

# Other Information Related to Reporting Sexual Misconduct

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## A. Adviser

Complainants and Respondents may be accompanied by one adviser throughout the investigation and any hearing process. An adviser is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or hearing. An adviser may not speak, write, or otherwise communicate with an investigator, hearing officer or panel on behalf of the Complainant or Respondent. Advisers who do not abide by these guidelines may be excluded from the process. Consistent with the University's obligations to promptly resolve sexual misconduct complaints, the University reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected adviser.

## B. Conflict of Interest

Any person exercising authority under this Policy who believe they may be unable to exercise that authority impartially in any case shall excuse themselves from the matter and will be replaced with another person. If the Complainant or Respondent believes a person exercising authority under this Policy has a personal, professional, or financial involvement with the Complainant or Respondent that would prevent the person from exercising their authority impartially, they may make a prompt objection to the Title IX Coordinator. If the Title IX Coordinator determines that the objection is reasonable, the challenged person will be replaced with another person. Knowledge of or acquaintance with the Complainant, Respondent or witnesses in a matter, awareness of a matter, participation as a consequence of one's official role in events surrounding a matter, and/or participation in the investigation process prior to the formal disciplinary process, will not automatically be grounds for disqualification. The decision of the Title IX Coordinator regarding a challenge will be final.

## C. Filing a Criminal Complaint and Coordination with Law Enforcement

The University encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Alabama law. In general, the University will notify the UABPD of allegations of sexual violence. The University will also assist a complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law.

The filing and processing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. The University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a respondent nor the outcome of any criminal prosecution is determinative of whether sexual misconduct occurred under the University's Policy.

## D. False Allegations

The University prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

If an investigation results in a finding that a person who has accused another of sexual misconduct has acted maliciously or has recklessly made false accusations, the reporting party will be subject to appropriate sanctions.

## E. Preservation of Information and Tangible Material

Preservation of information and tangible materials related to sexual assault is essential for both law enforcement investigators and campus disciplinary investigations. Therefore, Complainants, Respondents, witnesses, or others reporting possible violations of this Policy are encouraged to preserve all information and tangible material relating to the incident. Examples include electronic information (e.g. e-mails, text messages), photographs, clothing, bedding, and medical information. In the case of medical information, prompt examination can be critical