

The appeal request must also be clear and specific, as the Vice President for Student Affairs may decide whether to grant an appeal based solely on the written request of the student.

After the letter of appeal has been received, the Vice President for Student Affairs will determine whether there are grounds to grant an appeal and notify the student, student group, or student organization of the decision within four (4) business days after receipt of the student, student group, or student organization request. If a conference is needed to consider the matter further, the notice shall include the time and place at which the student is to be present.

The sanction of suspension imposed by the Associate Vice President for Student Affairs designee does not become effective until all available appeals have been exhausted by the student, student group, or student organization within the time periods designated for appeals. An exception occurs when, in the determination of the Associate Vice President for Student Affairs, the student, student group, or student organization continued presence on campus constitutes a clear and present danger to the students and/or others in the University community. In such instances, the student, student group, or student organization will be asked to leave the campus; however, the student, student group, or student organization rights to request an appeal within the designated time periods shall not be compromised.

The decision of the Vice President for Student Affairs, to grant an appeal, is final, except in those cases involving expulsion from the University. In cases involving expulsion, the student may appeal the sanction to the President of the University, in writing, within twenty-four (24) hours of receipt of the decision of the Vice President for Student Affairs. Appeal requests of this nature must also be typewritten. The President is not obligated to confer with the student, and may choose to review only the written information in making a decision.

If a student chooses not to request an appeal within the specified time period, the decision of the Associate Vice President for Student Affairs, designee or Conduct Board is final. It is, therefore, imperative that the student abides by the stipulations of his/her sanction.

SEXUAL MISCONDUCT & TITLE IX POLICY

Alabama A & M University recognizes that there are many forms of sexual misconduct and harassment and will abide by the applicable laws as it relates to sexual harassment and sexual assault. The University holds more stringent standards in order to provide a safe and conducive learning environment for all members of its community. For the purposes of communicating a clear and concise policy, we define sexual harassment and assault as the following:

Alabama A & M University defines sexual harassment as any and all unwelcomed sexual advances between members of the same and/or opposite sex. Sexual advances are defined as, but not limited to:

1. Verbal comments of a suggestive nature;
2. Visual or written materials that include content that is sexual in nature; and/or
3. Physical touching without consent.

Whether particular language and conduct constitutes sexual harassment or assault depends upon the circumstances of an incident and will be determined by the University on a case-by-case basis.

Alabama A & M University defines sexual assault as an intentional sexual act against a person when such act is committed without consent of that person as a result of:

1. Physical force, violence, threat, intimidation, or duress;
2. Ignoring that person's verbal or physical objections; or
3. Causing that person's intoxication or impairment through the use of drugs or alcohol;

That person's inability to consent due to: incapacitation, legal minority (under age 18), mental or physical disability, the use of alcohol or use of any controlled substance, intimidation, helplessness, or any other reason that suggests an individual is unable to give full consent.

For these purposes, a sexual act is defined as unwelcome sexual contact including, but not limited to:

1. Sexual intercourse, sodomy, or sexual penetration with a foreign object;
2. Oral/genital contact or copulation;
3. Touching of a person's intimate parts (defined as genitalia, groin, breast or buttocks, or clothing covering them);
4. Compelling a person to touch his or her own or another person's intimate parts; and/or
5. Illegal sexual imaging defined by secretly photographing or taping another person without their express consent.

Consent for sexual activity must be clearly expressed at all times-before and during sexual activity. Moreover, Alabama A & M University also recognizes sexual assault as instances where the alleged victim clearly indicates that he/she has changed his/her mind during a sexual act, and the alleged assailant refuses to stop the sexual act.

Reporting Sexual Misconduct

Alabama A & M University does not tolerate any form of sexual harassment and sexual assault. Individuals who believe that they, or someone they know (third party reporting), is a victim of sexual harassment or sexual assault are strongly encouraged to immediately report the incident to the Department of Public Safety, Vice President for Student Affairs

and/or Director of Counseling Services. While the University stresses the importance of reporting all incidents of sexual harassment and sexual assault, AAMU's primary and immediate concern is for the well-being, health, and safety of all of our students.

In many cases of sexual assault applicable federal, state and local laws and regulations may require that University officials report incidents committed on any property owned, leased, or under control of the University to the local Police Department with jurisdiction. As a result, all University officials (including faculty or staff) have an obligation to promptly inform the Director of Public Safety and/or the Vice President for Student Affairs of any known sexual assaults. In meeting these reporting obligations, the University will take steps to protect the privacy of the persons against whom any alleged sexual acts were committed to the extent to which the University is legally permitted to withhold such information.

The University takes all complaints of sexual harassment and assault very seriously and will promptly investigate all allegations. The University Judicial Officer will serve as the primary investigator of all reported incidents involving students. Specifically, the University Judicial Officer will prepare a written fact-finding report in consultation with the accuser(s), accused individual(s), and members of the Public Safety staff. This report will be a summary of the information gathered during the investigative process.

If you are a student who believes you have been subjected to (1) sexual harassment by University faculty or staff; or (2) any other form of gender discrimination under Title IX, you may report such misconduct or file a formal complaint with the Title IX Coordinator in the Office of Human Resources (HR). Complaints must be submitted in writing not more than 300 days after the incident (s) in question. For good cause and at HR's discretion, HR may waive the writing requirement or the 300 day time limitation. .

Concurrently, local law enforcement agencies may investigate if a crime has taken place in accordance with the Alabama State Law. The University reserves the right to adjudicate violations of the Student Code of Conduct without waiting for completion of any police investigation. Following the completion of the fact-finding report, the University Judicial Officer will determine whether a violation of the University's sexual harassment or sexual assault policy has occurred. If it is determined that a violation of policy has occurred, the University Judicial Officer will proceed with disciplinary action against the accused party.