REVISED Spring 2026
For consideration by Board of Trustees: June 2026

Discrimination and Harassment Policy

The University of North Alabama ("UNA") is committed to a learning and work environment free from discrimination and harassment. UNA is committed to maintaining an inclusive community that respects and values all of its members.

I. Policy

This Policy prohibits discrimination and harassment on the basis of race, color, religion, national origin, age, gender, sex, sexual orientation, genetic information, gender identity, gender expression, pregnancy, disability, veteran or military status, and all other characteristics protected by state or federal law (collectively, "protected status" or "protected characteristics"). This prohibition includes discrimination and harassment based on the perception of an individual's protected status, even if that perception is incorrect. The Policy also prohibits related misconduct, such as sexual assault, relationship violence, stalking, and retaliation.

This Policy will be interpreted and applied consistently with all applicable federal, state, and local laws addressing discrimination, harassment, and related misconduct. These include, but are not limited to, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1866 (42 U.S.C. Section 1981), Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Equal Pay Act of 1963, and the Alabama Clarke-Figures Equal Pay Act.

II. Jurisdiction/Scope

The Policy applies to all members of the UNA community (which includes collectively and without limitation, all individuals who are enrolled at, employed by, appointed by, affiliated with, or otherwise engaged in any activity sponsored by or undertaken on behalf of UNA) and applies to all Prohibited Conduct that occurs on UNA property and/or during participation or attempted participation in a UNA program or activity. UNA will respond appropriately to conduct that occurs off UNA property and/or outside of a UNA-related program or activity, including off-campus or online conduct that is not part of a UNA program or activity if the alleged Prohibited Conduct is contributing to a hostile environment that occurs within a UNA program or activity. UNA maintains the discretion to address conduct that occurs off campus and/or outside of a UNA-related program or activity that does not contribute to a hostile environment within a UNA program or activity pursuant to this Policy or any other appropriate policy.

Members of the UNA community covered by this Policy include, but are not limited to, trustees, full and part-time students and employees, including faculty members, staff, undergraduate students, graduate students, scholars and fellows, researchers, student employees, volunteers, interns, trainees, temporary employees, and contract employees. Members of the UNA community may also include third parties engaging in a UNA program or activity, including, but not limited to, applicants for admission and employment, visitors, visiting scholars, conference attendees,

exchange students, employees of UNA contractors and vendors to the extent they are participating in a UNA-sponsored program or activity, and program participants.

When UNA receives reports from individuals who are not participating in UNA programs or activities, the University will evaluate those reports promptly and determine the applicability of the Policy and what, if any, action is warranted. UNA retains the discretion to use any of its existing procedures, processes, and/or other resolution mechanisms to address the reports and complaints of Prohibited Conduct committed by individuals who are affiliated with UNA, but who do not fall into the category of a student, faculty, or staff respondent.

Some types of harassment and related misconduct may be criminal in nature and can also be reported to law enforcement. For on-campus reports, contact University Police Department at (256) 756-4357 (HELP), and for off-campus reports call either 911 (emergencies) or the local non-emergency law enforcement number.

III. Prohibited Conduct

This Policy prohibits all the following conduct, collectively defined as "Prohibited Conduct."

A. Discrimination and Harassment Based on All Protected Characteristics

Discrimination: When an individual or group is subjected to an adverse action, including differential treatment, based upon a protected status or characteristic. Discrimination can occur under this Policy in either an employment or an educational context. Discrimination also includes failing to provide reasonable accommodations to a qualified person with a disability or failing to reasonably accommodate an employee's religious beliefs or practices, as required by state and federal law.

Harassment: Conduct based on a protected characteristic that satisfies one or more of the following:

Non-Title IX Hostile Environment Harassment (Including Sexual Harassment): Unwelcome protected status-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from UNA's programs or activities (i.e., creates a hostile environment). Factors considered when determining whether the conduct created a Hostile Environment include, but are not limited to:

1. The degree in which the conduct affected the Complainant's ability to access UNA's program or activity;
2. Whether the conduct unreasonably interfered with an employee's work performance;
3. The severity of the conduct;
4. The type, frequency, and duration of the conduct;
5. Whether the conduct was physically threatening or humiliating;

6. The parties' ages, roles within UNA's program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
7. The location of the conduct and the context in which the conduct occurred; and
8. Other Prohibited Conduct in UNA's program or activity.

An isolated incident, unless sufficiently severe, would typically not create a hostile environment. Harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities. Harassment can include conduct that significantly interferes with the individual's or group's:

- educational environment (e.g., admission, academic standing, grades, assignment);
- work environment (e.g., hiring, advancement, assignment);
- participation in a UNA program or activity (e.g., campus housing); or
- receipt of legitimately-requested services (e.g., disability, pregnancy, or religious accommodations).

Protected Characteristics include the following:

Age: The number of years from the date of a person's birth. With respect to employment, individuals who are forty (40) years of age or older are protected from discrimination and harassment based on age. There is no age threshold for protection from discrimination for students or other participants in educational programs or activities.

Color: An individual's skin tone, complexion, or shade.

Disability: A physical or mental impairment that substantially limits one or more major life activities. Individuals are protected from discrimination if they have such an impairment, have a record of such impairment, or are regarded as having such impairment.

A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra-curricular program, with or without reasonable accommodation.

National Origin: An individual's actual or perceived country or ethnicity of origin.

Gender: A socially constructed set of expectations, roles, behaviors, and activities a given society or culture considers appropriate for individuals generally based on an individual's sex assigned at birth.

Gender Expression: The external appearance of one's gender identity, usually expressed through behavior, clothing, haircut, or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Identity: One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same as or different from their sex assigned at birth.

Genetic Information: Information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.

Military Status: Service members and veterans including disabled veterans, special disabled veterans, veterans of the Vietnam Era, and other protected veterans as defined by federal and state law.

Race: An individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair (including hair texture or hairstyle commonly associated with a particular race), facial features, height, and weight. The concept of race under some laws is broader than the modern understanding of the term and may include ancestral and ethnic characteristics. The protected characteristic of race also includes association with a person of a different race than the person to whom the discrimination or harassment is directed.

Religion: All aspects of religious observance, practice, or beliefs, including a lack of religion. Also includes actual or perceived shared ancestry, ethnic characteristics, or citizenship/residency in a country with a dominant religion.

Sex (Assigned at Birth): A designation at birth (male, female, and intersex) generally based on external appearance of sex organs; includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. Conduct of a sexual nature is by definition based on Sex as a Protected Status.

Sexual Orientation: One's sexual, romantic, physical, and/or emotional attraction (or lack of attraction) to others.

B. Stalking

Stalking: A course of conduct (including cyberstalking) directed at a specific person, based on that person's protected status/characteristic, that would cause a reasonable person to fear for their safety or the safety of another, or to suffer substantial emotional distress. A course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish.

C. Relationship Violence

Relationship Violence: A pattern of abusive behavior in a current or former intimate relationship that is used by one partner to gain or maintain power and control over another partner. Relationship violence can be sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Relationship violence includes, but is not limited to, dating violence and domestic violence, as defined below.

- Dating violence: Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant and where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship. For purposes of this definition, violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Domestic violence: A felony or misdemeanor crime of violence, based on sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Alabama, or 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 Alabama.

D. Sexual Assault

Sexual Assault: Any actual or attempted sexual contact with another person without consent, including instances where the Complainant is incapable of giving consent. Sexual contact includes penetration of a person's body parts, by any object or body part of another, in a sexual manner or causing a person without consent to penetrate themselves or another's body as described herein. Sexual contact also includes fondling, which is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the other person. Sexual contact does not require skin to skin contact. Sexual assault can occur between individuals of the same or different sexes and/or genders. The regulations applying Title IX of the Education Amendments of 1972 define sexual assault as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. For more detailed information about conduct that may constitute sexual assault, refer to the Procedures for Responding to Reports and Complaints of Title IX Sexual Harassment.

E. Sexual Exploitation

Sexual Exploitation: Taking sexual advantage of another without consent for one's benefit or the benefit of another party. This may include but is not limited to the following: threatening to disclose an individual's sexual orientation, gender identity, or gender expression unless the individual submits to sexual demands; observing or allowing others to observe sexual activity of others without their knowledge or consent; streaming images of sexual activity without the knowledge or consent of those involved; causing the incapacitation of another person for the purpose of compromising that person's ability to give consent to sexual activity; knowingly exposing another individual to a sexually-transmitted infection without the individual's

knowledge; and knowingly making a materially false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the Complainant to participate in a specific sexual act or encounter.

F. Title IX Sexual Harassment

UNA's Procedures for Responding to Reports and Complaints of Title IX Sexual Harassment ("hereinafter referred to as "Title IX Procedures") (add hyperlink) applies to all reports of Title IX Sexual Harassment as defined in the Title IX Procedures, alleged to have occurred on or after August 14, 2020, and when meeting the jurisdictional requirements set forth in the Title IX Procedures.

G. Violation of Supportive or Remedial Measures

Where a violation of Supportive Measures would constitute Prohibited Conduct under this Policy, the violation will be addressed pursuant to the Policy. If the violation of Supportive Measures would not constitute Prohibited Conduct under this Policy, then such violation of Supportive Measures will be referred to the Office of Student Affairs, Office of Human Resources, or other appropriate senior administrator.

H. Retaliation

Retaliation: Intimidation, threats, coercion, or discrimination against any person by UNA, a student, or an employee or other person authorized by UNA to provide aid, benefit, or service under UNA's program or activity, for the purpose of interfering with any right or privilege under the Policy or because the person reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, hearing, or informal resolution. Individuals are also protected from good faith opposition to what an individual reasonably believes to be discrimination, harassment, or related misconduct under this Policy and making good faith requests for accommodations on the basis of religion, pregnancy or pregnancy-related medical conditions, or disability.

To constitute a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting, participation, or opposition. Charging an individual with a Policy violation for making a materially false statement in bad faith, in the course of UNA's complaint process or in response to a complaint, does not constitute Retaliation.

IV. Additional Defined Terms

Informal Resolution: A voluntary, non-punitive, remedies-based process that does not include an investigation or hearing. Remedies may include appropriate and reasonable educational, restorative, and accountability-focused measures as agreed to by the parties and approved by UNA.

Coercion: The use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person decides not

to participate in a particular form of sexual activity, decides to stop, or decides not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, UNA will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Complaint: An oral or written request to UNA that objectively can be understood as a request for UNA to investigate and make a determination about alleged Prohibited Conduct.

Complainant: An individual who is alleged to have experienced Prohibited Conduct who was participating or attempting to participate in UNA's program or activity at the time of the alleged Prohibited Conduct. In some situations, the conduct may be reported by someone other than the Complainant. In either case, the "Complainant" is the individual who was/is being subjected to the Prohibited Conduct, not necessarily the reporter.

Consent: An affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

- Consent is not freely given when the individual is incapacitated (Defined further below). Consent is not freely given when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.
- Consent may be withdrawn at any time. Once withdrawn, the non-consensual sexual activity must cease.
- The perspective of a reasonable person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether a Complainant was able to freely give consent and whether consent was given. Additionally, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for Prohibited Conduct.
- A person under 16 years old is deemed incapable of consent.

Confidential Employee: An employee whose communications are privileged or confidential under federal or state law, whom UNA has designated as confidential to provide services to persons related to discrimination, harassment, and related misconduct, or who is conducting an Institutional Review Board-approved human-subjects research study.

UNA Program or Activity: Includes all operations of UNA, including educational programs, employment, or other activities; locations, events, and circumstances where UNA exercises substantial control; remote learning platforms; and any building owned or controlled by a student organization recognized by UNA.

Incapacitation: Incapacitation is the state of being unable to consent by making informed, deliberate decisions about whether or not to engage in sexual activity. States of incapacitation include, but are not limited to: being mentally and/or physically helpless, asleep, unconscious,

intermittently conscious or unaware that sexual activity is occurring. Incapacitation also includes the physical inability to communicate unwillingness. Alcohol or other drug use is one of the primary causes of Incapacitation. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily Incapacitated solely as a result of drinking or using drugs; the level of impairment must be significant enough to render a Complainant unable to Consent.

Evaluating Incapacitation requires an assessment of whether a Respondent knew or should have known of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position. Indications that a person may be incapacitated include but are not limited to: slurred speech, unsteady walking, combativeness, emotional volatility, vomiting, and inability to dress or undress without assistance. Being impaired by alcohol or other drugs is not a defense to any violation of this Policy.

Formal Complaint of Title IX Sexual Harassment: A document or electronic submission filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that UNA investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in a UNA education program or activity. A Formal Complaint must contain the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing the Formal Complaint.

Report: Notification, either orally or in writing, and by any individual, that Prohibited Conduct is alleged to have occurred.

Respondent: The person or office, program, department, or group against whom the allegation or complaint is made; i.e., the individual(s), organizational unit(s), or group(s) who have been reported to be the perpetrator of conduct that could constitute Prohibited Conduct. For allegations of Harassment, only a person can be a Respondent.

Responsible Employee: An individual designated by the Policy who is required to report information regarding Prohibited Conduct to UNA Title IX Coordinator.

Student: A person who has gained admission to UNA's education programs.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent, designed to restore or preserve a party's equal access to UNA's programs or activities, protect the safety of the parties or UNA's educational environment, or provide support during the resolution process.

V. Resources and Reporting Options

UNA encourages all individuals to seek the support of on- and off-campus resources, regardless of when or where an incident occurred. These resources can provide guidance on reporting options and information about available resources. In general, UNA provides two ways to raise concerns

about possible Prohibited Conduct - Confidential Resources and Non-Confidential Reporting Options.

A. Confidential Resources

The following UNA resources can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a report of Prohibited Conduct without the individual's express written permission unless there is a continuing threat of serious harm to the Complainant or to others, or there is a legal obligation to reveal such information (*e.g.*, suspected abuse or neglect of a minor, which may be reported only to law enforcement or child protective services and never to the Title IX Office or any other UNA official). These individuals can also help an individual make a report to UNA.

Student Counseling Services	256-765-5212
University Health Services	256-765-4328

These off-campus resources can also provide counseling, information, and support in a confidential setting to students, faculty, and staff:

North Alabama Crisis Center	256-716-1000
One Place of the Shoals	256-284-7600
Safe Place (domestic violence)	256-767-6210 or 1-800-550-9215
THRIVE Alabama	256-764-0492

Medical concerns/evidence preservation. UNA encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident that may require medical attention or preservation of evidence. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Generally, a forensic medical exam needs to be conducted no later than 96 hours after the occurrence of a sexual assault. If you suspect that you have been drugged, those drugs often leave the system within 24 hours or less, and any testing should be done within that window, or soon as otherwise practicable.

B. Reporting Options (Non-Confidential)

Individuals are encouraged to report all Prohibited Conduct, whether that conduct potentially falls under Title IX prohibitions or other non-discrimination prohibitions, to UNA. Making a non-confidential report of Prohibited Conduct means that UNA will contact the Complainant to offer resources and support. UNA will also identify the appropriate response to the report as outlined in this Policy and accompanying Procedures. Any individual can make a report under this Policy to UNA. A report may be made in person, in writing, by telephone, or by email. A report can be made anonymously.

For Non-Title IX Prohibited Conduct:
Catherine White
Associate Vice President for Human Resources
601 Cramer Way, Suite 226
256-765-4291
humanresources@una.edu

For Title IX Prohibited Conduct:
Kate Hanbery
Title IX Coordinator
601 Cramer Way, Office 318
256-765-4223
TitleIX@una.edu

C. Responsible Employees

Responsible Employees are individuals who must immediately share all known information about all forms of possible Prohibited Conduct, not limited to sexual misconduct, directly with the individuals identified in paragraph B above. Responsible Employees are not confidential resources. Responsible Employees include, but are not limited to, all administrators, faculty, employees with teaching or supervisory authority, graduate students with teaching or supervisory authority (including Teaching Assistants acting in their role), and all athletic staff.

Individuals who are not required to report Prohibited Conduct to UNA as described above are nonetheless strongly encouraged by UNA to consult with UNA and/or file a report. If you have any question about whether you are a Responsible Employee or questions regarding your Responsible Employee duties, please promptly contact your direct supervisor for clarification.

D. Law Enforcement

UNA encourages all individuals to report Prohibited Conduct that may involve criminal conduct to the UNA Police Department or, for incidents taking place off campus, to the appropriate local law enforcement agency. Criminal conduct could include sexual violence, relationship violence, stalking, dating or domestic violence, and conduct that could be a hate crime. In cases of sexual misconduct involving a minor, members of the UNA community are required to report the situation to the Alabama Department of Human Resources and/or the Florence Police Department.

E. Leniency

In order to encourage reports of conduct that is prohibited under this Policy, UNA may offer leniency (up to and potentially including amnesty) with respect to other violations which may come to light as a result of such reports, depending on the circumstances involved.

VI. Supportive Measures

Supportive Measures are available regardless of whether an investigation is requested. A Complainant who requests Supportive Measures retains the right to request an investigation, either at the time Supportive Measures are requested or at a later date. UNA or its designee will contact a Complainant after receiving notice of possible Prohibited Conduct (1) to discuss the availability of Supportive Measures and (2) to explain that Supportive Measures are available with or without a request for investigation. Supportive Measures may also be requested by and made available to Respondents. UNA will ultimately serve as the point of contact for any Party requesting Supportive Measures under this Policy. UNA will determine a reasonable timeframe for application of Supportive Measures, which in most cases will be time bound.

VII. Emergency Removal and Administrative Leave

Emergency Removal of a Student Respondent. Where there is an imminent and serious threat to the health or safety of any students, employees, or other individuals arising from a report of Prohibited Conduct, UNA can remove a Student Respondent from part or all of UNA's programs or activities and issue any necessary related no-trespass and no-contact orders. In addition, UNA may take reasonable and appropriate interim steps to protect the safety and well-being of members of the UNA community, maintain the integrity of the resolution process, and deter retaliation. Such steps may include limiting or removing a Respondent from UNA programs and activities.

Administrative Leave of an Employee/Faculty Respondent. UNA may place an Employee/Faculty Respondent on administrative leave (or a student employee on leave from their employment including graduate students on leave from their appointment) upon a report of Prohibited Conduct and/or during the pendency of the grievance process. UNA, in its discretion and based on the circumstances, will determine whether any administrative leave is imposed with or without pay or benefits. In addition, UNA retains the authority to change schedules, limit access to certain areas, or otherwise adjust working conditions during the process of investigating and resolving an allegation of Prohibited Conduct under this Policy.

VIII. Timelines

To maintain and support a community that is respectful and free from discrimination, harassment, and related misconduct, and to maximize UNA's ability to respond promptly and effectively, UNA urges individuals to come forward with reports of Prohibited Conduct as soon as possible. Complainants and other reporting individuals are encouraged to seek assistance and utilize available resources if they feel they have been subjected to or have witnessed Prohibited Conduct.

IX. Privacy and Confidentiality

UNA will protect the confidentiality and privacy of the complaint process to the extent reasonably possible. Investigators, advisors, decision- makers, facilitators, and any others participating in the

process on behalf of UNA shall preserve the privacy of information obtained through the process except as required to implement the Policy and/or its procedures. However, because of legal requirements, UNA cannot guarantee confidentiality relating to incidents of Prohibited Conduct except where those reports are privileged communications to Confidential Resources.

Privacy means that information related to a report will be shared with a limited number of UNA employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report, including the provision of Supportive Measures. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), and the privacy of employee records will be protected in accordance with state law and UNA policy.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. UNA has designated individuals who have the ability to have privileged communications as Confidential Resources.

Title IX Reports and Complaints: Requests for Confidentiality or No Further Action

When a Complainant requests that UNA not use their name as part of any resolution process, or that UNA not take any further action, UNA will generally try to honor those requests. However, there are certain instances in which UNA has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances, the Title IX Coordinator will notify the Complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a Complainant include:

1. The Complainant's request not to proceed with filing a Formal Complaint;
2. The Complainant's reasonable safety concerns regarding filing a Formal Complaint;
3. The risk that additional acts of Prohibited Conduct would occur if a Formal Complaint is not filed;
4. The severity of the alleged Prohibited Conduct, including whether the conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of UNA, or whether the impacted person is a minor;
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether discrimination occurred;
8. Whether UNA could end the alleged discrimination and prevent its recurrence without filing a Formal Complaint;
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents UNA from ensuring equal access on the basis of sex to its education program or activity;

10. Whether the accused has a history of violent behavior or is a repeat offender;
11. Whether the incident represents an escalation on the part of the person accused;
12. Whether the accused used a weapon or force; and
13. Whether available information reveals a pattern of perpetration at a given location by a particular group.

X. Applicable Procedures

UNA will review all reports of Prohibited Conduct. The procedures used to adjudicate Prohibited Conduct will vary based on the nature of the Prohibited Conduct. Where more than one procedure may apply based on the parties and/or alleged conduct, UNA has discretion to apply the procedure that it determines is most appropriate based on the unique facts and circumstances presented by the allegations, as well as to consolidate multiple sets of allegations into a single investigation and/or adjudication. Likewise, UNA may decide to process and separately resolve allegations raised in the same report.

UNA will provide written notice to the parties of the policy and procedure that will be used in the resolution of any complaint made under this Policy.

When cases are transferred from one policy to another, and/or from one office to another, UNA will also transfer any file (including evidence gathered, if any) to the office or administrator who will be responsible for resolution of the complaint.

UNA has the discretion to consolidate complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

XI. Records Retention

For a period of at least seven years after the date of a matter is concluded, UNA will maintain records documenting the response, resolution process used (if any), including any investigation and hearing report, sanction, and appeals records involving allegations of Prohibited Conduct.

December 15, 2025: Approved by UNA Executive Council for implementation as interim policy pending review through shared governance process.

April 20, 2026: Approved by Shared Governance Executive Committee for transmittal to President.

April 21, 2026: Approved by President for transmittal to Board of Trustees for final adoption.