

**DEFINITIONS TABLE:**  
**PROHIBITED CONDUCT DEFINED (UA, STATE, & FEDERAL DEFINITIONS)**  
**PURSUANT TO THE TITLE IX & SEXUAL MISCONDUCT POLICY**

For purposes of the [Title IX & Sexual Misconduct Policy](#), conduct that is deemed, by a preponderance of the evidence (which means more likely than not the alleged conduct occurred), to be sex-based and meet the definitions of any of the types of Prohibited Conduct identified in the chart below (whether defined by UA, or by state (AL) or federal (FED) laws, as amended from time to time), constitutes a violation of this Policy. A person whose sex-based conduct violates the federal or state criminal statutes as established by a preponderance of the evidence need not be criminally charged or convicted for their conduct to be deemed a violation of this Policy. Additionally, to the extent that federal or state laws addressing sex-based conduct that could be deemed Prohibited Conduct are added or amended, it will be considered a violation of the [Policy](#) if an individual engages in such conduct (as proven by a preponderance of the evidence), even if the definitions below have not been updated to reflect the most recent federal or state language.

<b>INTIMATE PARTNER VIOLENCE</b>	
UA	<p><b><u>Dating and Domestic Violence</u></b></p> <p>Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant.</p> <p>(i) The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.</p> <p>(ii) For the purposes of this definition—</p> <p>(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.</p> <p>(B) Dating violence does not include acts covered under the definition of domestic violence.</p> <p>Domestic Violence is a felony or misdemeanor crime of violence committed—</p> <p>(A) By a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of Alabama, or a person similar situated to a spouse of the Complainant;</p> <p>(B) By a person with whom the Complainant shares a child in common;</p> <p>(C) By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;</p> <p>(D) 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 jurisdiction of Alabama.</p> <p>Examples of such acts include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Physical contact to the Complainant causing an injury;</li> <li>• Destruction or damage to the Complainant’s property;</li> <li>• Physical contact done for the purpose of harassing or alarming the Complainant;</li> <li>• Knowingly entering or unlawfully remaining in a dwelling with the intent to commit a crime;</li> <li>• Behavior that coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use or maintain economic resources to which they are entitled.</li> </ul> <hr/> <p><b><u>Harassing Communications</u></b></p> <p>Intimate Partner Violence (Harassing Communications) is excessive communications, including any attempt to unreasonably, intentionally, and repeatedly make contact with the Complainant over their stated objections. Harassing Communications may be committed by a person who has been in a romantic or intimate relationship with the Complainant or by other individuals whose intent for the communications is sex-based or related to a prior sexual encounter.</p> <p>For purposes of this definition, the existence of a romantic or intimate relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.</p>

FED	<p><b>Dating Violence:</b> Same as UA definition above. See 34 C.F.R. § 668.46(a)</p> <p><b>Domestic Violence:</b> Same as UA definition above. See 34 C.F.R. § 668.46(a)</p>
AL	<p><b>First Degree Domestic Violence-</b> ALA. CODE § 13A-6-130(a)  (1) A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20 or aggravated stalking pursuant to Section 13A-6-91; or burglary in the first degree pursuant to Section 13A-7-5 and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.  (2) For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.</p> <p><b>Second Degree Domestic Violence -</b> ALA. CODE § 13A-6-131(a)  (1) A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.  (2) For the purpose of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.</p> <p><b>Third Degree Domestic Violence -</b> ALA. CODE § 13A-6-132(a)  (1) A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.  (2) For the purpose of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.</p>
<b>STALKING</b>	
UA	<p>Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress.</p> <p>The term “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.</p> <p>Examples of such acts include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Intentionally following an individual without a reasonable justification for being in a particular area or taking a particular route;</li> <li>• Persistent and unwanted attempts to contact an individual;</li> <li>• Sending or leaving unwanted gifts, cards, notes, or similar items;</li> <li>• Cyber-stalking, meaning the use of electronic media, such as the internet, social networks, blogs, other online spaces and platforms, phones, text messages, or other similar devices or forms of contact; or</li> <li>• Any other act done for the purpose of trying to find an individual or learn information about that individual’s location and/or activities over the individual’s stated objections or without their knowledge.</li> </ul> <p>“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p>

FED	<b>Stalking:</b> Same as UA definition. See 34 C.F.R. § 668.46(a)
AL	<b>First Degree Stalking-</b> ALA. CODE § 13A-6-90(a) A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.
	<b>Second Degree Stalking</b> - ALA. CODE § 13A-6-90.1(a) A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.
<b>CONSENT</b>	
UA	<p>The term “consent” used when describing different types of prohibited acts of sexual misconduct under UA’s Title IX and Sexual Misconduct Policy (such as sexual assault/rape) means a clear willingness to participate in the sexual act (e.g., clear communication through words or actions). 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.</p> <p>It is the responsibility of the initiator of any sexual activity to obtain their partner’s consent.</p> <p>Consent to a sexual act is not freely given if the individual is not able to give consent, or if consent is obtained by force, deception, or coercion. A lack of resistance, verbal or physical, does not grant consent. Previous consent does not grant consent to future sexual acts. Consent can be withdrawn at any time during a sexual act.</p> <p>Inability to give consent includes situations where an individual is:</p> <ol style="list-style-type: none"> <li>a. Incapacitated due to alcohol, drugs, or other substances including, but not limited to, prescription medication. <ol style="list-style-type: none"> <li>i. <i>Determining consent when alcohol or other drugs are involved:</i> In incidents involving alcohol, drugs, or other substances, the totality of the circumstances are analyzed to determine whether the use of alcohol, drugs, or other substances caused an inability to give consent. Whether a Respondent knew or reasonably should have known of the Complainant’s ability to give consent will be considered. An individual’s use of alcohol, drugs, or other substances does not diminish that individual’s responsibility to obtain consent if that individual is the one who initiates sexual activity. Incapacitation is a state beyond drunkenness or intoxication. Incapacitation is a state where an individual cannot make a rational, reasonable decision because they lack the capacity to give consent. 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: whether the individual became sick due to intoxication, the individual’s ability to communicate and/or slurred speech, the individual’s coordination (ex. ability to walk, dress/undress, perform simple tasks), and any other action that would be indicative of a decreased level of cognitive functioning. The existence of any one of these factors may support a finding of incapacitation, and thus the inability to consent to sexual activity. 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.</li> </ol> </li> <li>b. Unconscious, asleep, or in a state of shock.</li> <li>c. 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.</li> <li>d. Mentally or physically impaired and not reasonably able to give consent.</li> </ol> <p>“Coercion” for purposes of this Policy is the use of expressed or implied threats or intimidation for the purpose of obtaining sexual favors, which would place a reasonable person in fear of immediate harm. Threatening or intimidating behavior may include emotional abuse, threats to reputation, public humiliation, threats to others and possessions (including pets), or financial harm, among others.</p>

	“Force” for purposes of this Policy is the use of physical violence or intimidation to overcome another person’s free will.
FED	Federal regulations do not provide a definition of consent.
AL	<p><b>Lack of Consent</b> - ALA. CODE § 13A-6-70</p> <p>(a) Unless otherwise stated, an element of every offense defined in this article is that the sexual act was committed without consent of the victim.</p> <p>(b) Lack of consent results from either of the following:</p> <ol style="list-style-type: none"> <li>(1) Forcible compulsion;</li> <li>(2) Being incapable of consent.</li> </ol> <p>(c) A person is deemed incapable of consent if he or she is either:</p> <ol style="list-style-type: none"> <li>(1) Less than 16 years old;</li> <li>(2) Incapacitated.</li> </ol> <p>(d) Consent to engage in sexual intercourse, sodomy, sexual acts, or sexual contact may be communicated by words or actions. The existence of a current or previous marital, dating, social, or sexual relationship with the defendant is not sufficient to constitute consent. Evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device or sexually transmitted disease protection, without additional evidence of consent, is not sufficient to constitute consent.</p>
<b>SEXUAL ASSAULT &amp; OTHER SEXUAL OFFENSES</b>	
UA	<p><b>Sexual Assault/Rape (Nonconsensual Sexual Penetration)</b> is defined as 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. Attempts or assaults to commit sexual assault/rape are also included; however, statutory rape and incest are excluded.</p> <p><b>Sexual Assault/Fondling (Nonconsensual Sexual Contact)</b> is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. For purposes of this definition, “private body parts” include an individual’s genitalia, breasts, or buttocks.</p> <p><b>Incest</b> is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</p> <p><b>Statutory Rape</b> is sexual intercourse with a person who is under the statutory age of consent. The age of consent is determined by the applicable age of consent for the jurisdiction where the alleged sexual intercourse occurred. In Alabama, the age of consent is 16 years old.</p>
FED	<p><i>Sexual assault.</i> An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program and included in Appendix A of this subpart.</p> <p><i>Rape:</i> Same as UA definition. See 34 C.F.R. § 668.46 Appendix A.</p> <p><i>Sex Offenses</i> Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.</p> <p>A. <i>Fondling</i> – Same as UA definition. See 34 C.F.R. § 668.46 Appendix A.</p> <p>B. <i>Incest</i> - Same as UA definition. See 34 C.F.R. § 668.46 Appendix A.</p> <p>C. <i>Statutory Rape</i> - Same as UA definition. See 34 C.F.R. § 668.46 Appendix A.</p>
	<p>The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting system of the Federal Bureau of Investigation. 20 U.S.C. § 1092(f)(6)(A)(v).</p> <p><i>Sex Offenses, Forcible</i>—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.</p>

	<p><i>Forcible Rape—(Except Statutory Rape)</i> The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.</p> <p><i>Forcible Sodomy</i>—Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.</p> <p><i>Sexual Assault With An Object</i>—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.</p> <p><i>Forcible Fondling</i>—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.</p> <p><i>Sex Offenses, Nonforcible</i>—(Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.</p> <p><i>Incest</i>—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</p> <p><i>Statutory Rape</i>—Nonforcible sexual intercourse with a person who is under the statutory age of consent.</p> <p>See <a href="#">National Incident-Based Reporting System</a>.</p>
AL	<p>Alabama law includes the following, among others, in its sexual offenses category: rape, sodomy, sexual misconduct, sexual torture, sexual abuse, indecent exposure, enticing a child to enter vehicle, house, etc. for immoral purposes, sexual abuse of a child less than 12 years old. The following are definitions that apply to the Alabama sexual offense statutes (some of which are set forth below):</p> <p>ALA. CODE § 13A-6-60</p> <p>(1) <b>FORCIBLE COMPULSION.</b> Use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. Factors to be considered in determining an implied threat include, but are not limited to, the respective ages and sizes of the victim and the accused; the respective mental and physical conditions of the victim and the accused; the atmosphere and physical setting in which the incident was alleged to have taken place; the extent to which the accused may have been in a position of authority, domination, or custodial control over the victim; or whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim.</p> <p>(2) <b>INCAPACITATED.</b> The term includes any of the following:</p> <p>a. A person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct.</p> <p>b. A person is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender.</p> <p>c. A person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate.</p> <p>(3) <b>SEXUAL CONTACT.</b> Any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin contact.</p> <p>(4) <b>SEXUAL INTERCOURSE.</b> Such term has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.</p> <p>(5) <b>SODOMY.</b> Any sexual act involving the genitals of one person and the mouth or anus of another person.</p> <hr/> <p><b>First Degree Rape</b> – ALA. CODE § 13A-6-61</p> <p>(a) A person commits the crime of rape in the first degree if he or she does any of the following:</p> <p>(1) Engages in sexual intercourse with another person by forcible compulsion;</p> <p>(2) Engages in sexual intercourse with another person who is incapable of consent by reason of being incapacitated;</p>

<p>(3) Being 16 years old or older, engages in sexual intercourse with another person who is less than 12 years old.</p>
<p><b>Second Degree Rape</b>– ALA. CODE § 13A-6-62  (a) A person commits the crime of rape in the second degree if, being 16 years old or older, he or she engages in sexual intercourse with another person who is 12 years old or older, but less than 16 years old; provided, however, the actor is at least two years older than the other person.</p>
<p><b>First Degree Sexual Abuse</b> – ALA. CODE § 13A-6-66  (a) A person commits the crime of sexual abuse in the first degree if he or she does either of the following:  (1) Subjects another person to sexual contact by forcible compulsion;  (2) Subjects another person to sexual contact who is incapable of consent by reason of being incapacitated.</p>
<p><b>Second Degree Sexual Abuse</b> - ALA. CODE § 13A-6-67  (a) A person commits the crime of sexual abuse in the second degree if he or she does either of the following:  (1) Subjects another person to sexual contact who is <i>incapable of consent</i> by reason of some factor other than being less than 16 years old;  (2) Being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.</p>
<p><b>Sexual Torture</b> – ALA. CODE § 13A-6-65.1  (a) A person commits the crime of sexual torture if he or she does either of the following:  (1) Penetrates the vagina, anus, or mouth of another person with an inanimate object, by forcible compulsion, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.  (2) Penetrates the vagina, anus, or mouth of a person who is incapable of consent by reason of being incapacitated, with an inanimate object, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire to either party.  (3) Penetrates the vagina, anus, or mouth of a person who is less than 12 years old, with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.  (4) By inflicting physical injury, including, but not limited to, burning, crushing, wounding, mutilating, or assaulting the sex organs or intimate parts of another person, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.</p>
<p><b>Indecent Exposure</b> - ALA. CODE § 13A-6-68  (a) A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or herself, or of any person other than his or her spouse, he or she exposes his or her genitals under circumstances in which he or she knows his conduct is likely to cause affront or alarm.</p>
<p><b>Enticing Child to Enter Vehicle, House, Etc. for Immoral Purposes</b> – ALA. CODE § 13A-6-69  (a) It shall be unlawful for any person with lascivious intent to entice, allure, persuade, or invite, or attempt to entice, allure, persuade, or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.</p>
<p><b>Sexual Abuse of a Child Less than 12 Years Old</b> – ALA. CODE § 13A-6-69.1  (a) A person commits the crime of sexual abuse of a child less than 12 years old if he or she, being 16 years old or older, subjects another person who is less than 12 years old to sexual contact.</p>
<p><b>School Employee Having Sexual Contact with a Student Under the Age of 19 Years</b> - ALA. CODE § 13A-6-82  (a) A person commits the crime of a school employee having sexual contact with a student under the age of 19 years if he or she is a school employee and engages in sexual contact with a student who is a protected person, as defined in Section 15-25-1, under the age of 22 years if he or she is a school employee and engages in sexual contact, as defined by Section 13A-6-60, with a student or student protected person, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. The crime of a school employee having sexual contact with a student or student protected person is a Class C felony.  (b) A person commits the crime of a school employee soliciting a sex act with a student under the age of 19 years or soliciting a sex act with a student who is a protected person, as defined in Section 15-25-1, under the age of 22 years if he or she is a school employee and solicits, persuades, encourages, harasses, or entices a student or student protected person to engage in a sex act including, but not limited to, sexual intercourse,</p>

	<p>sodomy, or sexual contact, as defined by Section 13A-6-60. The crime of soliciting a student or a student protected person to perform a sex act is a Class A misdemeanor.</p> <p><b>Incest – ALA. CODE § 13A-13-3</b>  (a) A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:</p> <ol style="list-style-type: none"> <li>(1) His ancestor or descendant by blood or adoption; or</li> <li>(2) His brother or sister of the whole or half-blood or by adoption; or</li> <li>(3) His stepchild or stepparent, while the marriage creating the relationship exists; or</li> <li>(4) His aunt, uncle, nephew or niece of the whole or half-blood.</li> </ol>
<b>SEXUAL EXPLOITATION</b>	
UA	<p>Sexual exploitation is taking or attempting to take non-consensual or abusive sexual advantage of another for one’s own advantage or benefit or to benefit a person other than the one being exploited.</p> <p>Examples of sexual exploitation include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Causing or attempting to cause the incapacitation of another individual for sexual purposes;</li> <li>• Electronically recording, videoing, photographing, or transmitting sexual sounds or images of another individual against that person’s will or without their consent. This includes using Artificial Intelligence or other electronic software or applications to generate such sounds or images of the individual;</li> <li>• Allowing a third-party to observe sexual acts without all parties’ consent;</li> <li>• Prostituting another individual;</li> <li>• Exposing one’s genitals, without consent, for the purpose of sexual gratification;</li> <li>• Intentionally exposing another’s genitals or intimate body parts without their consent;</li> <li>• 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);</li> <li>• Any sexual exploitation of children or minors; or</li> <li>• Knowingly exposing another individual to a sexually transmitted disease/infection or HIV without their consent.</li> </ul>
FED	n/a
AL	<p><b>Distributing a Private Image with Intent to Harass, Threaten, Coerce, or Intimidate the Person Depicted – ALA. CODE § 13A-6-240</b>  (a) A person commits the crime of distributing a private image if he or she knowingly posts, emails, texts, transmits, or otherwise distributes a private image with the intent to harass, threaten, coerce, or intimidate the person depicted when the depicted person has not consented to the transmission and the depicted person had a reasonable expectation of privacy against transmission of the private image.</p> <p><b>Sexual Extortion – ALA. CODE § 13A-6-241</b>  (a) A person commits the crime of sexual extortion if he or she knowingly causes or attempts to cause another person to engage in sexual intercourse, sodomy, sexual contact, or in a sexual act or to produce any photograph, digital image, video, film, or other recording of any person, whether recognizable or not, engaged in any act of sado-masochistic abuse, sexual intercourse, sodomy, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct by communicating any threat to injure the body, property, or reputation of any person.</p> <p><b>Possession and Possession with Intent to Disseminate Obscene Matter Containing Visual Reproduction of Persons Under 17 Years of Age Involved in Obscene Acts – ALA. CODE § 13A-12-192</b>  (a) Any person who knowingly possesses with intent to disseminate any obscene matter that contains a visual depiction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class B felony. Any transfer of the visual depiction from any electronic device to any other device, program, application, or any other place with storage capability which can be made available or is accessible by other users, is prima facie evidence of possession with intent to disseminate.  (b) Any person who knowingly possesses any obscene matter that contains a visual depiction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class C felony.</p>

<b>SEXUAL HARASSMENT OR GENDER-BASED HARASSMENT<sup>1</sup></b>	
UA	<p><b><u>Title IX Sex-Based Harassment</u></b></p> <p>Title IX Sex-Based Harassment is conduct on the basis of sex, which may include unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2), below, are present:</p> <ol style="list-style-type: none"> <li>(1) An employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct (often referred to as “quid pro quo” harassment); or</li> <li>(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity (often referred to as “hostile environment” harassment). In evaluating conduct, the University will consider the totality of known circumstances, including, but not limited to: <ul style="list-style-type: none"> <li>• The frequency, nature and severity of the conduct;</li> <li>• Whether the conduct was physically threatening;</li> <li>• Whether the incident involved severe humiliation rather than was merely offensive;</li> <li>• The effect of the conduct on the Complainant’s mental or emotional state;</li> <li>• Whether the conduct was directed at more than one person;</li> <li>• Whether the Complainant was offended by the conduct;</li> <li>• Whether the conduct arose in the context of other discriminatory conduct;</li> <li>• Whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or University programs or activities; and</li> <li>• Whether the conduct implicates concerns related to academic freedom or protected speech.</li> </ul> </li> </ol> <p>Under Title IX and its implementing regulations, Sex-Based Harassment also includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Charges for allegations of these types of Prohibited Conduct will be based on the specific definitions herein and the specific conduct alleged.</p>
	<p><b><u>Non-Title IX Sex-Based Harassment</u></b></p> <p>Non-Title IX Sex-Based Harassment is (a) unwelcome abusive or hostile behavior, (b) that is discriminatory on the basis of sex, sexual orientation, gender identity, or gender expression, and (c) the conditions in either (1) or (2) below are present:</p> <ol style="list-style-type: none"> <li>(1) An employee or a student conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct (often referred to as “quid pro quo” harassment); or</li> <li>(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and/or objectively offensive that it effectively denies a person equal access to the University’s education program or activity (often referred to as “hostile environment” harassment). In evaluating conduct, the University will consider the totality of known circumstances, including, but not limited to: <ul style="list-style-type: none"> <li>• The frequency, nature and severity of the conduct;</li> <li>• Whether the conduct was physically threatening;</li> <li>• Whether the incident involved severe humiliation rather than was merely offensive;</li> <li>• The effect of the conduct on the Complainant’s mental or emotional state;</li> <li>• Whether the conduct was directed at more than one person;</li> <li>• Whether the Complainant was offended by the conduct;</li> <li>• Whether the conduct arose in the context of other discriminatory conduct;</li> <li>• Whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or University programs or activities; and</li> <li>• Whether the conduct implicates concerns related to academic freedom or protected speech.</li> </ul> </li> </ol>
FED	Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

<sup>1</sup> Reports of Title VII Sexual and Gender-Based Harassment will be addressed under [UA’s Equal Opportunity and Discriminatory Harassment Policy](#).



	<p>(1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;</p> <p>(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or</p> <p>(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). 34 C.F.R. § 106.30(a).</p>
AL	n/a
<b>SEX-BASED DISCRIMINATION</b>	
UA	Sex Discrimination is treatment of a group or individual, either intentionally or unintentionally, in a less favorable, negative, or detrimental manner as compared to others based on the individual's sex, sexual orientation, gender identity, gender expression, or pregnancy that denies or limits a reasonable individual's work or educational environment or effectively denies a reasonable individual's equal access to participate in or benefit from the University's resources, programs, services, and/or education program or activities.
FED	<p><b>Title VII</b> makes it "unlawful ... for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual ... because of such individual's ..., sex," 42 U.S.C. § 2000e-2(a)(1). This includes protection for an employee's pregnancy, childbirth, and related medical conditions (<a href="#">42 U.S.C. § 2000e(k)</a>) and an employee's gender identity, gender expression, transgender, and sexual orientation (<i>Bostock v. Clayton Cty., Georgia</i>, 140 S. Ct. 1731 (2020)).</p> <p><b>Title IX</b> provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." <a href="#">20 U.S.C. § 1681(a)</a></p>
AL	n/a