

FACULTY SENATE MINUTES

November 12, 2020

Call to order:

A regular meeting of the University of North Alabama's Faculty Senate convened via Zoom Video Conferencing at 3:30pm with President Williams presiding.

I. Proxies

Paul Zhang for Mark Terwilliger (Department of Computer Science and Information Systems)

Members in attendance

Lori Alford, Rae Atencio, Lisa Ann Blankinship, Tim Butler, Cory Cagle, Justin Carter, Lisa Clayton, Sarah Franklin, Felicia Harris, Betsy Heckert, John Hodges, Scott Infanger, Lisa Kirch, Christopher Klein, Ian Loepky, Thomas Luckowicz, Jennifer Maddox, Janna Malone, John McGee, Janet McMullen, Prema Monteiro, Eric O'Neal, Katie Owens-Murphy, Gary Padgett, Cheryl Price, Jason Price, Chris Purser, Ansley Quiros, Terry Richardson, Craig Robertson, Sunhui Sim, Michael Stocz, Kevin Stoltz, Jessica Stovall, Jillian Stupiansky, Brian Thompson, Jason Watson, Laura Williams, Pete Williams, and Gretchen Windt. Dr. Lee Renfroe, serving as past Faculty Senate President was also in attendance.

Members not in attendance (without proxy)

Stephanie Clark (Nursing and Health Professions) and Frank Diaz (Department of Chemistry and Industrial Hygiene). For the second consecutive meeting, the Department of Engineering and Technology failed to provide a Senator from their department.

II. Approval of the Agenda

President Williams requested approval of the November 12th meeting agenda.

Senator Owens-Murphy moved to accept the meeting's agenda and Senator Stocz seconded the motion. The agenda was approved.

III. Approval of minutes from the October 8th Meeting

President Williams requested approval of the minutes from the October 8th meeting.

Senator Richardson moved to approve the minutes from the October meeting. Senator Williams seconded the motion.

The minutes were approved.

IV. Remarks from Dr. Ken Kitts, UNA President

President Kitts began his remarks by discussing enrollment. At census date for the Fall semester, UNA's data reflected a record enrollment of 8,361 students. This data point represents a 4% increase over data from last fall. Under these COVID induced circumstances and compared to other Alabama schools, President Kitts expressed that UNA has done very well.

UNA anticipated entering the fiscal year with a \$4 million deficit attributable to declines in general enrollment and enrollment of international students. President Kitts attributed the losses to Coronavirus influences. UNA's plan to manage this deficit appears to be performing well though the broader outlook will depend heavily upon Spring enrollment data. Spring data will better enable the university to determine if it can meet its budgetary needs.

Speaking to UNA's response to mitigation of Coronavirus infections on campus, President Kitts addressed the current 2nd surge of cases in the US and AL. He stated that data are being evaluated as they are made available but that the rate of transmission has decreased over the last two weeks. At this point in time, Lauderdale County is categorized as a moderate risk county according the Alabama Department of Public Health (ADPH). UNA has seen a decline in cases over the last two weeks which places the institution below its weekly average for the fall semester.

President Kitts then reinforced that face-to-face classes at UNA will end on Nov. 24th with limited exceptions for some courses/departments. He emphasized that the time period from Nov 25th through early January will give the university time to clean offices and classrooms. During this time period the university will continue working to assess what steps should be taken to launch the spring 2021 semester.

Turning his attention to social and legal issues impacting UNA, President Kitts stated that UNA continues to work with legal representation and state officials to determine what options exist for building renaming. The Alabama Memorial Protection Act (AMPA) remains an obstacle and so UNA will watch to see what other Alabama schools do and their progress toward similar ends.

Addressing another long-standing issue, President Kitts stated that on Oct. 15, 2020, Judge Lynwood Smith of the U.S. District Court for Northern Alabama dismissed all claims against UNA related to the 2017 Title IX lawsuit. The presiding judge stated that there was "absolutely no evidence" to support the claims made against UNA.

President Kitts then acknowledged the informal opening of Harrison Hall that will advance the education of UNA's nursing students. Although staff are moved in and classrooms/labs are being used, an official opening of this facility will be forthcoming relative to COVID issues.

President Kitts concluded his comments by discussing the reconstruction of UNA's central feature- The Harrison Fountain. All parts of the new marble fountain have arrived from Italy. In the next few weeks the fountain base will be reconstructed. The goal is to have the foundation constructed as a point where UNA fall graduates can have personal photographs taken by the fountain.

V. Update from Dr. Butler Cain, Chair of Communications

Dr. Cain was present to update Faculty Senate on the state of college media at UNA. He expressed both pleasure and confidence in the direction things are moving. UNA and the Department of Communication continues to work with its consultant Dr. Kristina Drumheller, from West Texas A&M University to help UNA engage with the College Media Association (CMA). Currently, Dr. Drumheller is working on a report to deliver to President Kitts, Dr. Alexander, and Dr. Cain by the end of November. The report will detail a strategy for UNA to work with CMA during the Spring of 2021.

During the Spring 2021 semester, the Department of Communications will host an open house at the Student Media Center as well as sponsor a celebration of first amendment rights.

Dr. Cain invited questions from the floor. There were none. Dr. Cain concluded his remarks by thanking the task force members for their work addressing this issue.

VI. Remarks from Dr. Ross Alexander, Provost and Executive Vice President for Academic Affairs

Dr. Alexander began his comments by discussing finalized Fall 2020 enrollment figures. UNA saw a 4% increase in enrollment with most of this growth coming from online graduate programs but also with online transfer students. UNA's student population stands at 8,361. This is great news for UNA and is atypical compared to other institutions around the state, region, and nation.

Enrollment for the second Winter session is also positive with an approximate 45% increase in enrollment which is attributable in part to the increased number of courses being offered.

Looking to the Spring and Fall 2021 semesters, Dr. Alexander stated that the data look positive for the Fall, 2021 Freshman cohort as these data are currently ahead of this point last year.

Dr. Alexander then discussed UNA's retention data. He reported record student retention (77%). This figures represents a 2% increase in student retention over last year. He attributed this increase to faculty response to student needs, academic advising, increased quality of UNA students and the "Finish in Four" initiative.

Several UNA programs are undergoing or have recently completed accreditation review. Nursing (CCNE), Business (AACSB), Education (CAEP), and Industrial Hygiene (ABET).

Dr. Alexander reminded the Senate that the Executive DBA program will begin Spring, 2021. The program concluded an orientation recently for its first full cohort of 15 students.

UNA is currently evaluating and voting on its choice for next year's One Book program. Dr. Alexander encouraged everyone to vote for their book choice. The theme for the next academic year is focused on diversity, equity, and inclusion.

Dr. Alexander concluded his remarks by discussing the recent work of the Ad Hoc Working Group. Within the group, there appears to be unanimity that Cinematic Arts and Theatre should be an independent academic department. The group shares the position that the Visual Arts Department should also have one department chair. Both programs should have Faculty Senate representation. The group will meet again on Nov. 23rd.

VII. Remarks from Dr. Laura Williams, Faculty Senate President

President Williams expressed her thanks for everyone that has assisted her in addressing important questions.

VIII. Reports

A. Standing Committees

1. Faculty Affairs – Senator Watson reiterated the committee’s task to explore the issues raised by the VAD faculty. He thinks the workgroup will be addressing many issues that the Faculty Affairs Committee (FAC) will evaluate when the workgroup concludes its analysis.

Senator Richardson asked Senator Watson if he thought the committee should be examining how chairs are chosen campus wide. Senator Richardson recommended the FAC look at this now rather than wait for the workgroup to conclude its business. Senator Watson said the FAC will be exploring this issue this month.

Senator Kirch reinforced Senator Richardson’s comment. She emphasized the importance of an examination focused on the role that faculty members should play in selecting a Department Chair.

2. Academic Affairs – No report

3. Faculty Attitude Survey – No report

4. Faculty Handbook Oversight – No report

IX. Old Business

A. Interim Sexual Misconduct Policy (SG: F/S/SGA)

[See Appendix A](#)

The planned town hall meetings were conducted (10/28 and 11/5). During the meetings, Ms. Kayleigh Baker provided the campus opportunities to discuss the proposed policy and pose questions.

Some takeaways from the meetings concerned the due process committee and that faculty should have a committee comprised of faculty. Ms. Baker was open to incorporating this idea. Another

issue involved the training of panel members adequately trained in Title IX issues/procedures. The other issue involved both the number of panel member and their own training regarding Title IX.

Senator Richardson moved approval of the policy. Senator Franklin seconded the motion.

After further discussion, Senator Richardson moved to postpone the motion to approve until the next meeting to see the finalized version of language to this proposal. Senator Infanger seconded the motion to postpone.

The motion was to approve postponement of the proposed Title IX policy until the December 2020 meeting of the Faculty Senate. There were 39 votes in favor of the policy. There was 1 vote in opposition and 0 abstentions.

The motion was passed.

B. Proposal for Revisions to Chapter 2 language of the new tenure and promotion policy, and Appendix 2E language of the old tenure and review policy (SGEC:F)

[See Appendix B](#)

Senator Richardson made a motion to accept the proposal. Senator Monteiro seconded the motion.

During discussion, Senator Franklin expressed concerns that changes to the language appeared more substantive than editorial/clean-up language. To reinforce her point, Senator Franklin pointed to p 2-13 'Faculty Members Who Are Not Department Chairs – Current Resume or Vita'. Although Digital Measures is a helpful resource for compiling tenure and promotion materials, the candidate should be free to upload their material.

Additional comments focused on the peer promotion committee and its responsibilities. Specifically, concerns were raised regarding the role of the Committee Chair and whether the evaluation form they submit reflected the will of the committee. The same concern was extended to the Department Chair and whether she/he could possibly advance a promotion recommendation that contravenes the tenure and promotion committee's recommendation.

It was also mentioned that the tenure and promotion committees should operate more prescriptively with secret ballots to preserve the anonymity of each voting committee member. Senator Richardson noted that it appears the comments from the promotion committee might not be seen by decision-makers above the department level. Deans, for example, may see only the Department Chair's comments. Senator Price noted that English has no faculty that can go under the old system. Can a non-tenured faculty member be part of the peer committee?

Senator Franklin recommended that this policy be sent to FAC for analysis/review.

Senator Richardson mentioned that the proposed language appears to involve both minor edits and substantive changes. He mentioned that the Senate could vote on the policy now but task the FAC to look at the overall policy and examine the concerns raised during this meeting. He also suggested the proposal could be sent, as is, to the FAC for review before a Senate vote.

Senator Richardson moved to send the “Proposal for Revisions to Chapter 2 language of the new tenure and promotion policy, and Appendix 2E language of the old tenure and review policy” proposal to the FAC. Senator Kirch seconded the motion.

There were 40 votes in favor of motion. There were no votes in opposition and no abstentions.

C. Proposal for Faculty Handbook revisions to correct broken links and policy titles (SGEC:F)

[See Appendix C](#)

Senator Richardson moved to accept the proposal and Senator Stovall seconded the motion.

There was no discussion regarding this proposal except to clarify that motion was only to approve broken links and policy titles and not the substance of any policies in the Faculty Handbook.

There were 40 votes in favor of the policy. There were no votes in opposition and no abstentions.

X. New Business

A. Consideration of a faculty senate resolution to commend University Health Services and the Covid Recovery Task Force (SGA model attached)

[See Appendix D](#)

The Faculty Senate Executive Committee asked Senator Richardson to draft a resolution. President Williams talked with Ms. Bliss Adkison about preparing a joint resolution with Staff Senate. Currently, ideas for resolutions are numerous and involve an increasing number of contributing parties (e.g., involving Environmental Services, Residence Life, etc.).

Senator Franklin moved to adopt the resolution, and Senator Robertson seconded the motion.

Senator Price expressed the English Department’s opposition to the resolution stressing timing, that COVID is not a “done deal”, as well as some less than favorable actions taken by the CRTF.

Senator Watson motioned that Senators take this proposed resolution back to their respective departments for discussion and that the Senate vote on this matter during its December meeting.

Senator Richardson seconded the motion.

On the motion to postpone a vote on the Senate resolution, there were 39 votes in favor of the motion. There were no votes in opposition and no abstentions.

In closing this matter, Senator Richardson commented that the Senate too rarely employed the motion to amend.

XI. Information items

There were no information items.

Senator Richardson motioned to ask for a 45 day extension on item B under “Old Business” on the current meeting’s agenda (i.e., Proposal for revisions to Chapter 2 language of the new tenure and promotion policy, and Appendix 2E language of the old tenure and review policy (SGEC:F)). Senator Watson seconded the motion.

There were 39 in favor of the motion. There were no votes in opposition and no abstentions.

On a final note, Senators Watson and Infanger were commended regarding their actions to put in place the current online Faculty Senate voting procedure.

XII. Adjourn

Senator Richardson moved to adjourn the meeting. Senator McMullen seconded the motion. The meeting was adjourned at 4:46pm.

Appendix A



Vice President for
STUDENT AFFAIRS

August 7, 2020

MEMORANDUM

To: Dr. Leah Whitten
Shared Governance Executive Committee, Chair 2020-2021 Chair

From: Dr. Kimberly Greenway *KAG*
Vice President for Student Affairs

Re: 2020 Title IX Interim Policy

On May 19, 2020, the United States Department of Education published new Title IX regulations, which become effective on August 14, 2020. The regulations include a number of substantial changes, which will render the UNA Sexual Misconduct policy approved by the Board of Trustees in 2019 invalid as of August 14. In order to meet required compliance, an interim policy was approved by the University Executive Council and became effective on July 27, 2020.

Please find attached the Interim Sexual Misconduct policy. To ensure that the policy is appropriately vetted and approved by Shared Governance, we respectfully submit it to the Shared Governance Executive Committee for consideration and proper distribution through Shared Governance channels.

If you are amenable, Kayleigh Baker, Title IX Coordinator and Compliance Administrator, and I would appreciate the opportunity to speak to SGEC regarding the policy to provide an overview of the substantive changes and what is mandated by the new regulations. She and I are also available to attend Senate and other related meetings. Additionally, we plan to host several informational and question/answers Zoom sessions during the fall semester to ensure broad input from faculty, staff, and students before approval of a final policy.

Thank you for supporting UNA's efforts to remain compliant with federal Title IX regulations. We look forward to working with all appropriate Shared Governance bodies on the newly required policy.

Please let me know if you have any questions or need additional information.

Thank you.

UNA Interim Policy against Sexual Harassment and other Sexual Misconduct

This policy supersedes all other policies that may be listed in the student, staff, and/or faculty handbooks. This policy may be referred to, in its entirety, as UNA's Sexual Misconduct Policy.

Effective Date: July 27, 2020

Table of Contents

I. Title IX Coordinator	2
II. Glossary	2
III. Confidentiality and Privacy	4
IV. Reporting	4
V. Applicable Scope	9
VI. Prohibited Conduct Defined	9
VII. Jurisdiction	17
VIII. Burden of Proof/Standard of Evidence	18
IX. Supportive Measures	18
X. Emergency Removal	19
XI. Grievance Process	19
XII. Advisors	26
XIII. Training and Records	26
XIV. Prevention and Awareness	28
XV. Applicability with state, federal laws	28
XVI. Conflicts of Interests	29
XVII. Inquiries about the Policy	29
XVIII. Revision	30

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Interim UNA Sexual Misconduct Policy 1

I. Title IX Coordinator

The University has designated Kayleigh Baker as the University's Title IX Coordinator. As the Title IX Coordinator, this individual has been authorized to effectively coordinate the University's compliance efforts and responsibilities under Title IX. Further, the Title IX Coordinator oversees implementation and enforcement of this Policy and compliance with all other applicable rules and regulations.

The Title IX Coordinator's contact information is as follows:

Kayleigh Baker, Title IX Coordinator and Compliance Administrator
titleix@una.edu
202 Guillot University Center
UNA Box 5023
Florence, AL 35632
(256) 765-4223

The Title IX Coordinator acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the University President in 110 Bibb Graves Hall, (256) 765-4211.

Any additional reference to the Title IX Coordinator under this Policy should be read to include the Title IX Coordinator or designee.

II. Glossary

1. Advisor: person of a party's choice, who may be an attorney, who may accompany the party during any meeting or proceeding under this Policy
2. Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment or another form of sexual misconduct under this Policy.
3. Days: All references to "days" under this Policy is construed to mean "Business Days" when the University is in normal operation.
4. Decision-Maker: This refers to those who have decision-making and sanctioning authority within the Formal Grievance process.
5. Determination: A conclusion by a preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate policy.
6. Employee: An employee is an individual who receives compensation for work or services for which the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service. For purposes of this Policy, University faculty, staff, and student employees are considered "employees." Volunteers and independent contractors are not considered "employees."
7. Finding: A written conclusion by a preponderance of the evidence, issued by the decision-maker(s), that the conduct did or did not occur as alleged.

Interim UNA Sexual Misconduct Policy 2

8. Formal Complaint: a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or another form of sexual misconduct against a Respondent and requesting that the University investigate the allegation of sexual harassment.
9. Formal Grievance Process: The formal Grievance Process is one method of formal resolution designated by the University to address conduct that falls within this Policy and which complies with the requirements of 34 CFR Part 106.45. All Formal Complaints go through the Formal Grievance Process unless dismissed or an informal or alternative resolution is agreed upon by all parties and the Title IX Coordinator.
10. Grievance Process Pool: This includes any investigators, hearing officers, appeals officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same cases.)
11. Informal Resolution/Alternative Resolution: In lieu of the formal grievance process, upon the agreement of the parties and the Title IX Coordinator, a formal complaint may be resolved via an informal or alternative resolution. This could include an alternative mechanism such as mediation or restorative justice, situations in which the Respondent accepts responsibility for violation Policy, or when the Title IX Coordinator can resolve the matter by providing supportive measures to remedy the situation.
12. Notice: Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
13. Notice of Investigation and Allegations: Notice of allegations of Prohibited Conduct is deemed to have been properly provided when written notification of the allegations and alleged code of conduct violation is sent to the student's assigned University of North Alabama email address, delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official University records, or personally delivered to the student. University email (userID@una.edu) is the University's primary means of communication with students, staff, and faculty. Students, staff, and faculty are responsible for all communication delivered to their University email address.
14. Parties: Parties include the Complainant(s) and Respondent(s), collectively.
15. Respondent: An individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
16. Student: A student, under this Policy, is any individual who has accepted an offer of admission or who has registered or enrolled in coursework or University education programs, including, but not limited to, SOAR and Study Abroad, or anyone who otherwise is participating in, or attempting to participate in the University's education programs or activities as a student and who maintains an ongoing relationship with the University.
17. Title IX Team: This includes the Title IX Coordinator, all staff in the Office of Title IX, any deputy coordinators, and anyone in the Grievance Process Pool.

18. University Provided Advisor: A person, who may be, but is not required to be, an attorney, provided by the University, without fee, to any party, to conduct cross-examination on behalf of that party at a live hearing before the Decision-makers.

III. Confidentiality and Privacy

Information learned through a report or Investigation under this Policy is kept as private as possible and shared only on a need to know basis in order to comply with state or federal laws or to assist in the active review, investigation, or resolution of the report and related issues. University employees and/or agents assisting with any alleged Prohibited Conduct falling under this Policy are expected to safeguard private information in accordance with applicable laws (including, but not limited to, FERPA and other privacy laws). Information about incidents of alleged Prohibited Conduct must be shared with relevant administrators if the Title IX Coordinator determines that the University needs to take action in order to provide a safe and non-discriminatory environment for the entire campus community, but that disclosure will be as limited as possible.

Nothing in this Policy should be construed to unreasonably or unlawfully limit a party's ability to prepare for, or participate in, the process used to address potential violations of this Policy. Notwithstanding, the concern for privacy extends to the parties, advisors, and witnesses. The misuse of information provided by the Office of Title IX, including the disclosure, duplication, or dissemination of information for a purpose unrelated to the gathering of evidence and/or witnesses or otherwise not for the purpose of participating or preparing for the Investigation may result in violations under this Policy.

IV. Reporting

The University of North Alabama takes allegations of Prohibited Conduct under this Policy seriously and is committed to taking immediate action to combat Prohibited Conduct, prevent its recurrence, and remedy its effects. The University will address all reports under this Policy with a prompt, thorough, and impartial inquiry to determine what is more likely than not to have occurred and to take appropriate steps to resolve the situation and determine an equitable resolution.

1. Prompt Reporting

There is no time limit on reporting or filing complaints of violations of this Policy; however, prompt reporting is encouraged. The University strongly encourages individuals to timely report alleged incidents of Prohibited Conduct or related retaliation to the Office of Title IX and to law enforcement agencies. Timely reporting of alleged Prohibited Conduct allows the University to take steps toward ending the Prohibited Conduct, preventing its recurrence, and remediating its effects. With regard to criminal investigations, preservation of evidence (such as clothing, bodily fluids, and other physical evidence) may strengthen law enforcement's ability to investigate.

A delay in reporting may limit the University's ability to pursue a formal investigation in certain circumstances. Further, a delay in reporting may limit the University's ability to address inappropriate behavior. Delays may also mean that certain witnesses, evidence, and/or parties are no longer affiliated with or available to the University. Regardless, as previously stated, there is no time limit to report violations under this Policy.

2. Reporting to Law Enforcement

A Complainant has the option to speak with the University Police Department (UPD) or local law enforcement about the alleged Prohibited Conduct. A Complainant may alternatively or additionally notify the Office of Title IX, another Official With Authority (OWA), or other University employees about the incident. These campus representatives can also assist the Complainant with contacting law enforcement if the Complainant would like to file a formal criminal complaint; however, a Complainant is not required to report to law enforcement. The initial decision to report the alleged Prohibited Conduct to anyone ultimately rests with the Complainant.

The University encourages individuals to immediately report acts or threats of sexual assault/rape, dating and domestic violence, sexual exploitation, stalking, or any dangerous behavior to UPD, local police authorities, or law enforcement where the alleged incident took place. Law enforcement agencies can be contacted by calling Emergency 911. UPD may be contacted in the Basement of Keller Hall, University of North Alabama; www.una.edu/police; 256-765-4357.

Local law enforcement agencies are not required to share with the University when they receive notice of an alleged incident (Florence Police Department, Muscle Shoals Police Department, Lauderdale County Sheriff's Office, Colbert County Sheriff's Office, etc). Therefore, to enable the University to assist a Complainant with supportive measures, individuals who have contacted law enforcement are encouraged to also report to the Title IX Coordinator.

3. Reporting to the Title IX Coordinator, other Officials with Authority, and Mandated Reporters

The Title IX Coordinator and all staff in the Office of Title IX can receive complaints of Prohibited Conduct. Reports may also be made to the following individuals who have been identified as Officials with Authority (OWAs):

- Members of the Shared Governance Executive Council
- Assistant Vice President for Human Resources
- Associate Vice President for Student Affairs
- Director of Student Conduct
- Title IX Coordinator and Compliance Administrator

Reports under this policy may be made directly to the Title IX Coordinator by phone, email, in-person, through the mail, or online¹. Contact information for the Title IX Coordinator is:

Kayleigh Baker, Title IX Coordinator and Compliance Administrator
titleix@una.edu
202 Guillot University Center
UNA Box 5023
Florence, AL 35632
(256) 765-4223
www.una.edu/titleix

The Office of Student Conduct professional staff can also receive complaints of Prohibited Conduct when the Respondent is a University student. Contact information for the Office of Student Conduct is available at www.una.edu/student-conduct

The Office of Human Resources can also receive complaints of Prohibited Conduct involving faculty, staff, or student employees. Contact information for the Office of Human Resources is available at www.una.edu/humanresources

All employees of the University (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.²³ Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party. Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University. Supportive measures may be offered as the result of such disclosures without formal University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply.

¹ Reports may be made online at: <https://www.una.edu/titleix/reporting.html>

² When a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

³ A Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

4. Confidential Resources

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials. They can offer options and advice without any obligation to inform an outside agency or campus official unless a Complainant has requested information to be shared. Therefore, those individuals whose offices have been designated as a "Confidential Resource" are not Mandated Reporters and are not required to make reports to the Title IX Coordinator. However, these individuals are encouraged, in appropriate circumstances, to recommend that the Complainant contact the Office of Title IX.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following on-campus Confidential Resources:

- Student Counseling Services 256-765-5215
- University Health Services 256-765-4328
- Women's Center 256-765-4380
- Center for Social Inclusion 256-765-5137
- University Case Manager 256-765-4531

For the most up to date list of on-campus Confidential Resources, as well as Community Resources, please visit www.una.edu/titleix

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. For UNA students, licensed counselors from Student Counseling Services are available to assist UNA students. Students can be seen by appointment or on a walk-in basis for crisis intervention during usual UNA operating hours.⁴

For UNA employees, counseling benefits are available through a Blue Cross Blue Shield (BCBS) provider. To obtain provider information, visit <https://www.una.edu/humanresources/benefits/health-insurance.html> to view the providers.

5. Student Organizations and Teams

The grievance process described in this Policy will be utilized related to violations by the individual(s) implicated in a formal complaint. If evidence discovered in an investigation proves the incident(s) constituting Prohibited Conduct were sanctioned by a student

⁴ In instances where in-person counseling is not available for an extended period of time, such as during times where the University may rely exclusively on remote learning, Student Counseling Services may offer tele-mental health services. Tele-mental health services may be limited to those students residing in the State of Alabama due to licensure requirements. The Office of Title IX or Student Counseling Services may be able to assist out-of-state students in finding alternate resources in these circumstances.

organization or team, a follow-up investigation into the organization's role may be undertaken. For more information about Student Organizational Misconduct, please refer to the Student Code of Conduct.

6. Amnesty for Parties and Witnesses

The University of North Alabama community views the safety of our students as a top priority. A student who is under the influence of alcohol or drugs at the time of an incident should not be reluctant to seek assistance or participate in an investigation for that reason. The University will not pursue minor disciplinary violations against a student for their improper use of alcohol or drugs (e.g., underage drinking) if the student makes a good faith report of Prohibited Conduct or participates in a Title IX investigation. These policy violations will not be overlooked; however, rather than punishment, the University will provide education options and referrals. For more information, please visit, <https://www.una.edu/policies/medical-amnesty--good-samaritan-policy.html>

7. Mandatory Reporting of Child Abuse to UPD

For child protection purposes, a child is any person under 18 years of age. A freshman student, a "dual enrolled" high school student, or a summer camp participant, among others, may fall into the category of a "child." Alabama law imposes a mandatory reporting duty of known or suspected child abuse on certain individuals, including all University employees, who must report to UPD. The University further encourages those with responsibilities that involve interaction with children, including students, volunteers, and representatives as well as third-party vendors and their employees, representatives, and/or volunteers, that contract for use of University facilities to report (orally and then in written form) known or suspected child abuse to UPD. Sexual abuse, which is one element of the more comprehensive term "abuse" under the Alabama law, includes actual or attempted rape, molestation, sexual exploitation, etc. To review additional information relating to reporting potential child abuse, including how to report to UPD, please visit the Office of Title IX's website.

8. Federal Statistical Reporting Obligations

Reports under this Policy may also be reportable for Federal Statistical Reporting Purposes under the Clery Act. Campus Security Authorities (CSAs), including the Title IX Coordinator, have a duty to report statistical information regarding sexual assault, domestic violence, dating violence and stalking reports to UPD. All personally identifiable information is kept confidential, but information regarding the type of incident and its general location is required for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

For further information about Campus Security Authorities, the Annual Report, or obligations under the Clery Act, please contact UPD.

V. Applicable Scope

Students, staff, administrators, and faculty are entitled to a working and educational environment free of sexual harassment and other forms of sexual misconduct. When an alleged violation of this Policy is reported, the allegations are subject to resolution under the University's grievance process as determined by the Title IX Coordinator.

When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant. The community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures accompanying this Policy may be applied to incidents, patterns, and/or to campus climate, all of which may be addressed and investigated in accordance with this Policy. Other forms of discriminatory harassment may be addressed by procedures set out in accordance with other University policies.

As explained in the University's Faculty Handbook, Prohibited Conduct under this Policy

Faculty members with property interests

As set out in the Faculty Handbook, in certain situations faculty members may have a property interest in their jobs in the form of tenure or a set amount of time remaining on a contract. Therefore, to assure the protection of individual rights and due process in actions involving the disciplinary suspension, dismissal, or other termination for cause (see Faculty Handbook 2.6.2, Termination for Cause), faculty members are entitled to procedural due process. As outlined in the Faculty Handbook, 2.8, Title IX grievances are exceptions to the Due Process procedures outlined within the Faculty Handbook and instead fall under this Policy (i.e. the Title IX grievance process will be followed rather than the procedures explained in section 2.8 of the Faculty Handbook). A Title IX violation under this Policy may result in the revocation of tenure and/or termination without any additional hearing.

VI. Prohibited Conduct Defined

For purposes of this Policy, conduct, or attempted conduct, that is deemed, by a preponderance of the evidence to be sex or gender-based and meets the definitions of any of the types⁵ of Prohibited Conduct identified below constitutes a violation of this Policy.

1. Type 1 Prohibited Conduct: Sexual Harassment and Retaliation

⁵ Pursuant to 34 CFR part 106, certain types of sexual misconduct, specifically, sexual harassment require certain procedural components. This is illustrated in this Policy's accompany procedures. Under certain circumstances, federal regulations require technical dismissals of conduct that is outside of 34 CFR part 106; however, that conduct is permitted to, and in fact would, violate other aspects of this Policy. Therefore, in order to ensure clear compliance with 34 CFR part 106, the University of North Alabama has divided this Policy into types based on whether or not it falls under Sexual Harassment as defined by 34 CFR part 106. Except to the extent required by the federal regulations, whether the Prohibited Conduct is Sexual Harassment as defined by 34 CFR part 106 or another form of sexual misconduct, there is no other distinction between Type 1 and Type 2 prohibited conduct. One level of conduct is not "better" or "worse" than another in the eyes of the Title IX Coordinator or the University.

Interim UNA Sexual Misconduct Policy 9

The Department of Education's Office for Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC) regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. The University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking as defined below.

- a. Quid Pro Quo sexual harassment: Under this Policy, quid pro quo sexual harassment occurs when, on the basis of sex, an employee of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual or sex- and/or gender-based⁶ conduct.

Examples of aid, benefit, or service include, but are not limited to: an individual's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual. Violations of the University's Consensual Relationship Policy may also be deemed instances of "unwelcome sexual conduct" and therefore constitute Quid Pro Quo sexual harassment.

- b. Hostile Environment sexual harassment: Under this Policy, hostile environment sexual harassment occurs when unwelcome sexual or sex- and/or gender-based⁷ conduct occurs that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
- c. Sexual Assault:⁸ Under this Policy, sexual harassment in the form of sexual assault occurs when the following incidents of forcible and non-forcible sex offenses occur.

Forcible sex offenses are defined as any sexual act, directed against another person, without the consent of the Complainant, including instances where the

⁶ Includes gender.

⁷ Includes gender.

⁸ Defined in 20 USC 1092(f)(6)(A)(v)

Complainant is incapable of giving consent. Forcible sex offenses include the following:

- i. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- ii. Sodomy is oral or anal sexual intercourse with another person without the consent of the Complainant.
- iii. Sexual assault with an object occurs when an object or instrument is used to penetrate, however, slightly, the genital or anal opening of the body of another person, without the consent of the Complainant.
- iv. Fondling is the touching of the private body parts of another person, including the buttocks, groins, and breast, for the purpose of sexual gratification without the consent of the Complainant.

Non-forcible sex offenses include:

- v. Incest is nonforcible sexual intercourse between persons who are related to each other as prohibited under the laws of the state in which the intercourse occurs.
- vi. Statutory Rape is nonforcible sexual intercourse with a person who is under the statutory age of consent in the state in which the intercourse occurs.⁹

- d. Dating Violence:¹⁰ Under this policy, sexual harassment in the form of dating violence occurs when, on the basis of sex, violence, or sexual violence, is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the parties' statements and with consideration of:
 - i. the length of the relationship,
 - ii. the type of relationship, and
 - iii. the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

- e. Domestic Violence:¹¹ Under this policy, sexual harassment occurs in the form of Domestic Violence when, on the basis of sex, any felony or misdemeanor crimes of violence are committed:

⁹ In Alabama, this would include individuals under the age of 16

¹⁰ Defined in 34 USC 12291(a)(1)

¹¹ Defined in 34 USC 12291(a)(8)

- i. by a current or former spouse or intimate partner of the Complainant,
 - ii. by a person with whom the Complainant shares a child in common,
 - iii. by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner,
 - iv. by a person similarly situated to a spouse of the Complainant under Alabama law, or
 - v. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Alabama.
- f. Stalking:¹² Under this policy, sexual harassment occurs in the form of stalking when, on the basis of sex, a person engages in a course of conduct directed at a specific person that would cause a reasonable person to:
- i. Fear for the person's safety or the safety of others; or
 - ii. Suffer substantial emotional distress.

For the purposes of this definition:

- i. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- g. Retaliation:¹³
- i. It is prohibited for the University or any member of the University community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.
 - ii. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.
 - iii. Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the

¹² Defined in 34 USC 12291(a)(30)

¹³ As defined under 34 CFR part 106

same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

- iv. The exercise of rights protected under the First Amendment does not constitute retaliation.
- v. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

2. Type 2 Prohibited Conduct: Sexual Misconduct

- a. **Sexual Contact:** any non-consensual intentional touching or physical contact, or attempts thereof, that is done for the purpose of the Respondent or a third-party's sexual gratification or arousal. This definition is not limited to the touching or contact of a Complainant's private or intimate parts, if a sexual purpose can otherwise be established. For example, the touching of a non-intimate body part on a Complainant (i.e. feet) while the Respondent is touching his own private part, if done non-consensually, would violate this policy.
- b. **Sexual Exploitation:** Under this policy, sexual exploitation occurs when there is the taking or attempted taking of non-consensual sexual advantage of another for one's own advantage or benefit or to benefit a person other than the one being exploited.

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

- i. Causing or attempting to cause the incapacitation of another individual for sexual purposes;
- ii. Electronically recording, videoing, photographing, or transmitting sexual sounds or images of another individual against that person's will or without their consent;
- iii. Allowing a third-party to observe sexual acts without all parties' consent;
- iv. Prostituting another individual for one's or another's gain;
- v. Exposing one's genitals for the purpose of sexual gratification without consent;
- vi. Intentionally exposing another's genitals or intimate body parts without their consent;
- vii. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy); or

- viii. Knowingly exposing another individual to a sexually transmitted disease/infection or HIV without their consent.

3. Type 3 Prohibited Conduct:

a. Making False Statements

- i. It is a violation of this Policy to report intentionally dishonest or malicious allegations of Prohibited Conduct. If a complaint is brought in bad faith as demonstrated by a preponderance of the evidence, disciplinary action may be taken against the person making the complaint. In addition to violating this Policy, a person filing a bad faith report of Prohibited Conduct may be in violation of other University policies or state law.
- ii. A determination regarding Responsibility, alone, is not sufficient to conclude that any party made a false statement in bad faith.

b. Failure to Comply

- i. Failure to comply means a failure to comply with directions of University officials, who include, but are not limited to, any employee of the Office of Title IX Office or any other member of the Title IX team.
 - ii. For purposes of this Policy, failure to comply includes a failure to comply with a No Contact Order or other directive issued by the Title IX Office or Title IX team in response to a report of alleged Prohibited Conduct where the individual's failure to comply directly impacts the other party or parties to the No Contact Order. Failure to comply also includes disseminating documents received in the Grievance Process for an unauthorized purpose.
- c. For students and student organizations, charges resulting from this category Prohibited Conduct will be charged as a violation Section 20 of the Code of Student Conduct - Abuse of Conduct Process.
 - d. For staff, charges resulting from this category of Prohibited Conduct will be charged through Human Resources and will constitute Conduct Warranting Disciplinary Action pursuant to the Staff Handbook.
 - e. For Faculty, charges resulting from this category of Prohibited Conduct will be charged through Human Resources pursuant to the Faculty Handbook.

4. Consent

- a. Consent is clear permission to engage in sexual activity, given knowingly and voluntarily, by words or action.
 - i. While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings.
 - ii. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication prior to engaging in the activity is highly recommended.

- iii. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.
- iv. A lack of resistance does not grant consent.
- v. Previous consent does not grant consent to future sexual acts.
- vi. Consent to some sexual acts cannot be presumed to be consent for other sexual acts.
- vii. A current or previous intimate relationship is not sufficient to constitute consent.
- b. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.
- c. It is the responsibility of the initiator of any sexual activity to obtain their potential partner's consent; however, proof of consent or non-consent is not a burden placed on either party involved in an incident. The University must determine whether a policy has been violated based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances.
- d. Consent to a sexual act is not freely given if the consent is obtained by force or coercion.¹⁴
 - i. Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

- ii. "Coercion" is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on multiple factors, including the type or extent of pressure used. If a person makes clear that they do not want to engage in certain sexual activities or that they want to stop, continued pressure beyond that point may constitute coercion.
- e. Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. Therefore, in situations when the Respondent knew or should have known that the Complainant is physically or mentally incapacitated, any "consent" obtained is invalid. "Should have known" is an

¹⁴ Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual, so any evaluation of communication in kink situations will be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation is based on the totality of the circumstances and all relevant indicators of an individual's state of mind. Situations wherein an individual is deemed to have an inability to give consent in situations where the individual is include:

- i. Incapacitated due to alcohol, drugs, or other substances including, but not limited to, prescription medications;
 - A. Determining consent when alcohol or other drugs are involved: In incidents involving alcohol, drugs, or other substances, the totality of the circumstances is analyzed to determine whether the use of alcohol, drugs, or other substances caused an inability to make rational, reasonable decisions about sex activity. Whether a Respondent knew or reasonably should have known of the Complainant's inability to give knowing consent is an element of the policy violation. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent if that individual is the one who initiates sexual activity. Incapacitation differs from drunkenness or intoxication. Incapacitation is a state where an individual cannot make a rational, reasonable decision because they lack the capacity to make informed judgments about the situation.

Some factors considered to determine whether an individual is incapacitated due to alcohol, drugs, or other substances and therefore not able to give consent include, but are not limited to:

- o whether the individual was conscious or unconscious,
 - o whether the individual became sick due to intoxication,
 - o the individual's ability to communicate and/or slurred speech,
 - o the individual's coordination (ex. ability to walk, dress/undress, perform simple tasks),
 - o and any other action that would be indicative of a level of cognitive functioning.
 - o The existence of any one of these factors may support a finding of incapacitation for purposes of this policy. The mere presence of alcohol, drugs, or other substances does not equate to an inability to give consent. Stated differently, it is possible for an individual to have alcohol, drugs, or other substances in their system and not be incapacitated.
- ii. Unconscious, asleep, or in a state of shock.
- iii. Under the age of consent as defined by the jurisdiction in which the act occurred, which, in Alabama, is less than 16 years of age.
- iv. Mentally or physically incapacitated and not reasonably able to give consent.

Interim UNA Sexual Misconduct Policy 16

5. Collateral Conduct

- a. In the event that an allegation of an additional University policy violation, such as a violation of the Code of Student Conduct, arises out of the same facts or circumstances of a violation under this Policy, all related offenses may be addressed under this Policy as collateral behavior at the discretion of the Title IX Coordinator.

VII. Jurisdiction

1. For Type 1 Prohibited Conduct, the University has jurisdiction under 34 CFR Part 106 and this Policy when the conduct occurs:
 - a. In the United States, and
 - b. As part of a University's education program or activity, including
 - i. On-campus locations,
 - ii. Off-campus locations that are owned or controlled by a University Registered Student Organization, or
 - iii. Off-campus locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurs
2. Jurisdiction, generally
 - a. Notwithstanding the considerations under subsection (1), the University retains jurisdiction to address all categories of prohibited conduct under this Policy when:
 - i. The Respondent is a University student, staff-member, or faculty-member;
 - ii. The conduct occurs on-campus or at a University-sponsored event; or
 - iii. The conduct directly relates to a University investigation under this or a related University Policy.
 - b. Online Harassment and Misconduct: This Policy is written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the University's education program and activities or use University Networks, technology, or equipment. While the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the Title IX Coordinator, the University will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via SnapChat or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the University community.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the University's control (e.g., not on University networks, websites, or between University email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline. Off-campus harassing speech by employees, whether online or in person, may be regulated by the University only when such speech is made in an employee's official or work-related capacity.

3. With regard to allegations of Prohibited Conduct as outlined herein, this Policy will supersede all other policies and procedures. Where there is a delayed report of Prohibited Conduct, the Policy in effect on the date of the alleged incident will be applied with regard to what is considered Prohibited Conduct the procedures in effect on the date of the report will be applied with regard to the applicable procedures. If an investigation involves multiple reports of Prohibited Conduct where it would be appropriate to consider all reports with regard to a totality of the circumstances analysis, the Policy in effect as of the date of the most recent alleged Prohibited Conduct will be applied unless the previous conduct would not have constituted a policy violation.

VIII. Burden of Proof/Standard of Evidence

1. Burden of proof, including the burden of production, rests on the University. This means that the University is obligated to prove any and all allegations of Prohibited Conduct brought forth under this Policy and obligated to come forward with sufficient evidence to support any determination made. However, nothing in this policy should be interpreted to place any restrictions on the ability of any party to gather and present relevant evidence.
2. All cases pursuant to this Policy will be determined based on the preponderance of the evidence standard (i.e. whether it is more likely than not that the Respondent committed each alleged violation).
3. Unless ultimately proven otherwise pursuant to the standards and processes of this Policy and any related grievance process, individuals accused of Prohibited Conduct are presumed to be not responsible for any alleged violation.

IX. Supportive Measures

1. Supportive measures are non-disciplinary, non-punitive, and individualized services offered as appropriate, as reasonably available, without fee or charge to the parties before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.
2. The University will institute supportive measures to the parties upon receiving a formal complaint or to a Complainant once a report is brought forth to the Title IX Coordinator.

At the time that supportive measures are offered, the Title IX Coordinator will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already.

3. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The grievance process is not initiated, though the Complainant can elect to initiate it later, if desired.
4. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
5. Supportive measures will be provided confidentiality, to the extent they can be, without interfering with the University's ability to provide the supportive measures, and will always be provided in a way that is as private as possible.
6. Support measures will be implemented under this Policy pursuant to procedures developed by the Title IX Coordinator.

X. Emergency Removal

1. After a complaint has been received, the Title IX Coordinator may remove a Respondent from University education programs and/or activities on an emergency basis, if an individualized safety and risk analysis determines:
 - a. An immediate threat
 - b. To the physical health OR safety of
 - c. Any student or other individual
 - d. And that the threat arises from the allegations under this Policy
2. If, after an individualized safety and risk analysis, an Emergency Removal occurs, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.
3. Procedures for conducting the individualized safety and risk analysis will be determined by the Title IX Coordinator, in coordination with appropriate University offices.
4. Procedures for conducting the opportunity to challenge the decision will be determined by the Title IX Coordinator.
5. Non-student employee Respondents may be placed on Administrative Leave during the pendency of any investigation under existing University policies and procedures regardless of the outcome of any individualized safety and risk analysis.

XI. Grievance Process

1. Grievance Process, generally
 - a. The formal grievance process and accompanying procedures are used after the signing of a Formal Complaint. The formal grievance process continues until there is a final resolution under the grievance process, the Formal Complaint is dismissed, or an informal resolution is agreed to, adopted, and completed.
 - b. All meetings, discussions, and/or hearings that occur as part of the Grievance Process are closed to the general public.

- c. All parties will have the same opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
 - d. The University sets out to resolve all Formal Complaints, including appeals and the completion of any Informal Resolutions, in a reasonably prompt manner. In most instances, this is accomplished within 90 days from the time the Formal Complaint has been filed.
 - e. Delays for good cause are allowed under this Policy pursuant to procedures developed by the Title IX Coordinator so long as:
 - i. Any extension for good cause is a limited extension (i.e. not indefinite) and
 - ii. Written notice is provided to all parties for the reason for delay.
2. Filing of a Formal Complaint
- a. Upon receipt of a report of sexual harassment or sexual misconduct under this Policy, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, with or without the filing of a Formal Complaint. The Title IX Coordinator will also explain to the Complainant the process for filing a Formal Complaint. If a Formal Complaint is not filed at this time, it may be filed at a later time. There is no time limit for filing a Formal Complaint.
 - b. A Formal Complaint may only be filed by the Complainant¹⁵ or the Title IX Coordinator, on behalf of the Complainant. The Title IX Coordinator may file a Formal Complaint on behalf of the Complainant if the Title IX Coordinator makes a determination that a Formal Complaint should be filed pursuant to the procedures developed under this Policy by the Title IX Coordinator.¹⁶
 - c. If a Formal Complaint is pursued, the investigation and grievance process will determine whether or not any Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.
3. Dismissal/Consolidation of a Formal Complaint:
- a. In the case of an allegation of Type 1 Prohibited Conduct, the Title IX Coordinator will dismiss the formal complaint if:
 - i. The Complainant was not participating or attempting to participate in the University's education program or activities at the time the Complaint was filed, or
 - ii. A determination is made that the conduct, even if proved:

¹⁵ In the case where a parent or guardian has a legal right to act on behalf of any party, or other individual, this Policy does not limit their ability to do so. This would include the ability to file a formal complaint.

¹⁶ If the Title IX Coordinator signs a Formal Complaint, this does not make the University or the Title IX Coordinator a party in the Grievance Process. The Complainant would still be offered supportive measures and the opportunity to participate in all aspects of the Grievance Process, including the hearing.

- A. Would not satisfy the definitions under Type 1; or
 - B. Did not occur in the University's education program or activity; or
 - C. Did not occur in the United States.
- iii. If the Title IX Coordinator must dismiss the formal complaint with regard to the Type 1 Prohibited Conduct, the allegation may be pursued elsewhere under any applicable section of this or any other University Policy.
- b. The Title IX Coordinator will consider dismissing the formal complaint if:
 - i. The Complainant notifies the Title IX Coordinator, in writing, that they would like to withdraw the Formal Complaint; and/or
 - ii. The Respondent is no longer enrolled or employed by the University; and/or
 - iii. The University is unable to gather evidence sufficient to reach a determination as to the formal complaint and the allegations therein.
- c. For prohibited conduct that falls outside of Type 1, permissive dismissals are permitted under the Policy for any of the above reasons and pursuant to any additional procedures developed by the Title IX Coordinator.
- d. Any dismissal must be accompanied by prompt written notice to all parties indicating the dismissal and the reasons why.
- e. Following a dismissal, all parties will have the option to appeal based on any of the following grounds:
 - i. Procedural irregularity that affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time the dismissal was made, that could affect the outcome of the matter; OR
 - iii. The Title IX Coordinator, investigator(s), or decision-maker(s), had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
 - iv. Any other appeals rights may be permitted under this Policy pursuant to procedures developed by the Title IX Coordinator so long as:
 - A. All parties are notified in writing when an appeal is filed and given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
 - B. Appeal procedures are implemented equally for all parties,
 - C. Appellate decision-makers will not be the same person or person(s) as the decision-maker that reached the determination for responsibility
 - D. Appellate decision-makers will issue a written determination, provided simultaneously to the parties, describing the result of the appeal and the rationale for the result
 - E. The same person will not hear both an appeal of a dismissal and an appeal of a hearing result.
- f. If all or a portion of a formal complaint is dismissed as described above, any remaining allegations under this Policy will continue using an appropriate

grievance process set out under this Policy. Likewise, a claim may be dismissed under this policy and referred to or reinstated by another University department for investigation.

- g. Consolidation of complaints may be permitted, at the discretion of the Title IX Coordinator, under the following circumstances:
 - i. When there are allegations by one Complainant against more than one Respondent;
 - ii. When there are multiple complaints against the same Respondent;
 - iii. When there are allegations against each party brought by the other party;
or
 - iv. When the allegations otherwise arise out of the same facts or circumstances.

4. Investigation

- a. After the receipt of a formal complaint, a Notice of Investigation and Allegations (NOIA) will be sent to the parties. Notice will include:
 - i. Sufficient details known at the time, including:
 - A. Identities of the parties involved in the incident,
 - B. The conduct allegedly constituting Prohibited Conduct, and
 - C. The date and location of the alleged incident.
 - ii. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - iii. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, as described under this Policy.
 - iv. Inform the parties that they may inspect and review evidence as described under this Policy.
 - v. Inform the parties of prohibitions, under this Policy or any other, against knowingly making false statements or knowingly submitting false information during the grievance process.
 - vi. Provide notice of any additional allegations added after the initial Notice
 - vii. Include time to prepare a response before any initial interview.
- b. The Title IX Coordinator will assign one or more Investigators to meet with the parties and witnesses, gather evidence, and otherwise conduct the Investigation.
- c. Evidentiary Review
 - i. Once the investigator(s) has made reasonable attempts to obtain all relevant inculpatory and exculpatory evidence, the Investigator will sort information into three types of groups: relevant, irrelevant but directly related, and neither relevant nor directly related.
 - A. Relevant information is that which either could prove or disprove an issue in the complaint. Relevant information is the information that the Investigator will use to draft the Investigative Report.
 - B. Irrelevant information may be directly related when it is connected to the complaint, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and as

such, it will not be relied upon in creating the Investigation Report; however, parties will have the opportunity to review this category of evidence.

- C. Evidence that is neither relevant nor directly related is not shared with any party.
- ii. After the Investigator(s) have sorted the evidence and begun working on the Investigative Report, the parties will be given a reasonable opportunity to review and respond, in writing, to all directly related evidence obtained.
- iii. Each party will have a minimum of 10 days to review the evidence.
- iv. Each party, along with their advisor(s), will have the opportunity to review and respond to all directly related evidence collected pursuant to procedures developed under this Policy by the Title IX Coordinator.
- d. After all parties have had a minimum of 10 days to review all evidence collected, the Investigator(s) will prepare the Investigative Report.
 - i. The Investigative Report will include all relevant evidence collected during the investigative stage.
 - ii. The Investigative Report will include other information, as deemed necessary by the Investigator(s), pursuant the procedures developed under this Policy by the Title IX Coordinator.
 - iii. Each party, and their advisor, will receive a copy of the Investigative Report and have the opportunity to review and respond to the Report.
- 5. The investigation will be followed by a live-hearing.¹⁷
 - a. The live-hearing will be conducted no sooner than 10 days after each party, and their advisor, received a copy of the Investigative Report.
 - b. The hearing will be recorded. A recording and/or a transcript of any live hearing will be made available to the parties for inspection and review.
 - c. The hearing may be overseen by a non-voting Hearing Administrator.¹⁸
 - d. The hearing will consist of three individuals who serve as "decision-makers."
 - i. The Title IX Coordinator is prohibited from serving as a decision-maker.
 - ii. Any Title IX Investigators who investigated a case are prohibited from serving as decision-makers.
 - iii. Individuals who have served as an Advisor to any party in the case are prohibited from serving as decision-makers.
 - e. In situations where questioning is required or permitted, all questioning must be conducted by the party's advisor.
 - f. The decision-makers, after making a determination of responsibility, will issue a Finding, simultaneously, to all parties. It must include
 - i. The allegations;
 - ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the

¹⁷ As required under 34 C.F.R. Part 106

¹⁸ At times, if no other conflict occurs, the Title IX Coordinator may serve in this role.

- parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - iii. Findings of fact supporting the determination;
 - iv. A statement of, and rationale for, the result as to each allegation including:
 - A. Any disciplinary sanctions the University imposes on the respondent, and
 - B. Whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the Office of Title IX to the Complainant
 - g. Procedures will be developed pursuant to this Policy by the Title IX Coordinator
- 6. Appeals
 - a. All parties will be entitled to appeal based on the following grounds:
 - i. Procedural irregularity that affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time of the determination regarding responsibility, that could affect the outcome of the matter; and/or
 - iii. The Title IX Coordinator, investigator(s), or decision-maker(s), had a conflict of interest or bias for or against complainant or respondents generally or the individual complainant or respondent that affected the outcome of the matter
 - b. In faculty cases, after a sanction including the revocation of tenure is issued, each party will have an automatic opportunity to appeal the sanction to the University provost, or designee.
 - c. All appeals require that:
 - i. All parties are notified in writing when an appeal is filed and given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
 - ii. Appeal procedures are implemented equally for all parties,
 - iii. Appellate decision-makers will not be the same person or person(s) as the decision-maker that reached the determination for responsibility
 - iv. Appellate decision-makers will issue a written determination, provided simultaneously to the parties, describing the result of the appeal and the rationale for the result
- 7. Informal Resolutions
 - a. For Type 1 Prohibited Conduct:
 - i. The University will not offer an Informal Resolution process unless a Formal Complaint is filed.
 - ii. In instances where a Formal Complaint has been filed and the Respondent is an employee and one or more Complainants are students, Informal Resolutions will not be offered.
 - b. For Type 2 Prohibited Conduct:
 - i. Informal Resolutions may be offered at any time after a report of Prohibited Conduct is received by the Title IX Coordinator.

- c. Informal Resolutions and Alternative Resolutions require the agreement of all parties and the Title IX Coordinator.
 - d. The University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section.
 - e. Informal Resolutions are otherwise permitted under the Policy pursuant to procedures developed by the Title IX Coordinator.
8. Sanctions and Remedies
- a. Following any determination of Responsibility under this Policy, the University may implement Sanctions and/or Remedies.
 - b. After a determination is made by the decision-maker(s) that a Respondent is responsible for a policy violation, the decision-maker(s) may review additional information for the limited purpose of determining sanctions, including, but not limited to:
 - i. Written impact statements prepared and provided, in advance, from any parties;
 - ii. Circumstances surrounding or contributing to the incident, including the inherent severity of the incident, whether the behavior intentional, or premeditated and whether there was physical violence or a weapon involved;
 - iii. Factors specific to the Respondent, such as a history of misconduct, evidence of a pattern of behavior, and/or multiple violations within the same occurrence; and
 - A. In the case of a faculty Respondent, after determining that a responsible finding is forthcoming, the decision-maker(s) will make a recommendation on sanctions to the Vice Provost. The Vice Provost will consult with the Dean of the faculty member's college and review any relevant employee files in determining whether to agree with or deviate from the decision-maker(s) sanction. The Vice Provost will return their determination regarding sanctions, and a rationale for such sanctions and any deviation from the decision-maker(s) recommendation, to the decision-maker(s) in no more than 10 days.
 - iv. Whether any additional mitigating, aggravating, or compounding factors are at play.
 - c. Sanctions may be implemented pursuant to the specifications laid out in the accompanying procedures to this Policy. Those procedures will also include a non-exhaustive list of sanctions pursuant to the following ranges:
 - i. A staff member found responsible for violation of this Policy is subject to sanctions up to and including termination from the University.
 - ii. A faculty member found responsible for violation of this Policy is subject to sanctions up to and including the revocation of tenure and/or termination from the University.

- iii. A student found responsible for violation of this Policy is subject to sanctions up to and including expulsion from the University.
- iv. A student organization found responsible for violation of this Policy is subject to sanctions including deactivation, de-recognition, and loss of all privileges for a specified or indefinite amount of time.
- d. Remedies are designed to restore or preserve a Complainant's equal educational access if a Respondent is found responsible for Prohibited Conduct under this Policy. The Title IX Coordinator is responsible for effectively implementing remedies. Upon finding a Respondent in violation of this Policy, remedies will be provided to the Complainant pursuant to the specifications laid out in the accompanying procedures to this Policy.

Remedies may include:

- i. Permanent one-sided No-Contact Orders, preference in class registration; preference in student-group, club, or athletics participation;
- ii. Counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- iii. The continuation or implementation of any service the Complainant could have been eligible for or was receiving as Supportive Measures.
- iv. Other remedies determined by the Title IX Coordinator.

XII. Advisors

1. Each party is required to have an Advisor present during the live hearing. It will be the responsibility of the Advisor to conduct questioning for the party at the live hearing. All questioning is subject to procedures developed by the Title IX Coordinator.
2. The University will provide an Advisor to any party who does not otherwise have an Advisor present for any reason at the time of the live hearing. This Advisor will be provided under this Policy pursuant to procedures developed by the Title IX Coordinator.
3. Aside from the live hearing, a party is permitted, but not required, to use an Advisor under this Policy pursuant to procedures developed by the Title IX Coordinator.
4. Any Advisor under this Policy may be, but is not required to be, an attorney.

XIII. Training and Records

1. Members of the Title IX Team will be trained on an annual basis.
 - a. The University will provide training under this policy pursuant to procedures developed by the Title IX Coordinator to the following individuals:
 - i. Title IX Coordinator(s), including Deputy Title IX Coordinators
 - ii. Title IX Investigators
 - iii. Decision-Makers
 - iv. Appeals Officers

Interim UNA Sexual Misconduct Policy 28

- v. Facilitators of Informal Resolutions
 - vi. University-provided Advisors
 - b. The University will provide training to the above-listed individuals under this policy pursuant to procedures developed by the Title IX Coordinator on the following topics:
 - i. The definition of Sexual Harassment under 34 CFR 106.30;
 - ii. The scope of the University's education program and activity;
 - iii. Conducting an investigation;
 - iv. The Grievance Process, including hearings, appeals, and informal resolution processes; and
 - v. Impartiality, including avoiding prejudgment, conflicts of interest, and bias.
 - vi. The University will provide additional training to Investigators on the following topics:
 - i. Relevancy; and
 - ii. How to create an investigative report.
 - vii. The University will provide additional training to decision-makers on the following topics:
 - i. Technology that may be used at a live hearing; and
 - ii. Relevancy, including questions about the Complainant's sexual predisposition or prior sexual behavior.
 - viii. The University will provide additional training to the Title IX Team on other topics as determined by the Title IX Coordinator.
 - c. The University will not provide any training that "relies" on sex stereotypes in training Title IX personnel on how to serve in those roles impartially and without prejudgment, so that decisions are made on the basis of the individualized facts at issue and not on stereotypical notions of what "men" or "women" do or do not do.
2. Publication of Training
- a. The University will make current materials used to train the Title IX Coordinator, investigators, decision-makers, appeals officers, and facilitators of informal resolutions publicly available on the University's website.
 - b. The training will be published under this Policy pursuant to procedures developed by the Title IX Coordinator.
3. Records Retention
- a. The University will maintain all records under this Policy for a minimum of 7 years.
 - b. The types of records that will be retained include:
 - i. Documents related to any investigation under this Policy, including any recordings and/or transcripts of any hearing conducted;
 - ii. Documents related to any appeal or results from an appeal;
 - iii. Documents related to any informal resolution or results from an informal resolution;
 - iv. Documents related to training as discussed elsewhere in this Policy;
 - v. Documents related to any supportive measure taken;

- vi. Documents related to the University's rationale for not implementing supportive measures;
- vii. Any other types of documentation in compliance with procedures developed by the Title IX Coordinator
- c. Notwithstanding other provisions under this Section, the University will maintain and dispose of all records in accordance with the Public Universities of Alabama General Records Disposition Authority.
- d. The records will be retained under this Policy pursuant to procedures developed by the Title IX Coordinator.

XIV. Prevention and Awareness

The University of North Alabama is committed to providing preventive, informative, and supportive programming for all members of the University community. Among other things, the University's comprehensive education and awareness plan consists of the implementation of this Policy, educational programming that addresses all aspects of Prohibited Conduct, the University's response to allegations of Prohibited Conduct, and University provided support systems to remediate the effects of Prohibited Conduct.

The objectives of the comprehensive education and awareness plan are to:

- Widely disseminate this Policy to the University community through email communications, publications, websites, training programs, and other appropriate channels of communication.
- Identify conduct that is considered a violation of this Policy by defining Prohibited Conduct.
- Create multiple reporting options and inform students, employees, and community members of those options to encourage reporting.
- Educate students, employees, and community members about University disciplinary procedures.
- Inform students, employees, and community members of available University resources.
- Provide safe and positive options for bystander intervention.
- Provide information regarding risk reduction, general safety recommendations, and the warning signs of abusive behaviors.
- Provide information about healthy relationships and encounters.

For specific information about prevention, education, or awareness programs offered by the University, contact the Title IX Coordinator.

XV. Applicability

1. In cases of allegations under this Policy, the protections of the First Amendment must be considered if issues of speech or artistic expression are involved. Free speech rights apply in the classroom and in all other educational programs and activities of public institutions, and First Amendment rights apply to the speech of students and employees. Great care must be taken not to inhibit open discussion, academic debate, and

expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a harassing or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited harassment if it meets the definition of sexual harassment.

2. Nothing in this Policy and related procedures should be interpreted to restrict any rights guaranteed under existing law, including the First Amendment, Due Process Clause of the Fifth and Fourteenth Amendments, or the Fourth Amendment of the United States Constitution.
3. Nothing in this Policy and related procedures should be interpreted to restrict or limit any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

XVI. Conflicts of Interests

The Title IX Coordinator acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the University President in 110 Bibb Graves Hall, (256) 765-4211. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise concerns regarding a potential conflict of interest with any other individual involved in the procedures set forth under this Policy, please contact the Title IX Coordinator.

Matters related to this Policy should be addressed by people free of any actual or reasonably perceived conflicts of interest. Any person exercising investigative or decision-making authority under this Policy who believes they may have a conflict of interest or bias that would prevent them from impartially exercising their authority will disclose the potential conflict/bias to the Title IX Coordinator (or designee) as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias-free alternative investigator or decision-maker in the case at issue. Furthermore, if a party believes a person exercising investigative or decision-making authority under this Policy has a conflict of interest or bias relating to a party that would prevent the person from exercising their authority impartially, the party may make a prompt objection to the Title IX Coordinator (or designee) within five (5) days of becoming aware of the potential conflict. The Title IX Coordinator shall conduct an inquiry into any such potential conflict, and in the case of an actual conflict, Arrangements will then be made to designate a conflict/bias-free alternative investigator or decision-maker in the case at issue.

XVII. Inquiries about the Policy

1. Inquiries about and reports regarding this policy and procedure may be made internally to:

Kayleigh Baker, Title IX Coordinator and Compliance Administrator
202 Guillot University Center
UNA Box 5023
Florence, AL 35632
(256) 765-4223

Interim UNA Sexual Misconduct Policy 29

kbaker5@una.edu

2. Inquiries may be made externally to:
 - a. Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Fax: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>
 - b. Atlanta Office
Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406
Fax: 404-974-9471; TDD: 800-877-8339
Email: OCR.Atlanta@ed.gov
 - c. Equal Employment Opportunity Commission (EEOC)
Contact: <http://www.eeoc.gov/contact/>
Birmingham Office
Equal Employment Opportunity Commission (EEOC)
Ridge Park Place
1130 22nd Street South, Suite 2000
Birmingham, AL 35205
(800) 669-4000

XVIII. Revision

1. These policies and all accompanying procedures will be reviewed annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.
2. Any technical changes, including locations, confidential resources, contact information, and other related changes may be made by the Title IX Coordinator in consultation with the University General Counsel without going through Shared Governance. Any additional changes required by law may be approved by the University General Counsel and updated with the appropriate date of effect identified without going through Shared Governance. Shared Governance Executive Committee and the University Executive Council will be notified of those changes.
3. This document does not create legally enforceable protections or confer rights beyond the protection and rights of the background state and federal laws which frame such codes generally.

Interim UNA Sexual Misconduct Policy 30



**Interim Sexual Misconduct Policy –
*Background and Significant Changes***

• **Background:**

UNA's previous Sexual Misconduct Policy (SMP) was passed via Shared Governance and approved by the Board of Trustees in April, 2019 after having been an interim policy for approximately two years. On May 19, 2020, the U.S. Department of Education published new Title IX regulations (34 CFR Part 106) that required significant changes to higher education policies and procedures, which were required to be implemented before August 14, 2020. To meet the federal mandate and timeline, the following actions were taken between May and July, 2020:

- A thorough review and comparative analysis of the 2,000 pages of documents published by the U.S. Department of Education and UNA's Sexual Misconduct Policy (SMP) was performed by the Title IX Coordinator and Administrative Compliance Officer.
- Based on the above-noted analysis that confirmed the 2019 approved SMP policy was no longer compliant with Title IX, a policy was written by the Title IX Coordinator and reviewed by UNA's General Council and by ATIXA, the Association for Title IX Administrators, which works closely with the Office of Civil Rights regarding Title IX related mandates.
- Informal notification to Shared Governance Executive Committee and Faculty Senate President of the need for an interim policy and other required updates (i.e. handbook and manual notices), since Shared Governance bodies do not formally meet during the summer months.
- Interim Sexual Misconduct Policy was reviewed by University Executive Council and approved on July 27, 2020, with effective implementation date of August 14, 2020 in order to meet Title IX compliance.

• **Partial list of Changes (and important points of consistency)**

The most significant changes required by the new regulations include: redefining what terms are covered under Title IX; redefining jurisdiction under Title IX; requirement that both employee AND student cases follow a stringently defined grievance process that must include a live-hearing with cross-examination, and employee and student cases must use the same standard of evidence; new restrictions on roles within the "Title IX team" and the addition of new roles; increased flexibility for Universities with respect to reporting obligations and notice; application not only to colleges and Universities but also to k-12; and the overall increase of rights and protections for all participants in the process. Following are related highlights of the Interim SMP.

- **Prohibited Conduct**
 - New "names" i.e. "sexual assault" versus "non-consensual sexual intercourse"
 - New definitions, as required, that match FBI definitions and a new definition of consent based on best practice
 - The new regulations eliminated certain conduct (sexual exploitation, for example) from the list of things prohibited by Title IX; however, this type of conduct was historically covered by Title IX and is still allowed to be a violation of University policy, so it

- remains covered under the same procedure but there is a distinction for legal purposes only
- Jurisdiction
 - Type 1 jurisdiction as required by regulations
 - Type 2 jurisdiction included, in addition to Type 1, to remain consistent with historic UNA SMP practice (i.e., off-campus conduct still covered)
 - Both categories of jurisdiction follow same procedure, so there is a distinction for legal purposes, only.
- Standard of Proof
 - New regulations require employee AND student cases to use same standard, but schools can choose between preponderance of the evidence and clear and convincing evidence
 - Interim SMP maintained preponderance of the evidence based on board approved policy that already used this standard for all cases of sexual misconduct
- Reporting Obligations
 - New regulations did away with the “responsible employee” designation; however, schools can still require employees to be “mandated reporters”
 - Certain officials who are “officials with authority” are the ones that put the school on notice, legally
 - Interim SMP – Added additional confidential resource and otherwise kept all employees mandated reporters consistent with board approved policy
- Roles
 - New regulations specified person overseeing Title IX must be titled the “Title IX Coordinator”
 - “Reporting Party” = Complainant, “Responding Party” = Respondent
 - Additional requirements and firewalls preventing one person from wearing “multiple hats” during process
 - Additional training requirements (and obligations to post training for increased transparency)
 - Requirement that “Title IX team” be free from bias against specific individual AND also free from bias against complainants and respondents generally
 - Advisors are now required for part of the process
 - Interim SMP – gets rid of the Equity Resolution Process Pool for these reasons and because (as discussed below) Equity Resolution Process is no longer useable
 - Interim SMP – requires application process for volunteers to serve in various roles
- Grievance Process
 - In most cases, Complainant still has discretion to request an investigation or not
 - Informal Resolutions can exist outside of this grievance process; however, a formal complaint must be filed first AND all parties, and the Title IX Coordinator must agree in writing
 - Interim SMP – 2 investigator model still used in the case of a formal investigation
 - New regulations require all relevant and all directly related evidence be shared with parties before report is finished
 - New regulations require investigative report be shared, with at least 10 days’ notice, before a live-hearing

- New regulations require a live-hearing in front of a single, or a panel of, decision-maker(s)
 - Interim SMP and related procedures - a panel of 3 trained decision-makers, with the hearing chair for student cases being the Director of Student Conduct, hearing chair for staff cases being the Assistant VP for HR, and faculty members making up the panel for faculty cases
- New regulations offer protections in the live-hearing, including ability to be in separate rooms, no questions asked directly from one party to another (all questions must come from the panel, or if from a party, through the advisor), and hearing chair must decide a question is relevant before it can be answered
- New regulations require the entire process be completed in a reasonably prompt time frame
- New regulations prohibit punitive action/sanctions outside of or without this grievance process
 - Exception exists for things like administrative/investigative leave for employees or, in the case of an emergent threat, emergency removal from the educational program for students or employees
 - This means tenure determinations cannot be made outside of this process or after the fact, same thing with things like removal from athletics or other organizations
- New regulations require that the Decision-makers make a determination (responsible or not responsible) and issue a finding (with determination + sanction(s), if any) within that reasonably prompt time frame
 - Therefore, interim SMP eliminates need for the previous ERP process, and a separate due process hearing for faculty cases
 - Interim SMP - robust live-hearing with equal or greater access to relevant evidence, directly related evidence, an advisor, and the ability to cross-examine
 - In the case where removal of tenure is a possible sanction, additional procedural protections including: consultation with a Vice Provost (and they with the Dean of the college), and if tenure is indeed revoked, an automatic appeal right to the Provost with respect to the sanction
- New regulations guarantee appeal rights in certain circumstances to all parties, including in the case of bias or conflict of interest

The new regulations require:

- Immediate written notice;
- Disclosure of all relevant *and* all directly related evidence at least 10 days prior to the Investigative Report being finalized, access to the Investigative Report at least 10 days prior to the Hearing, and access to all relevant and directly related evidence at the hearing;
- The right to a live-hearing (that can be in person in one room, in person in multiple rooms at the request of the party, or virtual);
- The right to present witnesses and evidence;
- The right (and requirement) to have an advisor present (who can be an attorney);
- The right to cross-examine (through the advisor);
- Decision-makers who can not be the Title IX Coordinator, the Investigator, or biased/conflicted out due to a specific or general bias;
- Written determinations of the outcome with specific requirements;
- Appeal opportunities based on a minimum of three grounds.

Safeguards from the 14th Amendment of the US Constitution re: Due Process, generally include:

- Written notice for the violation and possible sanction of revocation or dismissal as a result,
- Disclosure of the evidence,
- The right for a hearing,
- The right to have representation at the hearing,
- The right to cross-examine witnesses
- An unbiased hearing officer or body,
- A written determination related to the evidence/outcome,
- Opportunity for appeal,
- Due Process does not require an ultimate determination to have been made before the protections begin.

Suggested interim policy:

- **Receive notice (including who accused, what is accused, when it allegedly happened, and other, if known) what you're charged with, and what sanctions may occur upon receipt of formal complaint**
- **Investigation concludes, report is written (that you had access to for at least 10 business days prior to it being concluded)**
- Investigative findings given to a *panel* of decision makers
- *TIXC serves as facilitator and has nothing to do with deliberations*
- *3 faculty members from grievance process pool are chosen*
- **Decision-maker cannot be anyone previously involved as investigator or coordinator and must be free from bias, conflicts**
- **Receive evidence and report at least 10 business days before hearing**
- **Cross-examination through an Advisor of choice, or University provided advisor**
- **Anything relevant can be brought up and questioned on, even if uncontested to ensure credibility**
- **Witnesses can be presented**
- **Relevancy (and rape shield) are the only bars... character evidence can be allowed if relevant**
- *Preponderance of the evidence*
- *If responsible, decision-makers refer to Provost's office to consult with Dean of College and make decision re: sanction*
- **Decision makers issue written finding**
- *Automatic appeal to the Provost if tenure is revoked*
- **Hearing recorded**
- **Private hearing**
- **Appeals for other issues (at least bias, new evidence, procedural irregularity)**

Bold = required by regulations

Italic = some degree of flexibility

2019 Sexual Misconduct Policy (SMP) as it applied to Faculty	Proposed Interim Sexual Misconduct Policy (SMP)	Due Process Hearing as described in the Faculty Handbook
Applied to sexual harassment (quid pro quo, hostile environment); sexual violence (non-consensual sexual contact and non-consensual sexual intercourse); interpersonal violence; sexual exploitation	Applies to sexual harassment; including, quid pro quo, sexual assault, dating/domestic violence, stalking, and sexual exploitation	Applies to other types of grievances not covered by the 2019 Sexual Misconduct Policy or the 2020 Interim Sexual Misconduct Policy
Investigation occurred (using two investigator model), advisor (can be attorney) permitted, investigators issue written report	Investigation occurs (using two investigator model), advisor (can be attorney) permitted, investigators share all relevant and directly related evidence with parties 10 days prior to report being finalized	Upon notice of dismissal from Provost, faculty members have 14 days to request a hearing Can have an advisor present Hearing can be public or private
Findings referred to a non-voting Hearing Chair facilitator (who is a faculty member from the ERP, a pool of trained individuals selected by TIXC and appointed by the President)	Title IX Coordinator cannot serve as a Decision-maker, but can serve as a non-voting Facilitator that is not part of the deliberations	
Panel of 3 tenured faculty members of the ERP (plus an alternate) chosen	Panel of 3 tenured faculty members of the Title IX Grievance Process that must be free from conflict or bias are chosen	Panel of 5 people from a pool of 15 established by Faculty Senate each year
Evidence and report delivered to parties 2+ days before hearing	Investigative Report delivered to parties 10+ days before hearing	Notice of hearing 7+ days in advance Evidence delivered 4+ days ahead
Cross-examination permitted, indirectly through the panel or the Chair	Cross-examination permitted directly through parties' advisors of choice	Advisors are not allowed to ask questions on behalf of the party
Certain evidence excluded (i.e. character evidence)	Only irrelevant evidence may be excluded	
Finding made by a preponderance of the evidence and presented to Title IX Coordinator	Finding made by a preponderance of the evidence, and if responsible, Decision-makers work with Vice Provost to establish sanctions	Committee makes finding and recommendation based on preponderance of the evidence
Title IX Coordinator worked with Provost to finalize recommendations and issue finding	Decision-makers issue finding	President ultimately decides, and is not bound by Committee's recommendation
Appeals only on procedural error, new evidence, or sanctions fall outside established range of sanctions	Appeals for procedural error, discovery of new evidence, and conflict/bias. Plus, in the case of revocation of tenure automatic appeal to the Provost	Appeal to the Board of Trustees

Appendix B (only those pages with changes are presented here)

**2. PERSONNEL POLICIES,
REGULATIONS, AND
PROCEDURES**

- 2.1 EQUAL OPPORTUNITY**
- 2.2 NEPOTISM**
- 2.3 FACULTY EMPLOYMENT PROCEDURES**
 - 2.3.1 SEARCH GUIDELINES FOR TENURE-TRACK AND/OR NON-TENURE-TRACK FACULTY**
 - 2.3.2 FACULTY EMPLOYMENT AGREEMENTS**
 - 2.3.3 BACKGROUND CHECKS**
- 2.4 TYPES OF APPOINTMENTS**
 - 2.4.1 TENURE-TRACK**
 - 2.4.2 NON-TENURE-TRACK**
 - 2.4.3 ADJUNCT**
- 2.5 CRITERIA FOR APPOINTMENT, PROMOTION, AND/OR TENURE**
 - 2.5.1 GENERAL CRITERIA FOR PROMOTION AND/OR TENURE**
 - 2.5.2 SPECIAL CRITERIA BY RANKS FOR APPOINTMENT, PROMOTION, AND/OR TENURE**
 - 2.5.3 PROCEDURE FOR PROMOTION AND/OR TENURE**
 - 2.5.4 RENEWAL OR TERMINATION OF A PROBATIONARY APPOINTMENT**
- 2.6 TERMINATION OF FACULTY APPOINTMENTS**
 - 2.6.1 RETIREMENT**
 - 2.6.2 TERMINATION FOR CAUSE**
 - 2.6.3 CHECK-OUT PROCEDURES**
- 2.7 SANCTIONS LESS THAN TERMINATION**
- 2.8 DUE PROCESS PROCEDURES**
- 2.9 FACULTY RECORDS**
- 2.10 APPLICATION OF HANDBOOK**

probationary period. The granting of promotion and/or tenure is never automatic. Promotion and/or tenure is granted after a faculty member has been evaluated by a committee made up of tenured faculty members in a department, the department chair, the dean, the University-Wide Promotion and Tenure Portfolio Review Committee, the Provost and Executive Vice President for Academic Affairs, and the President. However, the President may, after appropriate consultation, grant tenure at any time if a sufficient reason exists for doing so.

Approved leaves may count toward years of service toward promotion and/or tenure if negotiated with the department chair, dean, and Provost and Executive Vice President for Academic Affairs at the time leave is granted.

A. Faculty Members Who Are Not Department Chairs

The initiation of the promotion and/or tenure review process is the responsibility of the faculty member. It begins when the faculty member submits by e-mail to the department chair, dean, and Provost and Executive Vice President for Academic Affairs a notification of intent to apply by May 1 prior to the fall semester the application will be evaluated. The dean will confirm, with the Office of the Provost and Executive Vice President for Academic Affairs, whether the candidate is eligible for promotion and/or tenure and notify the candidate by May 15. This notice to the candidate shall be made in writing and sent through official university communication methods, including email. Failure to notify the candidate by this deadline does not automatically constitute a grant of promotion, tenure or extension of the employment contract. In such situations, appropriate adjustment of deadlines for notification and portfolio submission will be recommended by the dean to the Provost and Executive Vice President for Academic Affairs.

For faculty seeking promotion and/or tenure, an electronic portfolio will be submitted by October 1 of the final academic year of probationary status via the online database that UNA has established for this purpose by October 1 of the final academic year of probationary status. For ~~those~~ faculty seeking promotion only, an electronic portfolio that provides evidence of accomplishments will be submitted the faculty member will present by October 1 via the online database that UNA has established for this purpose by October 1 an electronic portfolio that provides evidence of accomplishments. Candidates can withdraw their application at any time in the process with the understanding that a final decision will not be made for promotion and/or tenure. This choice by the candidate may have an impact on continuation of employment if the decision to withdraw a promotion and/or tenure application is in the final academic year of probationary status (See Section 2.5.5). The timeline for reviewing promotion and/or tenure materials can be found in Appendix 2.D/2.D.1.

The electronic portfolio will contain the information set forth by the University, plus the college and/or departmental guidelines. The information will be housed on the online database that UNA has established for this purpose and will be accessible only by the administration and committee members involved in the promotion and/or tenure review process.

1. Application for Promotion and/or Tenure (See Appendix 2.F)

2. A cover letter in which the faculty member indicates degree of merit or level of prestige or quality of work specific to his/her area in order to demonstrate quality of scholarship for university-wide committee members who may be unfamiliar with the field, as well as indicates which of the areas in item 3 should be weighed more heavily or less heavily than others.
3. Current Resume or Vita (pulled into application via the online database that UNA has established for this purpose)
 - a. Education (Institution, major, minor, degrees awarded, and dates degrees were awarded)
 - b. College/university teaching or library/educational technology services experience as appropriate to field (include position and dates)
 - c. Other teaching or library/educational technology services experience (describe and include dates)
 - d. Other related experience (describe and include dates)
4. Supporting information for the following items, as outlined in section 2.5.1, submitted via the online database that UNA has established for this purpose
 - a. Effectiveness in Teaching/Effectiveness in Role as Library or Educational Technology Faculty
 - b. Effectiveness in Research, Scholarship, and Other Creative Activities
 - c. Effectiveness in Rendering Service
 - d. Any other relevant information pertaining to the college or department

Responsibility of the Peer Promotion and/or Tenure Committee

When a faculty member applies for promotion and/or tenure, it is the responsibility of the department chair to form a peer promotion and/or tenure committee and to supply the names of the committee members to the Provost and Executive Vice President for Academic Affairs via promotions@una.edu by September 1. In Library and Educational Technology Services, the dean serves the functions of chair and dean. The department chair shall convene a peer promotion and/or tenure committee, consisting of all tenured faculty not applying for promotion in the department. No committee shall consist of less than five tenured faculty. When that number is not possible at the departmental level, the chair will complete the committee membership from among all tenured faculty not applying for promotion from other departments in the college or in a related discipline. The department chair or designee will supervise the election of a chairperson. It is the responsibility of the peer promotion and/or tenure committee chair to complete an evaluation form (Appendix 2.G) on each candidate, with a copy to each committee member, that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for promotion and/or tenure and to recommend for or against the granting of promotion and/or tenure. In addition, By November 15, the peer promotion and/or tenure committee chair will then submit the evaluation form via the online database that UNA has established for this purpose ~~all of the~~

~~information relating to the promotion and/or tenure recommendation by November 15.~~ The evaluation form, composed by the candidate's peer promotion and/or tenure committee chair and copied to each committee member, should provide information directly addressing the degree of merit or level of prestige or quality of scholarly outlets cited within the candidate's portfolio. These should include discipline specific accomplishments relative to effectiveness in teaching; research, scholarship, and other creative activities; and service. Members of the peer promotion and/or tenure committee participate with the understanding that all matters related to their deliberations remain confidential.

Responsibility of the Department Chair

The department chair will evaluate the portfolios of the candidates in his or her department and complete the evaluation form (Appendix 2.G) on each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for advancement in rank and recommend for or against the granting of promotion and/or tenure ~~No later than December 1.~~ ~~The department chair will submit his or her own recommendation evaluation form for each candidate via the online database that UNA has established for this purpose no later than December 1.~~ In Library and Educational Technology Services, the dean serves the functions of chair and dean.

Responsibility of the College Dean

The dean will review the candidate portfolios in his/her college and the materials presented by the peer promotion and/or tenure committee and the department chair, complete the evaluation form (Appendix 2.G) on each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for promotion and/or tenure, recommend for or against the granting of promotion and/or tenure, and ~~by February 1,~~ submit the evaluation form via the online database that UNA has established for this purpose ~~all of the information relating to the promotion and/or tenure recommendation by February 1.~~

Responsibility of the University-Wide Promotion and Tenure Portfolio Review Committee

The University-Wide Promotion and Tenure Portfolio Review Committee will review the materials presented by the peer promotion and/or tenure committee, the department chair, and dean, and the committee chair will complete the evaluation form (Appendix 2.G) on each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for promotion and/or tenure as reported on the numerical secret ballot vote to recommend for or against the granting of promotion and/or tenure and ~~by March 15,~~ submit the evaluation form via the online database that UNA has established for this purpose ~~all of the information relating to the promotion and/or tenure recommendation by March 15.~~ This committee is to be drawn from all five faculty constituencies (four colleges and Library/Educational Technology Services faculty). The committee will have nine (9) members consisting of a minimum of one (1) member from each constituency plus at-large faculty to total nine. The committee will select a vice chair to serve as assistant to the chair during the first year of a two-year term and to assume the role of chair during the second year.

Responsibility of the Provost and Executive Vice President for Academic Affairs

By April 15, ~~the~~ the Provost and Executive Vice President for Academic Affairs will review each candidate, and the recommendations from the peer promotion and/or tenure committee, the department chair, the dean, and the University-Wide Promotion and Tenure Portfolio Review Committee, and will recommend for or against the granting of promotion and/or tenure to the President ~~by April 15.~~

Responsibility of the President

By April 22, ~~the~~ the final decision for or against the granting of promotion and/or tenure will be made by the President ~~by April 22.~~ No later than May 1, ~~the~~ letters of notification from the President's Office will be mailed to all candidates, with copies to the respective dean and department chair, ~~no later than May 1.~~ For faculty being considered for promotion and/or tenure to associate professor, the notification will occur during the final year of the probationary period. Faculty not approved for tenure will be issued a terminal contract. Promotion and/or tenure, and promotional raises, will become effective on the first day of the following fall semester.

B. Department Chairs Applying for Promotion and/or Tenure

Department chairs who are candidates for promotion and/or tenure will be evaluated using the same process as that described for other faculty members, except that the department chair review will be conducted by the associate dean of that college. No committee shall consist of less than five tenured faculty. When that number is not possible at the departmental level, the dean will complete the committee membership from among all tenured faculty not applying for promotion from other departments in the college or in a related discipline. In the case of department chairs, however, no later than November 15, the evaluation form completed by the peer promotion and/or tenure committee, and the evaluation by the associate dean, will be submitted via the online database that UNA has established for this purpose ~~no later than November 15.~~ The dean will evaluate the candidate's portfolio and by February 1, will submit his or her evaluation form via the online database that UNA has established for this purpose ~~by February 1.~~ By April 15, the Provost and Executive Vice President for Academic Affairs will review each candidate, and the recommendations from the peer promotion and/or tenure committee, the dean, and the University-Wide Promotion and Tenure Portfolio Review Committee, and will recommend for or against the granting of promotion and/or tenure to the President.

Evaluation Results

At each stage of the process, the evaluation form will be submitted via the online database that UNA has established for this purpose and made available to the candidate. The candidate may offer a rebuttal, if desired, via the online database that UNA has established for this purpose. The rebuttal(s), if any, will become a part of the application materials.

(This promotion and tenure policy covers faculty hired prior to 2017-2018 who did not opt in to the current promotion and tenure policy)

2.5 CRITERIA FOR PROMOTION, TENURE, AND APPOINTMENT

2.5.1 General Criteria for Promotion and Tenure

As a regional, state supported institution of higher education, the University of North Alabama pursues its mission of engaging in teaching, research, and service in order to provide educational opportunities for students, an environment for discovery and creative accomplishment, and a variety of outreach activities meeting the professional, civic, social, cultural, and economic development needs of our region in the context of a global community. Faculty members seeking promotion and/or tenure are expected to demonstrate significant contributions in support of this mission as reflected in accomplishments specific to the criteria below.

1. Effectiveness in Teaching. The individual is evaluated upon evidence such as the following: knowledge of subject matter, including current developments in the discipline; active concern for the student's academic progress; evidence of success in supporting student research and creative activity; ability to organize and effectively present and evaluate coursework, including effectiveness in oral and written communication; ability to motivate student interest and participation; ability to relate coursework to other fields with a view to broadening the student's general knowledge; evidence of conscientious preparation; and use of effective methodology and teaching techniques.
2. Effectiveness in Research, Scholarship, and Other Creative Activities. The University of North Alabama fulfills its mission in research (including creative accomplishments and other forms of scholarship) through recognition that active participation in one's academic discipline promotes intellectual growth and enhances and informs classroom, laboratory, clinical, and studio instruction. Scholarly inquiry and learning vary by discipline and the individual is evaluated upon evidence that one's scholarly accomplishments are valued by others in the discipline. Examples of such recognition would include publication of one's work in peer-reviewed outlets (books, monographs, journal articles) or invited contributions to scholarly works (book chapters); presentations and/or chaired sessions at professional society meetings; invited presentations at exhibits or recognition at juried shows; professional acclaim for performances or contributions to performances; honors or awards recognizing scholarly accomplishment; competitively awarded grants or contracts that support professional growth; selection as a professional referee or editor; and other generally recognized scholarly accomplishments.
3. Effectiveness in Rendering Service. The individual is evaluated upon evidence such as recognition in the professional field; consultant services of high professional quality in business, cultural, educational, governmental, and industrial endeavors; activities in

related work experience in the field, professional licensure and certifications, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes.

2. Assistant Professor. Appointment and/or promotion to this rank requires possession of a doctoral degree or a terminal degree appropriate in the field of assignment as determined by university policy. There shall also be evidence of potential for effective teaching; research, scholarship, or creative activities; and service; as well as for a successful career.
3. Associate Professor. Appointment and/or promotion to this rank requires possession of a doctoral degree or a terminal degree appropriate in the field of assignment as determined by university policy. A minimum of eight years' appropriate cumulative experience specific to the discipline is also required, at least three of which must be in rank as assistant professor. Effective for new hires beginning fall 2012, promotion to this rank requires that three of the eight years of cumulative experience shall be earned at UNA. In addition, the applicant shall have had successful experience in teaching; research, scholarship, or other creative activities; and service.
4. Professor. Appointment and/or promotion to this rank requires possession of a doctoral degree or terminal degree appropriate in the field of assignment as determined by university policy. A minimum of 12 years' appropriate cumulative experience specific to the discipline is also required, at least three of which must be in rank as associate professor. Effective for new hires beginning fall 2012, promotion to this rank requires that three of the twelve years of cumulative experience shall be earned at UNA. In addition, the applicant shall have established a sustained and consistent record of excellence in teaching; research, scholarship, or other creative activities; and service.

Exceptions: In rare and unique circumstances, a petition by the department chair (approved by a majority of the full-time tenure-track departmental faculty and the college dean) for a waiver of the aforementioned credential and experience requirements for any rank may be granted by the Vice President for Academic Affairs/Provost.

2.5.3 Procedure for Promotion

A. Faculty Members Who Are Not Department Chairs

The promotion process will be initiated when the faculty member submits by e-mail to the department chair, dean, and Provost and Executive Vice President for Academic Affairs a notification of intent to apply by May 1. The dean will confirm, with the Office of the Provost and Executive Vice President for Academic Affairs, whether the candidate is eligible for promotion and notify the candidate by May 15. By October 1, the candidate submits an electronic portfolio via the online database that UNA has established for this purpose ~~by October 1.~~

The electronic portfolio will contain the following, be housed on the online database that UNA has established for this purpose, and be accessible only by the administration and committee members involved in the promotion review process:

2E-3

(exceptionally qualified, highly qualified, moderately qualified, or less qualified), to which promotion is recommended or not recommended- and be recorded on the Promotion and/or Tenure Evaluation Recommendation Form. By November 15, the peer promotion and/or tenure committee chair will submit the evaluation form, and submitted via the online database that UNA has established for this purpose ~~no later than November 15~~. This ~~written~~ evaluation, composed by the candidate's peer committee, should provide information directly addressing the degree of merit or level of prestige or quality of scholarly outlets cited within the candidate's portfolio. These should include, but not be limited to, the quality of academic journals in which scholarly works appear, as well as the prestige/quality of presentations/performances (musical, theatrical, other as categorically appropriate).

For departments in the Colleges of Arts and Sciences, Business, Education and Human Sciences, and Nursing where two or fewer tenured faculty are eligible for the peer promotion committee, the department faculty will complete a committee of three, adding to that department's tenured faculty (not applying for promotion), other tenured faculty from the college.

Responsibility of the Department Chair

When a faculty member applies for promotion, it is the responsibility of the department chair (or dean) to form a peer promotion committee and to supply the names of the committee members to the Provost and Executive Vice President for Academic Affairs via promotions@una.edu by September 1. The department chair will evaluate the portfolios of the candidates in his or her department and prepare a written evaluation of each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for advancement in rank. The evaluation, based on those strengths and weaknesses, will indicate the degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified) to which promotion is recommended or not recommended- and be recorded on the Promotion and/or Tenure Recommendation Evaluation Form. No later than December 1, the department chair will and submitted the evaluation form via the online database that UNA has established for this purpose ~~no later than December 1~~. This ~~written~~ evaluation, composed by the candidate's department chair, should provide information directly addressing the degree of merit or level of prestige or quality of scholarly outlets cited within the candidate's portfolio. These should include, but not be limited to, the quality of academic journals in which scholarly works appear, as well as the prestige/quality of presentations/performances (musical, theatrical, other as categorically appropriate). The department chair will also provide written feedback to each candidate regarding the strengths and weaknesses of the candidate's portfolio when the final promotion decisions are announced in April. It will be the responsibility of the department chair to confirm the candidate meets the university's eligibility requirements (e.g., years of service) for promotion to the rank being sought.

Responsibility of the College Dean

It is the responsibility of the college or area dean to review and evaluate the individuals' portfolios as well as the recommendations of the peer promotion committees and

department chairs. The dean will prepare ~~an~~ written-evaluation of each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for advancement in rank. The evaluation, based on those strengths and weaknesses, will indicate the degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified) to which promotion is recommended or not recommended; and be recorded on the Promotion ~~and/or Tenure Recommendation~~ Evaluation Form. By February 1, the dean will ~~and~~ submit the evaluation form via the online database that UNA has established for this purpose ~~by February 1~~.

Responsibility of the University-Wide Promotion and Tenure Portfolio Review Committee

A university-wide portfolio review committee will serve in an advisory/supervisory capacity. This committee is to be drawn from all five faculty constituencies (four colleges and Library/Educational Technology Services faculty). The committee will have nine (9) members consisting of a minimum of one (1) member (tenured Associate and Full Professors) from each constituency plus at-large faculty to total nine. The committee will select a vice chair to serve as assistant to the chair during the first year of a two-year term and to assume the role of chair during the second year. Annually, the Faculty Senate will identify a pool of at least 15 eligible members from all tenured professors at the Associate and Full Professor ranks for recommendation to the President to serve on this committee. From this pool of candidates, the President of the University will annually, in June, select members to serve for two (2) academic years. No faculty member from a faculty constituency will be appointed for additional terms until the entire pool from that constituency has been exhausted. Only then may professors be appointed to serve another term. Exemptions from service should only be granted in extreme circumstances and then only for one (1) term. Faculty may not serve on the committee while applying for promotion.

Duties of the committee may include, but are not limited to, reviewing tenure and promotion portfolios for content; reviewing procedures/processes for adherence to stated policies with respect to tenure and promotion criteria; ensuring the missions, learning objectives, and goals of the University, various colleges, and specific departments are being met in concordance with one another with respect to tenure and promotion criteria; and concurring with, or not, the recommendations of candidates for tenure and promotion. The University-Wide Promotion and Tenure Portfolio Review Committee will focus on the portfolio (including all forms as described in section 2.5.3). Supplementary materials will be maintained on the online database that UNA has established for this purpose. The language specified in section 2.5.3 with regard to evaluation of candidates' credentials [indicating the degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified) to which promotion is recommended or not recommended] should be used at all levels and on all evaluation documents; and be recorded on the Promotion ~~and/or Tenure Recommendation~~ Evaluation Form. and By March 15, the committee chair will submit the evaluation form via the online database that UNA has established for this purpose ~~by March 15~~. All portfolios that are incomplete or not in compliance with the stated guidelines (section 2.5.3) will be considered as non-responsive and rejected. All portfolios submitted by eligible candidates, regardless of recommendation(s), will move through the entire process. The timeline for reviewing promotion materials can be found at the end of Appendix 2.E.

As soon as the new committee membership is determined and constituted, the chair will call a meeting for the express purpose of orienting the committee, especially incoming new members, to the established procedures and guidelines for the committee. All members of the committee must participate in this orientation. Departmental criteria with respect to tenure and promotion criteria, unique college criteria and policies with respect to tenure and promotion criteria, and university policies with respect to tenure and promotion criteria, will be made available to each member of the committee. After orientation, the new committee will begin its work with review of promotion portfolios, followed by review of tenure portfolios. As soon as the portfolios become available on the online database that UNA has established for this purpose, the committee will begin the review process. Every member of the committee will review each portfolio submitted, regardless of recommendation and concurrence at previous stages in the process. After all members have reviewed the portfolios, the committee will meet *en masse* to discuss each portfolio. While all members of the committee will review all portfolios, in the event a consensus agreement cannot be reached by the committee, then only full professors will vote in making the final decision on a candidate for full professor. Upon reaching a decision for each portfolio, the chair will schedule a meeting of the committee with the Provost and Executive Vice President for Academic Affairs. After discussing the portfolios with the committee, the Provost and Executive Vice President for Academic Affairs will forward the committee's concurrence, or lack thereof, to the President.

The committee will perform a year-end process/procedures review and prepare a report to be distributed at all levels of the process by May 15. This report should include what worked well, what did not work, and remediation recommendations.

Responsibility of the Provost and Executive Vice President for Academic Affairs

The Provost and Executive Vice President for Academic Affairs will review the candidate's portfolio and the recommendations from each peer promotion committee, department chair, and dean. By April 15, the Provost and Executive Vice President for Academic Affairs will evaluate each candidate, indicating the degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified) to which promotion is recommended or not recommended, and will recommend for or against the granting of promotion and/or tenure to the President.

~~Following the decisions made by the President as outlined below, the Provost and Executive Vice President for Academic Affairs will inform the college or area dean of the success or failure of the candidates as soon as possible, but not later than April 22. Candidates will be notified by the deans by May 1. Promotions will become effective on the first day of the following fall semester.~~

Responsibility of the President

~~The President will review the individual portfolios and all recommendations. Based upon these, and in consultation with the Provost and Executive Vice President for Academic~~

~~Affairs, the President will establish a tentative promotion list, which will be shared with the Provost and Executive Vice President for Academic Affairs and the academic deans for their final input. Informed by this process~~ By April 22, the President will make the final decision on promotion for each candidate ~~by April 23~~. The President will give due consideration in these decisions to any extraordinary circumstances, budgetary constraints, and fiduciary obligations to the University. In addition, the President shall try to ensure that the number of promotions (including department chairs) each academic college and Collier Library/Educational Technology Services receives is fair and equitable. No later than May 1, letters of notification from the President's Office will be mailed to all candidates, with copies to the respective dean and department chair. Promotions will become effective on the first day of the following fall semester.

B. Department Chairs Applying for Promotion

Department chairs who are applying for promotion will be evaluated using a process similar to that described for other faculty members. In the case of department chairs, however, ~~no later than November 15, the evaluation form completed by the peer promotion committee will be sent directly to the dean of the college no later than November 15 submitted via the online database that UNA has established for this purpose.~~ The administrative effectiveness of the department chair will be evaluated within the category of university and community service. The college dean will evaluate the department chair's portfolio and, ~~by February 1, will submit forward his or her evaluation form and the peer promotion committee's evaluation to the Provost and Executive Vice President for Academic Affairs by February 1 via the online database that UNA has established for this purposes.~~ The college dean and the peer promotion committee will provide written feedback to the department chair regarding strengths and weaknesses of the portfolio. By April 15, the Provost and Executive Vice President for Academic Affairs will review the department chair's portfolio, recommendations from the peer committee and college dean. These recommendations will be forwarded to the President and reviewed as outlined in part A.

2.5.4 Tenure

An award of tenure is not a right but a privilege which must be earned by a faculty member on the basis of his or her performance during a probationary period. The granting of tenure is never automatic. Normally, tenure is granted after a faculty member has been evaluated by the tenured faculty members in a department, the department chair, the college dean, the University-Wide Promotion and Tenure Portfolio Review Committee, the Provost and Executive Vice President for Academic Affairs, and the President. However, the President may, after appropriate consultation, grant tenure at any time if good and sufficient reasons exist for doing so.

Policy on tenure, or continuing contract status, as adopted by the Board of Trustees of the University of North Alabama, provides that a person appointed to the faculty rank of assistant professor will serve a probationary period of five successive academic years at this University and will be granted tenure upon acceptance of an offer of appointment from the President for the sixth consecutive academic year. A person appointed to the faculty in the

Commented [VRP1]: This will be proposed for deletion once everyone on the former policy receives tenure.

academic rank of associate professor will serve a probationary period of four successive academic years at this University and will be granted tenure upon acceptance of an offer of appointment from the President for the fifth consecutive academic year. A person appointed to the faculty in the academic rank of (full) professor will serve a probationary period of three successive academic years at this University and will be granted tenure upon acceptance of an offer of appointment from the President for the fourth consecutive academic year. A faculty member holding the academic rank of instructor, assistant professor, associate professor, or professor may, at the discretion of the university administration, be granted leave without breaking the successive years of employment for tenure purposes, but years of leave will not count as years of service toward tenure unless specifically granted in writing at the time leave is granted.

Except as otherwise stated herein, the following process will be followed in determining whether a faculty member will be awarded tenure:

1. The Office of the Provost and Executive Vice President for Academic Affairs shall notify a probationary faculty member by October 1 of the academic year prior to the final academic year of probationary status that failure to apply for tenure by the appropriate deadline could result in an offer of a non-renewable or "terminal" academic year contract. This notice shall be made in writing and placed in the faculty member's campus mailbox. Failure to notify by this deadline does not automatically constitute a grant of tenure or extension of the employment contract. In such situations, appropriate adjustment of deadlines for notification and portfolio submission will be made.
2. By October 1 of the final academic year of probationary status, the faculty member will present ~~to the department chair electronically~~ an updated tenure review portfolio which provides evidence of accomplishments specific to the criteria as outlined in section 2.5.1 via the online database that UNA has established for this purpose.
~~Applicants for tenure will limit their portfolios to a maximum of 15 pages, including a current vita not to exceed five pages and supporting narrative not to exceed 10 pages.~~
Supplemental materials may be provided ~~but should be separate from the portfolio~~ via the online database that UNA has established for this purpose.
3. If a member of the teaching faculty ~~has not wishes to present~~ a student evaluation composite or overview as part of teaching effectiveness, ~~it will be the responsibility of the department chair to forward such materials to the department tenure committee and to the college dean~~ must be submitted via the online database that UNA has established for this purpose.
4. The department chair shall convene a department tenure committee, consisting of all tenured faculty in the department and supervise the election, by secret ballot, of the chairperson from among the members of the committee. It is the responsibility of the department tenure committee to prepare ~~an written~~ evaluation of each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for tenure and by majority vote to recommend for or against the

granting of tenure and by November 15, to submit the evaluation form via the online database that UNA has established for this purpose~~through the department chair to the college dean all of the information relating to the tenure recommendation by November 15.~~

5. It is likewise the responsibility of the department chair to prepare an ~~written~~ evaluation of each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for tenure and to recommend for or against the granting of tenure and by December 1, to submit the evaluation form via the online database that UNA has established for this purpose~~forward to the college dean all of the information relating to the tenure recommendation by December 1.~~
6. The college dean will review the materials presented by the department tenure committee and the department chair and will prepare an ~~written~~ evaluation on each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for tenure and recommend for or against the granting of tenure and by February 1, to submit the evaluation form via the online database that UNA has established for this purpose~~forward to the Vice President for Academic Affairs all of the information relating to the tenure recommendation by February 1.~~
7. The University-Wide Promotion and Tenure Portfolio Review Committee will review the materials presented by the department tenure committee, the department chair and college dean, and by March 15, will submit the evaluation form via the online database that UNA has established for this purpose~~make recommendations to the Vice President for Academic Affairs and forward all of the information relating to the tenure recommendation by March 15.~~
8. The Vice President for Academic Affairs will review all recommendations and will make recommendations to the President by April 15.
9. The final decision for or against the granting of tenure will be made by the President by April 22, and letters will be mailed to all candidates, with copies to the respective dean and department chair, no later than May 1 of the faculty member's final academic year of the probationary period. Probationary faculty who receive non-renewal notices as a result of tenure review will be retained for one academic year of employment prior to separation from the institution.

The granting of tenure requires written notice regardless of the number of years in service. This tenure policy does not apply to non-tenure-track or adjunct faculty.

Appendix C

Summary of Comments on UNA Faculty Handbook -- full version - Link Updates KKC 09.24.2020.pdf

Page: 11

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- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:23:31 AM
This link is incorrect. The correct link is: <https://www.una.edu/employee-policy-manual/PDFs/Policies/Equal%20Employment%20Opportunity%20and%20Harassment%20Policy.pdf>. Also, the policy title changed to: Equal Employment Opportunity and Harassment Policy.
-
- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:24:15 AM
This title and link is incorrect as well. Title online is: Nepotism (Employment of Relatives) and the link is: <https://www.una.edu/employee-policy-manual/PDFs/Policies/Nepotism.pdf>.
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Page: 15

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- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:24:57 AM
This can just be a link to the employment page: <https://www.una.edu/humanresources/employment.html>
-
- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:25:44 AM
Employment of Foreign Nationals Policy is here: <https://www.una.edu/employee-policy-manual/PDFs/Policies/Employment%20of%20Foreign%20Nationals%20Policy.pdf>
-
- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:26:11 AM
This link is: <https://www.una.edu/employee-policy-manual/PDFs/Policies/Background%20Checks.pdf>.
-

Page: 17

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- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:27:03 AM
Direct Link: <http://www.gpo.gov/fdsys/pkg/FR-2014-02-12/pdf/2014-03082.pdf>
-

Page: 43

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- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:27:43 AM
Patent Policy: <https://www.una.edu/employee-policy-manual/PDFs/Policies/Patent%20Policy.pdf>
-
- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:28:00 AM
Copyright Policy: <https://www.una.edu/employee-policy-manual/PDFs/Policies/Copyright%20Policy.pdf>
-

Page: 44

-
- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:29:10 AM
Sick Leave Program: <https://www.una.edu/employee-policy-manual/PDFs/Procedures-Processes-Programs/Sick%20Leave.pdf>
-

Page: 75

-
- Author: kkharp Subject: Sticky Note Date: 9/24/2020 11:30:23 AM
This policy title was changed to: Remission of Tuition and Fees and the direct link is: <https://www.una.edu/humanresources/benefits/remission-of-tuition-and-fees.html>
-

FACULTY HANDBOOK

UNIVERSITY OF NORTH ALABAMA

AUGUST 2020 EDITION


1. ORGANIZATION AND ADMINISTRATION

- 1.1 BOARD OF TRUSTEES**
- 1.2 UNIVERSITY ORGANIZATION**
- 1.3 FACULTY ORGANIZATION**
- 1.4 SHARED GOVERNANCE STANDING COMMITTEES**
- 1.5 TEACHER EDUCATION COUNCIL**
- 1.6 CURRICULUM COMMITTEE**
- 1.7 GRADUATE COUNCIL**


**2. PERSONNEL POLICIES,
REGULATIONS, AND
PROCEDURES**

- 2.1 EQUAL OPPORTUNITY**
- 2.2 NEPOTISM**
- 2.3 FACULTY EMPLOYMENT PROCEDURES**
 - 2.3.1 SEARCH GUIDELINES FOR TENURE-TRACK AND/OR NON-TENURE-TRACK FACULTY**
 - 2.3.2 FACULTY EMPLOYMENT AGREEMENTS**
 - 2.3.3 BACKGROUND CHECKS**
- 2.4 TYPES OF APPOINTMENTS**
 - 2.4.1 TENURE-TRACK**
 - 2.4.2 NON-TENURE-TRACK**
 - 2.4.3 ADJUNCT**
- 2.5 CRITERIA FOR APPOINTMENT, PROMOTION, AND/OR TENURE**
 - 2.5.1 GENERAL CRITERIA FOR PROMOTION AND/OR TENURE**
 - 2.5.2 SPECIAL CRITERIA BY RANKS FOR APPOINTMENT, PROMOTION, AND/OR TENURE**
 - 2.5.3 PROCEDURE FOR PROMOTION AND/OR TENURE**
 - 2.5.4 RENEWAL OR TERMINATION OF A PROBATIONARY APPOINTMENT**
- 2.6 TERMINATION OF FACULTY APPOINTMENTS**
 - 2.6.1 RETIREMENT**
 - 2.6.2 TERMINATION FOR CAUSE**
 - 2.6.3 CHECK-OUT PROCEDURES**
- 2.7 SANCTIONS LESS THAN TERMINATION**
- 2.8 DUE PROCESS PROCEDURES**
- 2.9 FACULTY RECORDS**
- 2.10 APPLICATION OF HANDBOOK**

2.1 EQUAL OPPORTUNITY

The University's policy on Equal Opportunity can be located on the university's website at <http://www.una.edu/employee-policy-manual/policies/equal-employment-opportunity-policy.html>. 

2.2 NEPOTISM

The University's policy on Nepotism can be located on the university's website at <http://www.una.edu/employee-policy-manual/policies/nepotism.html>. This statute is applicable to all university positions, including non-tenure-track, adjunct, and student  positions. Furthermore, any committee membership (i.e., University-Wide Promotion and Tenure Portfolio Review Committee) in which there may be a possible conflict of interest due to relationships shall be subject to this statute.

2.3 FACULTY EMPLOYMENT PROCEDURES



The objectives of faculty employment procedures are to hire the most qualified faculty candidates, to create transparency in the search process, and to ensure that diversity and equity are achieved in all faculty searches. For the latter objective, the Vice President for Diversity, Equity, and Inclusion will provide assistance and guidance as outlined below.

The University defines diversity broadly as differences related to age, culture, ethnicity, gender, nationality, national origin, political affiliation, physical disability, physical attributes, race, religion, sexual orientation, and/or socioeconomic status. Search committee chairs and members of the search committees are expected to maintain communication with the Vice President for Diversity, Equity, and Inclusion throughout the search and screening processes. In the event that a search committee chair and the Vice President for Diversity, Equity, and Inclusion do not concur on any step in this protocol requiring their agreement, this matter should be resolved by the respective Executive Council member. Under the University's enabling act, appointments to the faculty are made by the Board of Trustees upon written nomination by the President. As a matter of practice, and by express delegation of authority, the University Administration has approved the following procedures for faculty selection and appointment. (Also see Appendix 2.A, Policies Concerning Adjunct Faculty)

2.3.1 Search Guidelines for Tenure-Track and/or Non-Tenure-Track Faculty

A search process is initiated when the Provost and Executive Vice President for Academic Affairs indicates that an existing position vacancy may be filled or, after consultation with the President, that a new position may be created from university resources.


1. Identification of Search Committee. Once a position has been authorized, the department chair will include, as a part of the Request to Fill/Advertise electronic form, a listing of proposed search committee members (in the appropriate field in the Online Employment System – OES). Search committees will be formed from a pool of all full-time department members, including the department chair, and should typically be made up of

12. Deviation from this policy may be necessary if unique circumstances exist. Exceptions to the policy must be approved by the Vice President for Diversity, Equity, and Inclusion, the Provost and Executive Vice President for Academic Affairs, and the AVPHRAA.
13. Where appropriate, the search committee should consult the following links for additional information on search protocols:
<http://www.una.edu/humanresources/files/employment/Protocol%20for%20External%20FacultyStaff%20Searches.pdf> , <http://www.una.edu/employee-policy-manual/policies/employment-of-foreign-nationals-policy.html>. 
14. Review of Procedures. These procedures should be reviewed periodically by the Office of the Provost and Executive Vice President for Academic Affairs with input from areas conducting searches the prior year and the Faculty Senate. 

2.3.2 Faculty Employment Agreements

Offers of appointment are made by the President in letter form. Offers of appointment are for one year only and specify position, academic rank, contract period, effective date of appointment or position, any departmental or college standards, and a deadline date for acceptance. Offers of appointment are contingent on receipt by the Provost and Executive Vice President for Academic Affairs of official transcripts for bachelor's, master's, and doctoral degrees as well as any coursework in support of faculty credentials. The appointee also will be advised by the department chair of the standards and procedures generally used in decisions affecting the renewal of contracts and tenure. As applicable, acceptance of an offer of appointment shall be in writing.

2.3.3 Background Checks

The University's statement on Background Checks can be located at 
<http://www.una.edu/humanresources/handbook-policies.html>.

2.4 TYPES OF APPOINTMENTS

The University uses three types of faculty appointments—tenure-track, non-tenure-track, and adjunct—as follows:

2.4.1 Tenure-Track

These appointments are for full-time positions and are subject to university policy on tenure and any provisions in individual contracts of employment. Tenure-track faculty have full entitlement to the rights, privileges, and benefits accorded faculty by the University.

2.4.2 Non-Tenure-Track

the end of the period specified. Adjunct appointment is typically limited to a teaching load of two courses or less per semester. Exceptions must be approved by the college dean based on a recommendation from the department chair. For additional IRS information on calculation of load limits for adjunct faculty relative to the Affordable Care Act, please refer to the following link: <http://www.una.edu/humanresources/forms-and-links.html> (see Shared Responsibility for Employers Regarding Health Coverage; Final Rule – specifically section VI.C.) Adjunct faculty are not eligible for promotion or tenure but do participate in the retirement plan if already holding active membership in the Teachers' Retirement System of Alabama. All adjunct faculty share the general rights and privileges accorded regular faculty except when regular and/or full-time status are stipulated. (See Appendix 2.A, Policies Concerning Adjunct Faculty)

2.5 CRITERIA FOR APPOINTMENT, PROMOTION, AND/OR TENURE

2.5.1 General Criteria for Promotion and/or Tenure

As a regional, state supported institution of higher education, the University of North Alabama pursues its mission of engaging in teaching, research, and service in order to provide educational opportunities for students, an environment for discovery and creative accomplishment, and a variety of outreach activities meeting the professional, civic, social, cultural, and economic development needs of our region in the context of a global community. Faculty members seeking promotion and/or tenure are expected to demonstrate significant contributions in support of this mission as reflected in accomplishments specific to the criteria below.

1. **Effectiveness in Teaching/Effectiveness in Role as Library or Educational Technology Faculty.** The candidate is evaluated upon evidence such as the following: knowledge of subject matter, including current developments in the discipline; active concern for the student's academic progress; evidence of success in supporting mentoring and student research and creative activity; ability to organize and effectively present and evaluate coursework, including effectiveness in oral and written communication; ability to motivate student interest and participation; ability to relate coursework to other fields with a view to broadening the student's general knowledge; evidence of conscientious preparation; and use of effective methodology and teaching techniques. The non-teaching faculty candidate (e.g., Librarians, Instructional Designers, etc.) is evaluated upon evidence of professional effectiveness such as the following: knowledge of the field, including current developments in the field; demonstrated active concern in providing resources that support student, faculty, and staff development and enhance academic progress; effectiveness in oral and written communication; and ability to develop their own unique contribution to their area and the university.
2. **Effectiveness in Research, Scholarship, and Other Creative Activities.** The candidate is evaluated upon the University of North Alabama's mission in research (including basic, applied, and pedagogical research, creative accomplishments, and other forms of scholarship) through recognition that active participation in one's academic discipline promotes intellectual growth and enhances and informs classroom, laboratory, clinical, and studio instruction. Scholarly inquiry and learning vary by discipline and the

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**3. RIGHTS AND
RESPONSIBILITIES**

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- 3.1 ACADEMIC FREEDOM AND RESPONSIBILITY
 - 3.1.1 STATEMENT ON PROFESSIONAL ETHICS
- 3.2 WORKLOADS
 - 3.2.1 ASSIGNMENTS
 - 3.2.2 FACULTY WORKLOADS AND TEACHING LOADS
 - 3.2.3 OFFICE HOURS
 - 3.2.4 DEPARTMENT CHAIRPERSON—APPOINTMENT, WORKLOAD, AND SUPPLEMENT
 - 3.2.5 OFF-CAMPUS INSTRUCTION
 - 3.2.6 INTERIM PERIODS
 - 3.2.7 OVERLOADS
- 3.3 PARTICIPATION IN UNIVERSITY ACTIVITIES
 - 3.3.1 ACADEMIC ADVISEMENT
 - 3.3.2 COMMENCEMENT
 - 3.3.3 CURRICULUM DEVELOPMENT
 - 3.3.4 FACULTY MEETINGS
 - 3.3.5 LEARNED SOCIETIES AND PROFESSIONAL ASSOCIATIONS
 - 3.3.6 SPONSORSHIPS
- 3.4 UNIVERSITY AND COMMUNITY INVOLVEMENT
- 3.5 RESEARCH AND CONSULTING ACTIVITIES
- 3.6 PATENT POLICY
- 3.7 COPYRIGHT POLICY
- 3.8 STUDENT COPYRIGHT NOTICE
- 3.9 OUTSIDE EMPLOYMENT
- 3.10 ABSENCES
- 3.11 FACULTY RESEARCH/ DEVELOPMENT
- 3.12 LEAVE OF ABSENCE
- 3.13 PARENTAL LEAVE
- 3.14 FACULTY DEVELOPMENT LEAVE
- 3.15 FACULTY ENGAGED IN INTERNATIONAL FELLOWSHIP OR EXCHANGE
 - 3.14.1 FACULTY ON INTERNATIONAL FELLOWSHIP LEAVE
 - 3.14.2 FACULTY IN THE UNA EXCHANGE PROGRAM
- 3.16 FACULTY EVALUATION
 - 3.16.1 COMPONENTS OF THE PROGRAM
 - 3.16.2 USE OF THE RESULTS OF THE PROGRAM

3.4 UNIVERSITY AND COMMUNITY INVOLVEMENT

Faculty members are encouraged to participate in and support appropriate out-of-class university functions and activities of an educational, cultural, recreational, civic, or social nature. On occasion, classes are dismissed for special programs on the authority of the President and/or the Provost and Executive Vice President for Academic Affairs. Announcements in class of important programs and events are requested of faculty from time to time through official channels. As citizens of the community, as well as members of the university staff, faculty members similarly are encouraged to participate in and support those affairs and activities of the community through which their expertise, standing, and leadership may make a contribution and through which university-community relations are enhanced.

3.5 RESEARCH AND CONSULTING ACTIVITIES

From time to time, the University receives requests from business and industry, governmental agencies, schools and school systems, and other agencies and individuals for consultative services, research, and project leadership by university personnel. In addition, individual faculty members often wish to apply for project or research grants from governmental agencies or other external sources of funding. The university administration desires to cooperate in and facilitate such endeavors whenever feasible and possible and to maintain adequate records regarding them. Requests for such contractual services or proposals for grants must be referred to the Director of Sponsored Programs prior to the submission of a proposal or execution of a contract. The proposal or contract should be submitted to the Director of Sponsored Programs seven business days in advance of the proposal or contract deadline to allow adequate review and processing time.

Review of contracts or proposals is required to verify that the information contained in the documents is in compliance with university, state, and federal guidelines. The Director of Sponsored Programs is responsible for these activities and functions. Policies, definitions, and procedures which relate to faculty and staff research and consulting activities are set forth in Appendix 3.A.

3.6 PATENT POLICY

The University's Patent Policy can be located on the university's website at <http://www.una.edu/employee-policy-manual/policies/patent-policy.html>.



3.7 COPYRIGHT POLICY

The University's Copyright Policy can be located on the university's website at <http://www.una.edu/employee-policy-manual/policies/copyright-policy.html>.



3.8 STUDENT COPYRIGHT NOTICE

UNA courses may incorporate material contributed or licensed by individuals, companies, or organizations that may be protected by U.S. and foreign copyright laws. All

persons reproducing, redistributing, or making commercial use of this information are expected to adhere to the terms and conditions asserted by the copyright holder. Transmission or reproduction of protected items beyond that allowed by fair use as defined in the copyright laws may require the written permission of the copyright owners.

3.9 OUTSIDE EMPLOYMENT

Faculty positions, unless otherwise stated, are considered to be full-time positions. Before accepting other additional employment or entering into self-employment activities, full-time faculty must determine that such employment would not adversely affect their responsibilities to the University. If it can be reasonably anticipated that such outside employment might interfere with fulfilling these responsibilities, the faculty member must discuss the matter with and obtain written approval from appropriate university officials. (See Appendix 3.B) No outside teaching obligations with another institution or high school should be accepted without prior written approval from the Provost and Executive Vice President for Academic Affairs. Faculty members should not accept outside employment which impairs their ability to fulfill their contractual obligations to the University. Outside employment cannot be used to justify unusual teaching schedules, office hour times, or relief from other normal faculty responsibilities.

3.10 ABSENCES

In the event of illness or other unanticipated circumstances requiring absence from duty, the chair of the department (or the dean of the college if the department chair is not available) should be notified as soon as possible. Any personal time off with pay can be considered only under provisions for sick leave and must be reported to the Office of Human Resources via Banner Self-Service.

The full policy on sick leave can be located at <https://www.una.edu/employee-policy-manual/procedures-processes-programs/sick-leave.html>. Sick leave is granted to faculty in relation to eight-hour workdays. When a faculty member is absent from the University for a full day, eight hours of sick leave should be reported as long as the faculty member had a class or office hour during that day. Four hours of sick leave should be reported if the faculty member is absent only one-half day and thereby misses a class or office hour. When a faculty member is absent less than one-half day and misses assigned duties, sick leave should be reported in one-hour increments.



Requests for approval for absence in connection with appropriate meetings and other off-campus activities are made in advance to the chair of the department and the dean of the college. Time away from assigned duties on approved university activities is not chargeable to sick leave. Approval for absence does not remove the obligation for proper arrangements for classes.

3.11 FACULTY RESEARCH/DEVELOPMENT

The performance of the University is the cumulative result of the performance of each person employed by the University. The purpose of faculty development is to increase the teaching or research effectiveness of individuals to enable them to contribute to the University's overall mission. Thus, the goals of development are of mutual benefit to the faculty and the University. This is accomplished by enhancing employees' knowledge, skills, and attitudes that

4. SALARY

4.1 SALARY SCHEDULE

4.1.1 FULL-TIME FACULTY

4.1.2 ADJUNCT FACULTY

4.2 SUPPLEMENTAL PAYMENTS

4.2.1 ADMINISTRATIVE SUPPLEMENT

4.2.2 SUMMER EMPLOYMENT

4.2.3 INTERIM SESSION EMPLOYMENT

4.2.4 INSTRUCTIONAL OVERLOAD

4.2.5 OFF-CAMPUS INSTRUCTION

4.2.6 DISTANCE LEARNING COMPENSATION

4.3 PAYMENT PROCEDURE

4.3.1 TENURE-TRACK FACULTY

4.3.2 NON-TENURE-TRACK AND ADJUNCT FACULTY

5. INSTRUCTIONAL PROCEDURES

- 5.1 CREDIT HOUR POLICY**
- 5.2 CLASS SCHEDULES AND ROOM ASSIGNMENTS**
- 5.3 CLASS ROSTERS AND ROLL BOOKS**
- 5.4 STUDENT WITHDRAWALS**
- 5.5 STUDENT ABSENCES**
- 5.6 FIELD TRIPS AND OTHER OUT-OF-SCHEDULE
CLASS ACTIVITIES**
- 5.7 EVALUATIONS AND ASSIGNMENTS**
- 5.8 FINAL GRADE APPEALS PROCESS**
- 5.9 EXAMINATION SCHEDULE**
- 5.10 STUDY DAY**
- 5.11 TERM GRADE REPORTS**
- 5.12 PROPER CLASSROOM DECORUM**

6. INSTRUCTIONAL RESOURCES


- 6.1 TEXTBOOKS AND MANUALS**
- 6.2 GENERAL EQUIPMENT AND MATERIALS**
- 6.3 COMPUTER EQUIPMENT AND RESOURCES**
- 6.4 LIBRARY RESOURCES AND SERVICES**
- 6.5 EDUCATIONAL TECHNOLOGY SERVICES**
- 6.6 DISTANCE LEARNING**

APPENDIX A

RETIRED FACULTY: BENEFITS AND PRIVILEGES

1. Members of the faculty, upon retirement from the University after a minimum of 25 years of educational service at any level (elementary, secondary, or post-secondary) with the last 10 years of service being at the University of North Alabama, will be awarded emeriti status and will receive a Certificate of Meritorious Service at the commencement exercises following retirement.
2. Members of the faculty retiring from the University after 10 or more years of service will have their name placed on the University of North Alabama Roll of Honor which hangs in Bibb Graves Hall.
3. Subject to the discretion of the University, retired faculty may be eligible for the following benefits and privileges:
 - a. Admission to Events: Admission of retired faculty and eligible members of their families to university events is based on the same policies and procedures applicable to regular faculty. Season passes to athletic events at the reduced rates for faculty may be obtained from Athletic Ticket Sales in advance of each season.
 - b. Insurance: Under certain conditions and limitations, the University's master group policies on cancer and intensive care insurance and on life insurance for employees may permit retired faculty to continue participation. Retiring faculty should ascertain from the Office of Human Resources the insurance options that may be open to them upon retirement. Health, vision, and dental insurance policies may continue through Public Education Employees Health Insurance Program, subject to provisions of the Alabama Teachers' Retirement System.
 - c. Library: Retired faculty are accorded full use and check-out privileges at Collier Library.
 - d. Parking: Upon request, retired faculty may continue to obtain current decals from the Office of University Police which will permit campus parking in spaces reserved for faculty and staff. Without current decals, only the spaces reserved for visitors may be used.
 - e. Post Office: Upon written request, and as space availability permits, retired faculty may retain their post office boxes for up to one year from the date of retirement.
 - f. Publications: Retired faculty can arrange to have copies of The Flor-Ala mailed to them through annual paid subscription; the UNA Magazine is mailed to those who contribute

to the Annual Fund; the Diorama may be obtained by direct purchase at the Diorama Office; undergraduate and graduate catalogs may be located at:
<https://www.una.edu/academics/index/html>.

- g. Remission of Course Hour Fees: For qualifying children of retired faculty, the University will provide 100% remission of both tuition and fees for a maximum of 10 fall and spring semesters and 75% remission of both tuition and fees during summer terms for enrollment in undergraduate programs at the University. A retiree may receive 100% remission of both tuition and fees for up to six hours per semester. The spouse of a retiree may receive 100% remission of both tuition and fees for one course per fall and spring semester. The Remission of Course Hour Fees Policy may be located at <https://www.una.edu/humanresources/benefits/>. 
- h. Wellness Center. Retired faculty are accorded full use of the Wellness Center.

Retired faculty are always welcome on campus for faculty meetings, Homecoming activities, graduation exercises, and similar events and functions; however, arrangements for attendance must be at the initiative of the individual faculty member. In applying for benefits and privileges, retired faculty should be prepared to present appropriate identification. All rights, benefits, and privileges accorded retired faculty cease upon the member's death unless certain insurance provisions allow for continuation by the spouse.

(This promotion and tenure policy covers faculty hired prior to 2017-2018 who did not opt in to the current promotion and tenure policy)

2.5 CRITERIA FOR PROMOTION, TENURE, AND APPOINTMENT

2.5.1 General Criteria for Promotion and Tenure

As a regional, state supported institution of higher education, the University of North Alabama pursues its mission of engaging in teaching, research, and service in order to provide educational opportunities for students, an environment for discovery and creative accomplishment, and a variety of outreach activities meeting the professional, civic, social, cultural, and economic development needs of our region in the context of a global community. Faculty members seeking promotion and/or tenure are expected to demonstrate significant contributions in support of this mission as reflected in accomplishments specific to the criteria below.

1. Effectiveness in Teaching. The individual is evaluated upon evidence such as the following: knowledge of subject matter, including current developments in the discipline; active concern for the student's academic progress; evidence of success in supporting student research and creative activity; ability to organize and effectively present and evaluate coursework, including effectiveness in oral and written communication; ability to motivate student interest and participation; ability to relate coursework to other fields with a view to broadening the student's general knowledge; evidence of conscientious preparation; and use of effective methodology and teaching techniques.
2. Effectiveness in Research, Scholarship, and Other Creative Activities. The University of North Alabama fulfills its mission in research (including creative accomplishments and other forms of scholarship) through recognition that active participation in one's academic discipline promotes intellectual growth and enhances and informs classroom, laboratory, clinical, and studio instruction. Scholarly inquiry and learning vary by discipline and the individual is evaluated upon evidence that one's scholarly accomplishments are valued by others in the discipline. Examples of such recognition would include publication of one's work in peer-reviewed outlets (books, monographs, journal articles) or invited contributions to scholarly works (book chapters); presentations and/or chaired sessions at professional society meetings; invited presentations at exhibits or recognition at juried shows; professional acclaim for performances or contributions to performances; honors or awards recognizing scholarly accomplishment; competitively awarded grants or contracts that support professional growth; selection as a professional referee or editor; and other generally recognized scholarly accomplishments.
3. Effectiveness in Rendering Service. The individual is evaluated upon evidence such as recognition in the professional field; consultant services of high professional quality in business, cultural, educational, governmental, and industrial endeavors; activities in

The University of North Alabama Student Government Association

Resolution

Sponsored By: Senator Statom
Resolution 20-04
September 17, 2020

Whereas; The Student Government Association represents and speaks on behalf of the student body; and,

Whereas; The COVID-19 pandemic has brought distress, fear, and change to every aspect of society; and,

Whereas; Many changes, alternatives, and protocols have had to be devised and enforced in order to maintain a safe environment for all students and faculty; and,

Whereas; The University of North Alabama Health Services and the COVID-19 Recovery Task Force have worked tremendously in preparation and execution to ensure a stable semester for the University of North Alabama; and,

Whereas; The COVID-19 pandemic has brought unusual trials and difficulty for the University of North Alabama Health Services, the COVID-19 Recovery Task Force, and the University as a whole; and,

Whereas; The University of North Alabama Health Services and the COVID-19 Recovery Task Force have effectively dealt with the complications of this strange time; and,

Therefore; May it be resolved that the University of North Alabama SGA Senate would like to recognize and commend the University of North Alabama Health Services and the COVID-19 Recovery Task Force for their outstanding labor throughout this pandemic; and,

Therefore; be it further resolved that copies of this resolution be sent to the following individuals: the Employees of the University of North Alabama Health Services; the Members of the COVID-19 Recovery Task Force; University of North Alabama Shared Governance Executive Council; the University of North Alabama President, Dr. Kenneth Kitts; and the Editor-In-Chief of the Flor-Ala newspaper, Lavette Williams.

Passed and approved by the Student Government Association this 17th day of September 2020.



Signed: Jate Grant
(Student Government Association President)

Signed: [Signature]
(Student Government Association Vice President)

Resolution of Commendation during the Coronavirus COVID-19 Pandemic

WHEREAS, the Faculty and Staff are constituencies of stakeholders of the University of North Alabama; and

WHEREAS, the Faculty and Staff of the University of North Alabama constituencies have their own respective governing bodies in the Faculty Senate and the Staff Senate that operate under constitutions and bylaws adopted and approved by those constituent groups; and

WHEREAS, the Faculty Senate and Staff Senate represent and speak on behalf of their respective constituencies; and

WHEREAS, the coronavirus COVID-19 pandemic has brought distress, fear, and change to every aspect of society; and,

WHEREAS, many changes, alternatives, and protocols were necessary and had to be devised and enforced in order to maintain a safe environment for all faculty, staff and students; and,

WHEREAS, the University of North Alabama Health Services, Housing and Residence Life, Environmental Services, and the COVID-19 Recovery Task Force have worked tremendously in preparation and execution to ensure a safe and stable semester for the University of North Alabama faculty, staff, and students; and

WHEREAS, the coronavirus COVID-19 pandemic has brought unusual trials and difficulty for the University of North Alabama Health Services, Housing and Residence Life, Environmental Services, the COVID-19 Recovery Task Force, and the University as a whole; and

WHEREAS, the University of North Alabama Health Services, Housing and Residence Life, Environmental Services, and the COVID-19 Recovery Task Force have effectively dealt with the extraordinary complications surrounding the coronavirus COVID-19 pandemic; now, therefore, be it

RESOLVED, that the University of North Alabama Faculty and Staff Senate collectively recognize and commend the extraordinary efforts of the University of North Alabama Health Services, Housing and Residence Life, Environmental Services, and the COVID-19 Recovery Task Force for their outstanding efforts throughout this pandemic; and be it

FURTHER RESOLVED, that copies of this resolution be sent to the employees of the University of North Alabama Health Services, Housing and Residence Life, Environmental Services, the members of the COVID-19 Recovery Task Force, the University of North Alabama Shared Governance Executive Council, and the University of North Alabama President, Dr. Kenneth Kitts; and be it

DECLARED, that this resolution, as indicated by the signatures below, has been ratified as a Commendation by the Faculty Senate and Staff Senate.

Passed and approved by the Student Government Association this 17th day of September 2020.

Approved this _____ day of _____, 2020.

Signed:

Dr. Laura L. Williams (Faculty Senate President)

Ms. Bliss Adkison (Staff Senate President)