>

1. **Additional Campus Resources**

Any other employee of the College not listed above may also serve as a resource for students or fellow employees. For example, students may wish to speak with a faculty advisor or coach who they believe will provide meaningful support. However, all employees other than those listed as a Confidential Support Resource must relay the information they receive regarding possible sexual misconduct with the appropriate official designated in D.1.

A. **Reporting: When a Student is Subjected to Sexual Misconduct**

Any person may make an official report that a student has been subjected to sexual misconduct. A report may be made by the student who believes that she or he is the target or victim of sexual misconduct, or by a person who witnesses or hears about an incident of sexual misconduct toward a student. A reporting person may file a report with one of the designated officials listed in D.1. A report may initially be filed by sending an email, calling, or coming to the appropriate office to see designated College personnel. An official report will likely involve both a meeting with College personnel, as well as a written statement by the reporting person and the suspected target or victim.

1. **Mandatory Reporters** – College employees are considered “responsible employees,” and have a duty and a responsibility to act when notified of an alleged incident of sexual misconduct by relaying that information to one of the designated officials listed in D.1. Reports of sexual misconduct will be handled with discretion, and the information reported will be shared only with those necessary, including investigators and witnesses, as well as the accused student (“respondent”) if a full investigation is initiated.
2. **Confidentiality** – An investigation, hearing, appeal, and reconsideration of any sexual misconduct violation in which the target or victim of misconduct is a student shall remain confidential. Those defined herein as within the bounds of confidentiality may not divulge anything that is said or done throughout the conduct process. Not all parties within the bounds of confidentiality are informed of every sexual misconduct matter; however, those bound by confidentiality include Sexual Misconduct Hearing Board members, Campus Police, Advisors, the Dean of Students, the Vice President for Student Development, the Provost, the Director of Human Resources, the Chief of Staff, and the President, and when appropriate or necessary, legal counsel for the College. Should anyone outside the bounds of confidentiality receive information which is considered to be confidential, he or she will automatically be bound by confidentiality. In addition, the target or victim of misconduct or respondent may include with the bounds of confidentiality his or her parents, faculty, staff, minister or spiritual advisor, personal or legal counsel. Should anyone within the bounds of confidentiality violate the requirement of confidentiality, the Dean of Students may elect to pursue charges for failing to comply with directives regarding confidentiality. The College will respect the request of a student not to disclose his or her identity to the extent possible while still complying with its obligations to protect the College community as a whole against sexual misconduct and discrimination. If the alleged victim demands absolute confidentiality, the Title IX Coordinator will determine how the College will respond to meet its responsibilities to both the alleged victim and the College community.

3. **Confidential Reporters** – If a student would like to speak with someone at the College confidentially when no further reporting of the incident will necessarily occur, options include a personal counselor or health professional in Counseling and Health Services, as well as the College’s Chaplain.

4. **Limitations of College Authority** – The College will not investigate or adjudicate alleged student conduct that occurs off campus when the alleged victim is not a College student, employee, or other member of the College community (such as a contractor or volunteer). If the College learns of such conduct, the College may report allegations of such conduct to law enforcement authorities or other educational institutions. In addition, the College may be limited in its ability to take remedial action involving an alleged perpetrator who is not a student or employee. In such instances, the College will support the alleged victim with College resources (which may include removal and banning of the suspected individual from campus) and refer alleged victims to other entities which may provide support or initiate criminal prosecution.

5. **Interim Measures** – In order to minimize disruption to the alleged victim’s educational experience, interim measures may be put in place. An official report does not have to be made for interim measures to be initiated. The College will make necessary changes to the academic, living, transportation, and working situations of any alleged victim if requested and reasonably available, whether or not the alleged victim chooses to make an official report to campus officials or local law enforcement.

Interim measures include, but are not limited to:

- Access to Counseling Services and assistance in setting up initial appointments
- No contact directives
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections, as well as changes in the class schedule of individuals alleged to have engaged in sexual misconduct
• Rescheduling of exams or assignments
• Providing alternative course completion options
• Change in work schedule or job assignment
• Housing reassignment
• Adjustments to dining arrangements
• Assistance from College support staff in completing housing relocation
• Limiting respondent’s access to certain College facilities or activities pending investigation and/or hearing outcome
• Interim suspension for the respondent

6. **Safe Haven** – Students who seek assistance as a result of experiencing sexual misconduct are not subject to sanction by a College authority for being in violation of College policy related to alcohol, illegal drugs, or other policies at the time of the alleged sexual misconduct.

B. **Remedial Procedures When a Student is Accused of Sexual Misconduct: Investigation, Conduct Meetings or Hearings, and Related Matters**

1. **Time Frame** – Once an initial complaint regarding sexual misconduct has been received by College officials, the Dean of Students will move forward with investigating and resolving the matter as promptly as reasonably possible. The circumstances of the alleged incident(s) will determine the timeframe within which all individuals involved, including all relevant witnesses, can be contacted and meetings held. Generally, the investigative phase can be expected to be completed within two weeks to one month from the initial report of the incident, exclusive of any significant breaks in the academic calendar. In addition, coordinating all individuals necessary for participation in hearings may require an extended timeframe. However, hearings, deliberations, and decisions will typically be completed within two weeks to one month of the conclusion of the investigative phase and charges being determined, dependent upon the timing within the academic calendar. Appeals will usually require one week to one month for a final decision, depending on whether the matter is referred to a committee and the timing within the academic calendar.

2. **Investigation Procedures** – Once a report has been made, the Dean of Students will conduct a preliminary investigation (e.g. reviewing any Campus Police reports, meeting with the alleged victim, etc.) to determine whether the information provided indicates reasonable cause of a sexual misconduct policy violation. If reasonable cause exists, the Dean of Students will conduct a full investigation using information from the preliminary investigation, obtaining a statement from the respondent, and interviewing relevant witnesses. When the investigation is complete, the Dean of Students will either refer the matter to the Sexual Misconduct Hearing Board (the preferred option) or the matter may be handled through an Administrative Conduct Meeting if both the person believed to have been the target or victim of misconduct and the respondent agree to that option. In matters that do not involve sexual or intimate partner violence, informal resolution may be explored as well. The person believed to be the target or victim of sexual misconduct may choose at any time not to participate in the investigation or disciplinary process. If the Dean of Students believes there is sufficient evidence to form a belief that sexual misconduct occurred, and that action is necessary to protect any member of the College community from possible additional sexual misconduct, the Dean of Students may proceed with the investigation or hearing process.
Because the College’s obligation to protect its community members from sexual misconduct exists independently of the criminal justice system, the investigatory and hearing procedures (if applicable) will continue notwithstanding any related criminal proceedings. The College may briefly delay its response if necessary to avoid interference with a law enforcement investigation.

3. **Advisor** – The alleged target or victim of misconduct and respondent are offered advisors once a complaint enters the investigation phase (though one can be requested earlier). The advisor provides support and guidance through the investigation and hearing process. The advisor should be a willing member of the BSC community, although exceptions may be granted by the Vice President for Student Development (e.g., a Crisis Center staff member or volunteer). Additionally, upon request, an advisor can be appointed from the Sexual Misconduct Hearing Board pool.

4. **Standard of Evidence** – When determining if a violation of the sexual misconduct policy has occurred, the standard of evidence to be used by any conduct authority is preponderance of evidence. Preponderance of evidence indicates that a violation is more likely than not to have occurred.

5. **Administrative Conduct Meeting** – If both the alleged target or victim of misconduct and respondent request to have an incident of sexual misconduct handled administratively, the Dean of Students will render a decision as to whether the respondent violated the sexual misconduct policy and assess sanctions if required. If the complainant and respondent accept the findings/sanctions of the Dean of Students, the matter will be closed. If not, the matter will be referred to the Sexual Misconduct Hearing Board.

6. **Sexual Misconduct Hearing Board** – The Dean of Students may refer an investigation to the Sexual Misconduct Hearing Board (“the Board”), comprised of faculty, staff, and students from a pool of trained Board members. The Board is a three or five member panel that consists of a minimum of one student, one staff member, and one faculty member. When a five member panel is called, a minimum of two students should serve on the board. The Board will hear the results of the Dean’s investigation along with the testimony from relevant witnesses including the alleged target or victim of sexual misconduct and respondent, and review any other appropriate materials. They will reach decisions regarding violations and sanctions, as appropriate. Details regarding the procedures of the Board are outlined below.

**Sexual Misconduct Hearing Board Procedures**

The procedure for a hearing will be as follows:

1. The Vice President of Student Development serves as convener and chair. The chair participates in the hearing but does not vote on the hearing outcomes.

2. A three or five member panel is selected from the Sexual Misconduct Hearing Board pool. The Board will consist of a minimum of one student, one staff member, and one faculty member. When a five member panel is called, a minimum of two students should serve on the board.

3. The Dean of Students will serve as the presenter. The presenter presents information gathered during the investigation, but does not recommend sanctions.
4. Due to the sensitive nature of these hearings, the alleged victim or target of sexual misconduct and respondent may be kept separate throughout the hearing, appearing before the Board at designated times but able to hear all statements made within the hearing.

5. No witness, other than the respondent or alleged victim or target of sexual misconduct, if he/she chooses to testify, will be allowed to hear the testimony of other witnesses.

6. Before testifying, each student witness will be reminded that their statements are bound by the Honor Code, and employee witnesses will be reminded that their testimony is expected to be truthful under penalty of termination of employment.

7. The Board will call witnesses, consider relevant information, and question the respondent and alleged victim until it has exhausted every reasonable method of ascertaining the facts.

8. The Board will not consider the respondent’s past findings of violations of the Honor code or Social Regulations in determining whether the respondent has violated Social Regulations or Sexual Misconduct Policies. Such evidence may be considered in determining sanctions.

9. An attorney may be present during the hearing. The attorney may speak to the person represented by the attorney, but may not address directly anyone else involved in the hearing other than the Chair. Any comments or questions an attorney has should be directed to the Chair of the Board in a private conversation.

10. The Board must act with complete impartiality. A Board member may be excused from a case in which personal involvement may constitute a conflict of interest. Additionally, Board composition will be shared with the reporting party and respondent at least 72 hours in advance of the hearing. Either party may request a member of the Board be removed.

11. The respondent is considered not to have violated any policy throughout the hearing until there is a finding that a violation has occurred. The standard of proof is a preponderance of evidence that a violation occurred. The finding must be supported by a majority vote of the Board.

12. As the conduct authority for issues of sexual misconduct, the Board has the authority to issue sanctions according to the guidelines outlined in the Student Handbook (pp. 16-17).

Rights of the Alleged Victim and Respondent

The alleged victim and the respondent have the following rights:

1. The alleged victim and respondent will be notified in writing of a hearing at least 72 hours prior to the hearing. This time period may be shortened upon the agreement of the both parties and the Board (“Chair”).

2. The alleged victim and respondent may select any willing student, faculty member, or staff member of Birmingham-Southern College to serve as his or her advisor. Additionally, upon request, an advisor may be appointed from the Sexual Misconduct Hearing Board pool.
3. The alleged victim and respondent are not required to appear at the hearing. If either person fails to attend, the hearing will proceed and evidence presented as if both parties were present.

4. The alleged victim and respondent have the right to be present throughout the hearing except during the Board’s deliberations. Presence may be limited to hearing testimony remotely through telephone or similar aid of technology.

5. The alleged victim’s sexual history will not be discussed during the hearing unless it relates to the respondent and is determined by the Chair to be highly relevant to the alleged misconduct.

6. The alleged victim and respondent may call relevant witnesses to speak on his or her behalf. Requests should be made to the Chair in writing so that notice can be given for any witness requested to appear.

7. The alleged victim and respondent may address the Board during his or her appearance before the Board.

8. The alleged victim and respondent may hear the statements of all witnesses called and question them. To avoid an adversarial dynamic, the alleged victim and respondent may only directly question those witnesses called on his or her behalf. For all other witnesses, questions may be submitted to the Chair prior to and during the hearing. Those questions will be reviewed for relevancy by the Board, amended as deemed appropriate, and asked by the Chair.

9. The alleged victim and respondent may each call one or two character witnesses to speak upon his or her behalf.

10. In cases that involved multiple respondents, the Board will arrive at an independent decision for each respondent.

11. The alleged victim and respondent will be notified of the hearing outcome.

12. The alleged victim and respondent may appeal the decision of the Board to the President in accordance with the Appeal section outlined below.

13. Both the alleged victim and respondent will be notified in writing of the potential charges; date and time of hearing proceedings; hearing board composition; the outcomes and/or any changes to the outcomes (e.g., hearing decision, hearing sanctions, interim measures); and any subsequent appeal.

**Appeal**

1. A respondent or alleged victim may appeal the finding of the Board in writing to the President of the College within five class days of the decision or before the last day of the term, whichever comes first. The President may review the case personally or appoint a committee to review the case.

2. An appeal is limited to a review of the full report of the Board, including the hearing transcript, for the purpose of determining whether it acted in accordance with procedural and substantive fairness. An appeal on the basis of substantive fairness may not contest
the factual findings of the Board but is limited on the basis of the fundamental fairness of the penalty or the application of the standards of the Sexual Misconduct Policy.

3. An appeal in which the finding of the Board is reversed may be remanded to the Board for rehearing with a written opinion or directive of the President.

4. An appeal by the respondent may not result in a more severe penalty for the respondent; however, an appeal by the alleged victim may result in a more severe penalty for the respondent. In both circumstances, reversal of the finding and/or modification of the sanction may occur without rehearing by the Board.

C. Remedial Procedures When an Employee is Accused of Sexual Misconduct: Investigation, Recommended Outcomes, Hearings, and Related Matters

The Director of Human Resources will be notified of all reports of sexual misconduct directed toward an employee. In all cases, except when the person suspected of engaging in misconduct is a student, the Director will assess each such situation by holding fact finding conferences and obtaining statements from employees. In any situation in which the Director of Human Resources is accused of violating this policy, the Chief of Staff or another person designated by the Chief of Staff will fulfill the role of the Director of Human Resources.

The Director of Human Resources will report findings to the Provost (if the accused is a faculty member) or to the appropriate Vice President (if the accused is not a faculty member) and make a recommendation concerning further action and disposition of the matter.

After reviewing all the evidence, the Provost or the appropriate Vice President, in consultation with the Director of Human Resources, will make a determination whether reasonable grounds exist to believe that sexual misconduct has occurred. If such grounds are found to exist, the Provost or appropriate Vice President will take all appropriate action to eliminate such conduct and impose appropriate discipline. In any situation in which the Provost or appropriate Vice President is accused of violating this policy, the President of Birmingham-Southern College will fulfill that role. In any situation in which the President of the College is accused of violating this policy, the Director of Human Resources, in consultation with the Chairperson of the Board of Trustees will fulfill that role.

If either the employee accused of engaging in sexual misconduct or the person who is believed to have been the target or subject of sexual misconduct is dissatisfied with the action taken by the Provost or Vice President, the person may appeal the decision to a Sexual Misconduct Hearing Board. If the accused person is a faculty member, the Board will consist of a three faculty member panel, selected by the Provost from a pool of trained Board members who have been appointed by the Chair of the Faculty Advisory Committee. If the accused person is a staff member, the Board will consist of three staff members from a pool of trained Board members appointed by the Director of Human Resources.

If either the employee accused of engaging in sexual misconduct or the person who is believed to have been the target or subject of sexual misconduct is dissatisfied with the action taken by the Sexual Misconduct Hearing Board, the person may appeal the decision to the President in writing within 21 days after the Board’s determination is communicated to the person. The other party will have 21 days to respond in writing to the appeal, and the President will make the final determination based upon the record before the Board and the written submissions of the accused and the person who is believed to have been the target or subject of sexual
misconduct.

Because the College’s obligation to protect its community members from sexual misconduct exists independently of the criminal justice system, the investigatory and hearing procedures (if applicable) will continue notwithstanding any related criminal proceedings. The College may briefly delay its response if necessary to avoid interference with a law enforcement investigation.

Advisor – The alleged victim and respondent may be assisted throughout the process by advisors. The advisor may provide support and guidance through the investigation and hearing process. The advisor should be a member of BSC community, although exceptions may be granted by the Provost or appropriate Vice President (e.g., a Crisis Center staff member or volunteer). Additionally, upon request, an advisor can be appointed from the Sexual Misconduct Hearing Board pool.

Employee Sexual Misconduct Hearing Board Procedures

In a proceeding before the Sexual Misconduct Hearing Board, the following procedures will apply:

1. The Director of Human Resources serves as convener. The senior member of the panel will serve as chair.

2. A three-member panel of faculty or staff members is selected from the Board pool.

3. The Director of Human Resources or his or her designee will serve as the presenter. The presenter presents the information gathered during the investigation.

4. Due to the sensitive nature of these hearings, the alleged victim and respondent may be kept separate throughout the hearing, appearing before the Board at designated times but able to hear all statements within the hearing.

5. No witness, other than the alleged victim or respondent if either chooses to testify, will be allowed to hear the testimony of other witnesses.

6. Before testifying, each employee witness will be reminded that his or her testimony is expected to be truthful under penalty of termination of employment, or if the witness is a student, subject to the Honor Code.

7. The Board will call witnesses, consider relevant information, and question the respondent and alleged victim until it has exhausted every reasonable method of ascertaining the facts.

8. An attorney may be present during the hearing. The attorney may speak to the person represented by the attorney, but may not address directly anyone else involved in the hearing other than the Chair. Any comments or questions an attorney has should be directed to the Chair of the Board in a private conversation.

9. The Board must act with complete impartiality. A Board member may be excused from a case in which personal involvement may constitute a conflict of interest. Additionally, Board composition will be shared with the alleged victim and respondent at least 72 hours in advance of the hearing. Either party may request a member of the Board be removed.
10. The respondent is considered not to have violated any policy throughout the hearing until there is a finding that a violation has occurred. The standard of proof is a preponderance of evidence that a violation occurred. The finding must be supported by a majority vote of the Board.

Rights of the Alleged Victim and Respondent

The reporting party and respondent will be afforded the following rights:

1. The alleged victim and respondent will be notified in writing of a hearing at least 72 hours prior to the hearing. This time period may be shortened upon the concurrence of the both parties and the Chair.

2. The alleged victim and respondent are not required to appear at the hearing. If either person fails to attend, the hearing will proceed and evidence presented as if both parties were present.

3. The alleged victim and respondent have the right to be present throughout the hearing except during the Board’s deliberations. Presence may be limited to hearing testimony remotely through telephone or similar aid of technology.

4. The alleged victim’s sexual history will not be discussed during the hearing unless it relates to the respondent and is determined by the Chair to be highly relevant to the alleged misconduct.

5. The alleged victim and respondent may select any willing student, faculty member, or staff member of Birmingham-Southern College to serve as his or her advisor. Additionally, upon request, an advisor may be appointed from the Sexual Misconduct Hearing Board pool.

6. The alleged victim and respondent may call relevant witnesses to speak on his or her behalf. Requests should be made to the Chair in writing so that notice can be given for any witness required to appear.

7. The alleged victim and respondent may address and question the Board during his or her appearance before the Board.

8. The alleged victim and respondent may hear the statements of all witnesses called and question them. To avoid an adversarial dynamic, the alleged victim and respondent may only directly question those witnesses called on his or her behalf. For all other witnesses, questions may be submitted to the Chair prior to and during the hearing. Those questions will be reviewed for relevancy by the Board, amended as deemed appropriate, and asked by the Chair.

9. The alleged victim and respondent may call one or two character witnesses to speak upon his or her behalf.

10. In cases that involved multiple respondents, the Board will arrive at an independent decision for each respondent.

11. Both the alleged victim and respondent will be notified in writing of the potential charges; date and time of hearing proceedings; hearing board composition; and the outcomes
and/or any changes to the outcomes (e.g., hearing decision, disciplinary action, interim measures); and any subsequent appeal.

D. Sexual Misconduct Hearing Board

As noted in the policy above, the Sexual Misconduct Hearing Board will often hear cases regarding alleged violations of this policy. The Board is comprised of the following members, selected and appointed as outlined below:

- Students: Five or more returning members from the previous year’s Honor Council are selected by the Title IX Coordinator in consultation with the Dean of Students.

- Faculty: Five or more faculty members will be appointed by the Chair of the Faculty Advisory Committee in consultation with the Provost, the Title IX Coordinator, and the Director of Human Resources.

- Staff: Five or more staff members from across the various administrative departments of the College will be appointed by the Director of Human Resources in consultation with the Title IX Coordinator and the Dean of Students.

Each year, new members of the Board will undergo training in the various tenets of the Sexual Misconduct Policy and procedures employed to investigate and hear allegations regarding possible violations. In addition, continuing members of the Board will attend review sessions to ensure they remain aware of any changes to the Policy and are prepared to serve when called upon. Emphasis will be placed upon protection of confidentiality, appropriate and relevant questioning, effective deliberation, reaching conclusions, and other vital topics in all training and review sessions for the Board.

**Missing Student**

In the event circumstances lead an individual to suspect that a BSC student is missing, the matter should be reported as soon as possible to the Campus Police (ext. 4700), and/or the Office of Student Development (ext. 4722). When an incident of this type is reported, officials within the above listed departments shall immediately initiate an investigation (at BSC, prior to a 24-hour period), and the circumstances of the matter will be outlined in an official Campus Police report. Specifically, initial efforts may include, but are not limited to, the following:

- Calling cell phone number provided by student
- Checking the person’s on campus assigned residence for their presence or evidence
- Speaking with the person’s known friends or Greek affiliate, when applicable
- Determining if the person owns a vehicle, and if that vehicle is on the physical campus
- Reviewing online sources such as Facebook
- Consulting academic instructors, counselors, and advisors
- Attempting to determine if there have been similar incidents with the student
- Contacting the student’s designated confidential contact, when appropriate
If the student has not been located within a 24-hour period or sooner, and if circumstances dictate, the BSC Campus Police will report the matter to the Birmingham Police Department for additional assistance.

Each fall, the Office of Student Development shall make students living in an on-campus housing facility aware that they have the option to register a confidential contact person to be notified in the case the student is determined to be missing, and that only authorized campus and law enforcement officials in proceeding with a missing person investigation may have access to this information. While not required by law, nonresident students (Commuters) will be given this opportunity as well, and will receive similar treatment in terms of investigating the matter.

The Office of Student Development shall make all students aware that in the event they choose not to identify a confidential contact, that law enforcement officials will be notified any time a student is reported missing. Further, the Office of Student Development shall make all students less than 18 years of age, unless they are legally emancipated from their parents or legal guardians, aware that in all cases their parents or legal guardians will be notified with or without their permission. Confidential/Emergency contact information will be gathered and maintained in the Office of Student Development.

Birmingham-Southern College retains the right to contact the parents or legal guardians of any student when, in the opinion of campus administrators, communication is a result of extreme circumstances and vital to the protection of life.

**Birmingham-Southern College Statistical Report**

The following statistics are based on specific incidents reported to BSC security authorities that include the BSC Campus Police, Vice President for Student Development, Athletic Director, Faculty Advisors to student groups, and the Director of Residence Life. The statistics reflect reported incidents only, and do not necessarily indicate whether the incident was confirmed through an investigation or administrative action. For example, if an individual reported an incident confidentially, the incident could conceivably be counted as a statistic without being investigated. Due to the entire campus of Birmingham-Southern College being surrounded by a perimeter fence, there are no public streets, sidewalks, thoroughfares, or parking facilities accessible from the campus. Therefore, the following statistics are a compilation of incidents occurring on the BSC campus and are divided geographically by where they were reported to have occurred.

A log of incidents occurring on campus is available for public viewing in the Campus Police office on a daily basis between the hours of 8:15 A.M. and 4:45 P.M., Monday through Friday.
<table>
<thead>
<tr>
<th>Overall Campus Statistics</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Homicide, Murder and Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Sex Offences</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rape</td>
<td>5</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Forcible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fondling</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Non-Forcible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>2</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Prejudice (Hate Crimes)</td>
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<td>0</td>
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<tr>
<td><strong>Arrests for the Following:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor Law Violations</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Law Violations</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Illegal Weapons Violations</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Referrals for Campus Disciplinary Action for the Following:</strong></td>
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<tr>
<td>Liquor Law Violations</td>
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<td>42</td>
<td>19</td>
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<td>Drug Law Violations</td>
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<tr>
<td>Illegal Weapons Violations</td>
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<table>
<thead>
<tr>
<th>Residential Facility Statistics (Taken from “Overall Campus Statistics”)</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Homicide, Murder, and Non-Negligent Manslaughter</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
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<td></td>
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<td>2</td>
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<tr>
<td>Forcible</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Fondling</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Non-Forcible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>2</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
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<td>0</td>
</tr>
<tr>
<td>Arson</td>
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<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Prejudice (Hate Crimes)</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Arrests for the Following:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor Law Violations</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Law Violations</td>
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</tr>
<tr>
<td>Illegal Weapons Violations</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Expanded List of Categories:</td>
<td>2017</td>
<td>2018</td>
<td>2019</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>0</td>
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<tr>
<td>Dating Violence</td>
<td>2</td>
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<td>1</td>
</tr>
<tr>
<td>Stalking</td>
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<table>
<thead>
<tr>
<th>Prejudice / Bias (Hate Crimes)</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larceny-Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Simple Assault</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Intimidation</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Destruction/ Vandalism/ Damage of Property</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

None of the reported incidents in the preceding statistical section were prompted by, or as result of, any persons perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim. In addition to those listed above, there were no incidents of theft, simple assault, intimidation or destruction/vandalism of personal property motivated by prejudice as defined in this paragraph.

In compliance with the “Campus Sex Crimes Prevention Act” (section 1601 of Federal Law 106-386), the BSC Campus Police hereby makes public notification that information regarding the tracking of registered sex offenders can be obtained at https://jeffcosheriff.net/sex-offenders/most-wanted-sexual-offenders/

<table>
<thead>
<tr>
<th>Fire Statistics</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Fires</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Deaths from Fires</td>
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</tr>
<tr>
<td>Injuries from Fires</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Value of Property Damage Related to Fire</td>
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<td>2000</td>
<td>99 &lt;</td>
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</table>

<table>
<thead>
<tr>
<th>Unintentional Fires</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
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</thead>
<tbody>
<tr>
<td>Cooking</td>
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</tr>
<tr>
<td>Smoking</td>
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</tr>
<tr>
<td>Open Flames</td>
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</tr>
<tr>
<td>Electrical</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Heating Equipment</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Hazardous Products</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Machinery / Industrial</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Natural</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Other</td>
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<table>
<thead>
<tr>
<th>Intentional Fire</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Undetermined Fire</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>
This report is provided not only in compliance with legal requirements but also in the hope it will be a further means of demonstrating Birmingham-Southern’s commitment to providing the best possible environment in which to carry on the business of educating young men and women. Our commitment to a policy of service, as well as protection and safety, is borne out in the statistics reported. We will continue to work each day to earn the trust and confidence of the members of the campus community to whom our efforts are dedicated. If you would like additional information, a hardcopy, or if you have questions regarding any portion of this report, please direct your request to:

**Chief Jeff Harris**  
Campus Police  
900 Arkadelphia Road  
Birmingham, Alabama 35254  
jharris@bsc.edu  
205/226-4701