

# Title IX Policy

Jackson State University expects that all members of the University community – students, faculty, staff, and friends – should be able to pursue their work and education in a safe environment, free from sexual coercion, violence, and intimidation of any kind. While sexual assault can occur at any time of the day or night to any individual of any age, national studies indicate that students aged 24 and under are particularly vulnerable to being assaulted (Bureau of Justice Statistics, 2013). The University views this fact with great concern, and is committed to meeting its ethical and moral obligation to try to prevent sexual assault; to provide support for assault survivors; and to educate the campus community about sexual assault and rape. The University is committed to providing sexual violence prevention education to its campus community each year. To this end, Orientation Programs, in partnership with the Division of Academic and Student Affairs provides mandatory sexual violence prevention education for all undergraduate students who attend new student orientation. Additionally, the Division provides programming on request for the prevention of not only sexual assault, but also domestic violence, stalking and sexual harassment.

Research indicates that approximately nine out of 10 sexual assaults on college campuses perpetrated against college women involve two or more individuals who already know one another (Bureau of Justice Statistics). College men are also sexually assaulted. Therefore, both women and men should know that the University is committed to providing a consistent, timely and compassionate response to anyone who is sexually assaulted within the campus community. A Sexual Misconduct Assault Response Team (SMART) has been established to further the University's commitment to addressing and preventing sexual assaults and misconduct within the campus community. SMART is a multi-disciplinary sexual assault and misconduct intervention model. This team approach provides for a comprehensive, sensitive, coordinated system of intervention and offers assistance to sexual assault victims/survivors. The University's SMART partners are comprised of representatives from various campus departments. The goal and purpose of SMART is to provide a coordinated and effective process of University and community response, investigation, intervention, and education of sexual assaults and

misconduct on campus. Additionally, SMART provides sexual assaults crisis counseling referrals for alleged victims/survivors of sexual assaults or misconduct.

Other University offices have differing obligations with regard to reporting requirements of sexual assault and misconduct. While the University recognizes that a survivor may wish to preserve his or her privacy after a traumatic experience, it should also be understood that the University has a responsibility to maintain the integrity and safety of the campus as a whole. Where circumstances exist that are deemed a danger to the University community at large, pertinent details about a sexual assault will immediately be publicly released. Further, the Student Right-to-Know and Campus Security Act (the Clery Act) of 1990 mandates the annual disclosure of statistics of sexual assaults known to have occurred within the University's jurisdiction. Incidents reported only to the Latasha Norman Center for Counseling & Disability Services and Student Health Center are included in these statistics, along with statistics from the Department of Public Safety. However, the survivor's identity is not disclosed in any such statistical reporting.

Additionally, other inappropriate conduct may be reported confidentially to the Latasha Norman Center for Counseling & Disability Services and Student Health Center or reported formally to the Department of Public Safety and/or the Jackson Police Department. Such other inappropriate conduct may include: repeated unwanted telephone calls, social media, and/or email contacts of a lewd or obscene nature, personal threats, stalking, domestic violence and sexual harassment.

#### Definitions

##### Alleged Violator

Anyone against whom a report or allegation of sexual misconduct is made.

##### Bystander

Someone present but not taking part in a situation or event.

##### Consent

Clear and unmistakable agreement, expressed in mutually understandable words or actions, to engage in a particular activity. Consent can be withdrawn by either party at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional or psychological pressure, intimidation, or fear. Consent to engage

in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. Consent cannot be validly given by a person who is under the influence of alcohol and/or drugs.

#### Diminished Capacity

Diminished capacity exists when an individual does not have the capacity to consent. Reasons for this inability to consent include, but are not limited to: sleeping, drugged, passed out, unconscious, mentally incapacitated, etc. It is important to understand diminished capacity because often times victims of sexual assault in these situations blame themselves because they drank, consumed drugs, etc. It is essential to emphasize that it is not his or her fault, that the aggressor is the one who took advantage of his or her diminished capacity.

#### Domestic Violence

Violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

#### Sexual Assault

Any sexual act perpetrated upon a person without her or his consent, where the assailant uses physical force, threat, coercion, or intimidation to overpower or control the survivor; where the survivor fears that she or he or another person will be injured or otherwise harmed if she or he does not submit; where the survivor is prevented from resisting due to the influence of alcohol or other drugs; or where consent is otherwise not freely given. A sexual act includes, but is not limited to, actual or attempted intercourse, sexual touching, fondling, and groping (JSU Staff Handbook).

#### Sexual Contact

Sexual contact includes, but is not limited to:

- Intentional sexual contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch another or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

### Sexual Harassment

It is unlawful to harass a person (an employee or student) because of the individual's gender. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same gender.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive living, classroom, social, dining, recreational, and/or work environment. The harasser can be a student and/or employee affiliated with the University or someone who is not associated with the University.

### Sexual Intercourse

Intercourse includes, but is not limited to:

- Vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

### Non-Consensual Sexual Contact is

- Any intentional sexual touching. However slight, with any object or body part, by an individual upon another individual. That is without consent and/or by force.

### Non-Consensual Sexual Intercourse is

- Any sexual intercourse (vaginal, anal, or oral). However slight, with any object or body part by an individual upon another individual. That is without consent and/or by force.

### Sexual Misconduct

Sexual misconduct incorporates a range of behaviors including sexual assault (which includes rape and any kind of nonconsensual sexual contact), sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Much sexual misconduct includes nonconsensual sexual contact, but this is not a necessary component. For example, threatening speech that is sufficiently serious to constitute sexual harassment will constitute sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct.

### Stalking

Any person who purposefully engages in a course of conduct directed at a specific person, or who makes a credible threat, and who knows or should know that the conduct would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property, is guilty of the crime of stalking.

### Use of alcohol/drugs

Drugs and/or alcohol are often used to compromise an individual's ability to consent to sexual activity as well as to minimize the resistance and memory of the victim of a sexual assault.

### Victim

A person who has been threatened, coerced, or forced to engage against their will in any non-consensual sexual activity.

### Witness

A person who directly observes the alleged incident.

### Response to Reports of Sexual Assault

The University is committed to creating and maintaining a campus environment that is free of harassment, exploitation and/or intimidation for every individual in our community. Furthermore, the University is committed to creating and maintaining a campus environment that both promotes and expedites prompt reporting and timely and fair adjudication of sexual assault cases. This commitment and policy complies with the applicable law and with the University's standards of ethical conduct.

Students who are sexually assaulted are provided support services and are entitled to certain rights that shall be accorded by University officers, administrators, and employees. The "alleged violator" will be referred to as the "named student(s)" and the student filing the report of sexual assault will be referred to as the "reporting student(s)."

### Victim Rights

- The University will provide a timely and thorough investigation, and will treat the complainant with respect before, during, and after the student conduct process. Barring any unforeseen circumstances, cases of sexual misconduct or sexual harassment shall be resolved within a 60 day period once the incident has been reported.
- The victim will be informed of the University's conduct process and possible outcomes. The University will also inform the victim of available counseling services, medical services, mental health services, and other campus and off campus resources for victims of sexual assault.
- The victim may request changes to academic and living situations after a sexual assault occurs. Judicial Services may be able to help facilitate such changes.
- Victims have the right to report a sexual assault to local law enforcement, which will not prevent University disciplinary action.
- Victims may request changes to academic and living situations after a sexual assault occurs. Judicial Services may be able to help facilitate such changes.

- Victims have the right to have one advisor throughout the student conduct process, including meetings and hearings. The advisor may not be a witness in the case. In meetings with Judicial Services or in a hearing, the advisor may not participate directly and may only communicate with the victim via whispering or writing notes.
- A victim has a right to a campus "no-contact order," which prohibits the alleged violator from having contact of any kind (including electronic contact or contact from third parties acting on the alleged violator student's behalf) with you.
- The University will make reasonable efforts to protect confidentiality, within the parameters of FERPA (Family and Education Privacy Act of 1974), HIPAA (Health Insurance Portability and Accountability Act of 1996) and the University conduct process.
- The victim is afforded the right to be updated on the investigation and be informed of the outcome of a hearing.
- The victim has the right to have prior, irrelevant sexual behavior or history with other individuals excluded from a hearing. As a reminder, prior consensual behavior with the alleged violator does not indicate consent on subsequent occasions.
- Prior to a hearing, the victim is allowed to inform the hearing officer of relevant witnesses the victim wishes to include at the hearing and to what the witnesses plan to testify.
- Prior to a hearing, the victim may also meet with a hearing officer to discuss hearing procedures.
- During a hearing, the victim has the right to give opening and closing statements and ask questions of the alleged violator, via the hearing officer.
- Once a decision has been rendered to the alleged violator by the University, the victim will be notified. A victim will also have the right to appeal the decision within 1 business days of receiving notification of the decision.

#### Rights of the Alleged Violator

- The alleged violator has similar rights to the victim. The University will provide a timely and thorough investigation, and will treat the alleged violator with respect before, during, and after the student conduct process.

- The alleged violator will be informed of the University's conduct process and possible outcomes. The University will also inform the alleged violator of available resources, including counseling services, and other campus and off campus resources to assist with the process.
- The alleged violator has the right to have one advisor throughout the student conduct process, including meetings and hearings. The advisor may not be a witness in the case. In meetings with Judicial Services or in a hearing, the advisor may not participate directly and may only communicate with the alleged violator via whispers or writing notes.
- The University will make reasonable efforts to protect confidentiality, within the parameters of FERPA (Family and Education Privacy Act of 1974), HIPAA (Health Insurance Portability and Accountability Act of 1996), and the University conduct process.
- The alleged violator is afforded the right to be updated on the investigation and be informed of the outcomes of the process.
- Prior to a hearing, the alleged violator is allowed to inform the hearing officer of relevant witnesses the alleged violator wishes to include at the hearing and to what the witnesses plan to testify.
- Prior to a hearing, the alleged violator may also meet with a hearing officer to discuss hearing procedures.
- During a hearing, the alleged violator has the right to give opening and closing statements and ask questions of the witnesses and victim, via a hearing officer.
- The alleged violator has the right to timely notice of a hearing as indicated in the Student Code of Conduct. The alleged violator may waive the period of notice if desired.

#### Parental Notification

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status, or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. When a student is not dependent, the University will contact parents/guardians to inform them of situations in which there is a significant health and/or safety risk. The University also reserves the right to designate

which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

What to do if you are sexually assaulted on or off campus:

- Go to a safe location immediately.
- To report the crime or request services, notify the Department of Public Safety (DPS) at 601.979.2580 (24 hours), or Housing and Residence Life Staff, or Campus Resource Advocate at 601.540.4383. You can file a formal report with the Department of Public Safety
  - The alleged violator may be one of the following:
    - JSU student or non-student
    - Faculty/Staff
    - Administrator
    - JSU Campus Affiliate
- Preserve all physical evidence of the assault, even if you are unsure whether you want to report the crime. Do not shower, bathe, douche, eat, drink, wash your hands or brush your teeth until after you have had a medical examination. Save all the clothing you were wearing at the time of the assault and bring them and any other potential evidence to the medical exam. Place each item of clothing in a separate paper bag (do not use plastic bags). Do not clean or disturb the area where the assault occurred.
- Call a trusted friend, family member, Campus Resource Advocate (601.540.4383) or someone who can provide support.
- Get medical care as soon as possible. Go to a hospital, emergency room or a specialized forensic clinic that works with sexual assault survivors. Some options in Jackson include the Rape Crisis Center, 601.982.7273 (24 hours), and the Domestic Violence Program, 601.948.4495 (24 hours). Both locations provide medical care and the collection of forensic evidence. You may also request medications for the prevention of sexually transmitted infections, including HIV, and emergency contraception. If more than one week has passed since the assault, or if you are certain that you do not want the collection of forensic evidence, Student Health Center, 601.979.2260, provides medical care,

including contraception, morning after pill, and testing for sexually transmitted infections. Hours of operation are Monday – Friday 8:00 am – 5:00 pm.

- If you think you may have been given a rape drug, request that the hospital or clinic take a urine and blood sample.
- Talk to a counselor for emotional support and advocacy. You can speak with a Campus Resource Advocate on campus confidentially at the Latasha Norman Center for Counseling & Disability Services, 601.979.0374 Victim Support Services, 601-979-2329, or Student Health Center, 601.979.2260. If you prefer to seek counseling off campus, call Rape Crisis Center at Catholic Charities, Inc., 601.355.8634 (24 hours).

### Confidentiality

Students who have been sexually assaulted or are survivors of other gender-based abuse or harm should be reminded that they may receive confidential assistance from the Applied Psychological Services Clinic or The Latasha Norman Counseling Center. Other University personnel who have been deemed Campus Resource Advocates are required to notify the Department of Public Safety upon receiving a report of sexual assault.

Sexual Assault Prevention Tips (one click link)

Take Individual Responsibility:

- Take care of yourself as well as others.
- Keep an eye out for your friends.
- Get consent for every step of a sexual interaction.
- Respect yourself and your body.
- Drink responsibly. Know your limits. Drinking increases aggression, decreases comprehension, and decreases inhibition. It decreases enjoyable sex. It increases the likelihood of nonconsensual sex or rape.
- Speak up and step in safely if the actions or words of a friend, teammate, or Greek brother or sister are harmful.
- Don't blame survivors—it is never their fault.

## OTHER TIPS:

- Determine what you want and what you don't want and communicate your limits clearly. No one should pressure you into unwanted sexual activity. If you are uncertain about what you want, ask your partner to respect your feelings.
- Know that you have the right and power to say "No" and the right and power to defend yourself against someone who won't listen to you. If you say "No", say it firmly and directly.
- Trust your intuition. If you feel something is wrong, it likely is. Remove yourself from the situation and get to a safe space as quickly as you can.
- Attend parties with friends you can trust. Agree to 'look out' for one another. Try to leave with a group, rather than alone or with someone you don't know very well.
- Look for danger signals in a dating relationship. If your partner restricts your activities, isolates you from friends, and displays jealous behavior, he or she may eventually rape and/or beat you.
- Talk with your friends about ways you've learned to prevent rape and violence.
- Get consent. Respect your partner's feelings and needs. Don't pressure anyone to go beyond the limits she or he has set. Listen carefully to your partner and ask for clarification if your partner seems unclear or is giving you a 'mixed message'.
- Respect the person when she or he says "No" to sexual activity and comply. "No" does not mean "Yes"; "No" means "No".
- If you see someone in a vulnerable position, find a non-threatening way to help. Don't ignore a potential case of rape-- get involved if you believe someone is at risk.
- Be careful in group situations- resist pressure from friends to participate in or be subjected to violent or criminal acts.
- Don't make assumptions about a person's behavior. Don't automatically assume a person wants to have sex just because s/he drinks heavily, dresses provocatively, or agrees to go back to your room.

- Don't assume that just because a person has had sex with you previously s/he is willing to have sex with you again. Don't assume that just because your partner consents to kissing or other sexual intimacies that she or he is willing to have sexual intercourse.