

SEXUAL MISCONDUCT POLICY

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SEXUAL MISCONDUCT POLICY

I. INTRODUCTION

It is the policy of Jackson State University (“University”) not to discriminate against any person on the basis of gender in violation of any applicable law, including but not limited to, Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e), the Title IX of the Education Amendments of 1972 and relevant sections of the Violence Against Women Reauthorization Act. This prohibition against gender-based discrimination extends to all University educational programs and activities, as well as to admission into such programs and activities.

The University is committed to fostering a positive working and educational environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University policy of equal employment and academic opportunity without regard to race, color, national origin, sex, age, or disability. Sexual misconduct is a violation of this policy, and will not be tolerated within the University. Any employee or student who violates this policy will be subject to disciplinary action up to and possibly including separation from the University.

Title IX is a landmark federal civil right that prohibits sex discrimination in education. Title IX is not just about sports; it is a prohibition against sex-based discrimination in education. It addresses sexual harassment, gender-based discrimination, and sexual violence. Sexual misconduct includes attempted or completed rape or sexual assault, as well as sexual harassment, stalking, voyeurism, exhibitionism, verbal or physical sexuality-based threats or abuse, dating and domestic violence.

Members of the University Community who believe that this policy has been violated are strongly encouraged to report the allegations as promptly as possible. There is no time limit on reporting or filing complaints of violations of this policy, although JSU’s ability to respond fully may be limited with the passage of time.

II. SCOPE OF THE POLICY

This policy applies to all University community members, regardless of the sexual orientation, gender expression, or gender identity of the parties

involved, including students, faculty, staff, visitors, and independent contractors, as well as those who participate in the University's programs and activities, whether on or off campus, including study-away programs. Any such individual may make a report under this policy. Vendors, independent contractors, visitors, and others who conduct business with the University or on University property are also expected to comply with this policy; complaints against such University affiliates will be handled in accordance with existing contracts and agreements. The University will respond promptly and equitably to all allegations of sexual misconduct involving a University community member and will provide resource options for complainants of alleged sexual misconduct. The University will consider any requests for confidentiality within the context of the University's obligation to provide a safe, nondiscriminatory environment for all community members. Further details on how requests for confidentiality are handled in cases of sexual misconduct may be found in the "Reports to a Confidential Resource" section of this policy. Pursuant to the requirements of Title IX, the University has an independent responsibility to investigate (apart from any separate criminal investigation by law enforcement) and address sexual misconduct, even in the absence of a complaint by the alleged complainant.

III. TITLE IX COORDINATOR

The University's Title IX Coordinator may be reached by e-mail at titleix@jsums.edu or phone at (601) 979-1315. The Title IX Coordinator is responsible for ensuring that Jackson State University establishes and follows a prompt, thorough, and equitable process for addressing allegations of sexual misconduct and discrimination or differential treatment based on sex. The Title IX Coordinator is responsible for providing centralized support for compliance with all requirements under Title IX of the Education Amendments Act of 1972 (Title IX), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Women Act (VAWA), and other federal and state laws and regulations pertaining to sex discrimination, harassment, and sexual violence. The Title IX Coordinator serves as the University resource on Title IX requirements and compliance and provides consultation as needed. The Title IX Coordinator is also responsible for creating and implementing complaint and investigation procedures, as well as training programs related to Title IX compliance.

IV. PROHIBITED CONDUCT AND DEFINITIONS

“Sexual misconduct” is a broad, non-legal term that encompasses a wide range of behaviors, including but not limited to, sexual harassment, sex/gender discrimination, sexual assault, rape, acquaintance rape, stalking, and relationship violence (including dating and domestic violence). It is a violation of University policy as well as applicable law to commit or to attempt to commit these acts.

Sexual misconduct can occur between strangers or acquaintances, or people who know each other well, including between people who are or have been involved in an intimate or sexual relationship. It can be committed by anyone, regardless of gender or gender identity, and can occur between people of the same or different sex or gender. This Policy prohibits all forms of sexual misconduct.

A. Sexual Assault (including Rape).

Sexual assault is actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person’s intimate parts without that person’s consent; or
- Other intentional sexual contact with another person without that person’s consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

B. Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. B. Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. C. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

C. Sexual Harassment

Sexual Harassment is unwelcome conduct of a sexual nature that if sufficiently severe, persistent or pervasive, and objectively offensive to a reasonable person, has the effect of creating a hostile or stressful living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an individual. Conduct is considered “unwelcome” if the person did not request or invite it and considered the conduct to be undesirable or offensive.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student’s ability to participate in or benefit from the University’s educational programs or a faculty or staff member’s ability to work, which may include a single incident of sexual assault or other serious sexual misconduct.

Forms of Prohibited Sexual Harassment. Sexual harassment can take many forms, and can:

- Occur between equals, such as student to student, faculty member to faculty member, staff to staff, or visitor/contracted employee to staff.
- Occur between persons of unequal power status, such as supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student. Although sexual harassment often occurs in the context of an exploitation of power by the person with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (such as a student harassing a faculty member).
- Be committed by an acquaintance, a stranger, or someone with whom the complainant has or had a personal, intimate, or sexual relationship.
- Occur by or against a person of any sex, gender identity or expression, or sexual orientation.

The following non-exhaustive list includes examples of behavior that could be considered sexual harassment:

- Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
- Unwelcome physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person.

- Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender.
- Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates and that are unwelcome.
- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of e-mails or Web sites of a sexual nature.
- Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
- Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity or expression, or sexual orientation.
- Use of a position of power or authority to: (i) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (ii) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

Whether sexual harassment is sufficiently severe, persistent or pervasive to violate University's Sexual Misconduct Policy may depend on a number of factors. Not all inappropriate or unwanted sexual conduct is considered sexual harassment. However, a person should not be discouraged from reporting unwelcomed sexual conduct simply because they are uncertain whether it meets the definition of severe, pervasive or persistent. A person reporting sexual harassment in good faith will never be disciplined or retaliated against.

D. Sexual Exploitation.

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent.

Examples of behavior that could rise to the level of sexual exploitation include:

- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
- Knowingly exposing another individual to a sexually transmitted disease.
- Knowingly assisting another person with committing an act of sexual misconduct.

E. Stalking

Stalking is a course of conduct involving more than one instance of inappropriate and unwanted attention, harassment, threatening or intimidating physical or verbal contact, or any other course of conduct directed at a person that could be reasonably regarded as likely to alarm or place that person in fear of harm or injury, including physical, emotional, or psychological harm. This includes the use of technology to pursue, harass, threaten, intimidate, or otherwise make unwelcome contact with another person. Stalking may involve people who are known to one another or have an intimate or sexual relationship, or may involve people not known to one another.

Stalking is prohibited by Mississippi law. Stalking can also constitute a violation of this Policy when the conduct involves a Jackson State University student or employee and is gender-based.

F. Relationship (Dating and Domestic) Violence

Relationship violence is abuse, violence, or intentionally controlling behavior between partners or former partners involving one or more of the following

elements: (i) battering that causes bodily injury; (ii) purposely or knowingly causing reasonable apprehension of bodily injury; (iii) emotional abuse creating apprehension of bodily injury or property damage; (iv) repeated telephonic, electronic, or other forms of communication — anonymously or directly — made with the intent to intimidate, terrify, harass, or threaten. Relationship violence can occur in all type of relationships (e.g., heterosexual, same sex, or any other type of relationship). Relationship violence may constitute a violation of this Policy when it involves a Jackson State University student, faculty or staff member, and the conduct is gender-based.

G. Retaliation

Retaliation is an adverse action or attempt to seek retribution against the complainant, or any person or group of persons involved in the investigation and/or resolution of a sexual misconduct complaint. Retaliation can be committed by any person or group of persons, not just a respondent. Retaliation may include continued abuse or violence, other forms of harassment, and slander and libel.

H. Gender-based Harassment

Gender-based harassment includes harassment based on actual or perceived gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, even if the acts do not involve conduct of a sexual nature, when the conditions outlined below are present.

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities, or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or
- Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective

and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.

V. OTHER IMPORTANT DEFINITIONS

A. Consent.

Consent must be informed and voluntary, and can be withdrawn at any time. Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding the scope of sexual activity. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that he or she cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

Effect of Drugs and Alcohol on Consent:

Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the respondent reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.

B. Incapacitation.

Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the person is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Some signs of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling, falling down), lack of awareness of circumstances or surroundings, the inability to speak or communicate orally, or the inability to communicate for any reason.

It is a violation of this Policy to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a willing participant. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication.

C. Force.

The use of force to cause someone to engage in sexual activity is, by definition, nonconsensual contact, and is prohibited. Force may include words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Under this Policy, force includes the use of any of the following:

- Physical Force, Violence, or a Weapon
- Threats
- Intimidation and Implied Threats
- Coercion. Coercion is to force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, or emotional intimidation.

D. Hostile Environment.

A hostile environment exists when sexual or sex-based harassment is sufficiently serious to deny or limit a student's ability to participate in or benefit from the University's programs or activities or has the effect of unreasonably interfering with an employee's work performance or altering the terms and conditions of the employee's employment. A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. But the University will also need to find that a reasonable person in the student's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To determine whether a hostile environment exists for a student or employee, the University will consider a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected the student's education or the employee's employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

E. Prompt, Fair, and Impartial Proceeding

A prompt, fair, and impartial proceeding includes a proceeding that is:

- Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay.
- Conducted in a manner that
 - Is consistent with the institution's policies and transparent to the accuser and accused;
 - Includes timely notice of meetings at which the complainant or respondent, or both, may be present; and

- Provides timely and equal access to the complainant, the respondent, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings
- Conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

F. Advisor

Any individual who provides the complainant or respondent support, guidance, or advice.

G. Proceeding

All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

H. Result

Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the University. The result must include any sanctions imposed by the University. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

I. Personally Identifying Information

Defined in Section 40002(a) of the Violence Against Women Act of 1994 (VAWA) as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including a first and last name;

- A home or other physical address;

- Contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- A social security number, driver's license number, passport number or student identification number; and
- Any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

J. Miscellaneous Definitions

- **Complainant:** The person making the allegations or report of sexual misconduct.
- **Respondent:** The person against whom a complaint of sexual misconduct has been made.
- **Reporter:** A person who has information that sexual misconduct may have been committed by a University student or a participant in a University Program and who initiates a complaint.

VI. REPORTING SEXUAL MISCONDUCT

Jackson State University encourages all survivors to report incidents of sexual misconduct as promptly as possible so that the University can respond effectively. Students may report sexual misconduct to the Dean of Students, the Title IX Coordinator, or JSU Department of Public Safety. Faculty and staff may report incidents to the Title IX Coordinator, a supervisor, a Dean, or a department head. In general, when one of these offices receives a report, the University must commence an investigation. All reports of such incidents will be disclosed to the Title IX Coordinator.

The University recognizes that student complainants may be most comfortable disclosing sexual misconduct to a University employee they know well, such as a faculty member, coach, or resident adviser ("RA"). Students are welcome to speak with them, but should understand that these individuals and many other faculty and staff members are considered "responsible employees" of the University. If they receive a report of sexual misconduct, they are required to inform the Title IX Coordinator about the incident. The University defines a "responsible employee" to include supervisors and officials with significant responsibility for student and campus activities including, but not limited to, academics, student residences, athletics, discipline, and campus safety. Employees whose

positions legally require confidentiality (e.g., counseling staff and clergy) are not “responsible employees.”

Before a student discloses an incident of sexual misconduct, University faculty and staff will try to ensure that the student understands the employee’s reporting obligations and, if the student wishes to maintain confidentiality, direct the student to confidential resources. Similarly, before a faculty or staff member discloses an incident of sexual misconduct, the person to whom the disclosure is to be made will ensure that the faculty or staff member understands his or her reporting obligations.

A. Reports to a Non-Confidential Resource:

The University has designated the Title IX Coordinator to evaluate requests for confidentiality and oversee the University’s response to reports of sexual misconduct where the complainant has disclosed an incident of sexual misconduct to a “responsible employee” (who must report the incident) and also requested that his or her identity not be disclosed or that no action be taken.

In such cases, the Title IX Coordinator, in consultation with a small number of key University administrators, including the Dean of Students, the Department of Public Safety, and the Office of the General Counsel, will weigh the request against the University’s obligation to provide a safe, non-discriminatory environment for all students, including the complainant. When weighing a request that no investigation be pursued or the complainant’s identity not be disclosed, the Title IX Coordinator and the appropriate University administrators will consider a range of factors, including whether:

- The respondent is likely to commit additional acts of sexual or other violence, such as;
 - There have been other sexual misconduct complaints about the same respondent;
 - The respondent has a history of arrests indicating a history of violence;
 - The respondent threatened further sexual misconduct or other violence against the complainant or others;
 - The sexual misconduct was committed by multiple respondents;
- The sexual misconduct was perpetrated with a weapon;
- The complainant is a minor;
- The respondent is a Jackson State University employee;
- The University possesses other means to investigate the sexual misconduct (e.g., security cameras or personnel, physical evidence);

- The complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular person or group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue conduct action against the respondent. If none of these factors are present, the University will likely respect the complainant's request.

In some cases the University may not be able to honor a confidentiality request in order to adhere to its obligation to provide a safe, non-discriminatory environment for the JSU community. If the Title IX Coordinator determines that the University cannot maintain a complainant's confidentiality, the Title IX Coordinator will inform the complainant prior to starting an investigation and will only share information with those University officials responsible for handling the University's response.

B. Reports to a Confidential Resource:

For the purposes of this policy, confidentiality means that designated campus or community professionals cannot reveal identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law. Individuals designated as confidential are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order.

Those Confidential Resources include:

The Latasha Norma Counseling Center:	(601) 979 0374
Applied Psychological Service Center:	(601) 979-3381
Campus Ministries:	(601) 979-2241

C. Interim Measures and Support.

Jackson State University provides a range of support services for survivors of sexual misconduct, including interim measures. Interim measures are available to provide for the safety of the complainant and the campus

community while the University is investigating an allegation of sexual misconduct. Requests for interim measures can be made by or on behalf of the complainant to the University Title IX Coordinator. Students may also seek assistance from the Dean of Students Office. The Title IX Coordinator will work with the appropriate office(s) to ensure that any necessary interim measures are promptly provided. Upon the receipt of a report of sexual misconduct, and until any investigation into the report has been completed, the University will provide reasonable protective measures and interim support to provide a safe educational and work environment and to prevent additional acts of sexual misconduct, even when there is no specific request for protective action.

The University may impose any measure that can be tailored to the parties involved to achieve the goals of this Policy. In addition, the University will maintain as confidential any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

An individual's failure to comply with restrictions imposed by interim measures is a violation of this Policy and a basis for disciplinary action. Outside the University, a complainant may also be entitled to obtain remedies under applicable law, such as a judicial restraining order. The University can assist in contacting law enforcement or legal service organizations to learn about these remedies.

D. Amnesty for Students Who Report Sexual Misconduct.

Jackson State University encourages the reporting of all concerns regarding sexual misconduct. In some instances, students may be hesitant to report sexual misconduct because they fear they may be charged with other policy violations, such as underage alcohol consumption or violation of the University's drug policy. Because BU's primary interest is in protecting the well-being of its community and remedying sexual misconduct, a person who reports sexual misconduct, either as a complainant or a third party witness, will not be subject to disciplinary action by the University for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. However, the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated

through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity. The University may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

E. Anonymous Reports and Reports from Third Parties.

Any person may make an anonymous report concerning an act of sexual misconduct. A person may report the incident without disclosing his/her/their name, identifying the respondent, or requesting any action. Depending on the level of information available about the incident and the people involved, however, the University's ability to respond to an anonymous report may be limited. Anonymous reports may be made to the University Title IX Coordinator.

F. Reporting of Crime and Disciplinary Statistics.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") is a federal law that requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy. JSU employees who receive reports of sexual misconduct are required by the Clery Act to notify Department of Public Safety about such incidents for statistical reporting purposes, without the inclusion of personally identifiable information, as defined by VAWA (see definitions). These notifications may include the classification and location of the reported crimes, but, in the case of employees with "confidential" status, do not identify the parties involved.

The Clery Act also requires the University to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat to the University community. This warning will not contain any biographical or other identifying information regarding the victim of the crime. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to JSU students, faculty, administrators, staff, or visitors.

VII. HOW TO FILE A COMPLAINT

A complainant or reporter may submit a paper (hard copy) or electronic complaint to the Dean of Students Office, Department of Public Safety, or

the University's Title IX Coordinator. Although the report form should contain sufficient information to permit the respondent to understand and respond adequately to the charges being brought, it may not reflect every detail related to the allegations in the complaint, as additional information may be discovered during the investigation.

A complainant may also call or meet with the Title IX Coordinator to initiate a complaint.

University Title IX Coordinator

Administrative Tower, 8th Floor

601-979-6804, 601-927-4766, 601-979-1315 or

titleix@jsums.edu

Dean of Students Office

Student Center, 3rd Floor, Suite 3200

601-979-2329

Department Of Public Safety

601-979-2580

VIII. PROCEDURES FOR RESOLUTION OF COMPLAINT

The following procedures will be used to investigate and resolve all complaints of sexual misconduct against Jackson State University students (undergraduate, graduate, full-time, and part-time). Jackson State University's Procedures for the investigation, adjudication, and resolution of sexual misconduct complaints brought against students are designed to be accessible, prompt, equitable, and impartial.

Throughout this process, both the **complainant and respondent have the following rights:**

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the University.
- Privacy to the extent possible, consistent with applicable law and University policy.
- Information about the University's Sexual Misconduct/Title IX Policy.
- The presence of an Adviser throughout the process.
- To participate or to decline to participate in the investigation or complaint resolution process. However, a decision not to participate in the process either in whole or in part will not prevent the University from proceeding with the information available.

- A prompt and thorough investigation of the allegations.
- Adequate time to review documents in the Dean of Students Office following the investigation.
- To appeal the decision made or any sanctions imposed by the Dean of Students to a Hearing Panel of the University Board on Student Conduct.
- To challenge a Hearing Panel member(s) for a possible conflict of interest.
- To refrain from making self-incriminating statements.
- Notification, in writing, of the case resolution, including the outcome of any appeals, and the final determination.
- For the complainant, to report the incident to law enforcement (including the Department of Public Safety or with the police department in the jurisdiction in which the sexual misconduct occurred) at any time.

Jackson State University will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

A. Timing of Complaints.

If the respondent is a current Jackson State University student (undergraduate or graduate, full-time or part-time), there is no time limit for filing a complaint to initiate these procedures. However, students are strongly encouraged to report sexual misconduct in a timely manner to maximize the University's ability to gather evidence, and conduct a thorough, impartial, and reliable investigation.

B. Parallel Investigations.

The filing and processing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. Jackson State 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 Sexual Misconduct/Title IX Policy.

C. Adviser.

The complainant and respondent may each choose and be accompanied to any meeting or hearing related to these procedures by an Adviser, who may provide support during such meeting or hearing. During meetings and interviews, the Adviser may request to confer with the complainant or respondent at any time during the meeting. The Adviser may not intervene in a meeting or interview, or address the Title IX Investigator. Consistent with the University's obligation 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.

D. Declining to Participate.

A complainant and/or respondent may decline to participate in the investigative or complaint resolution process. The University may continue the process without the complainant's and/or respondent's participation. In most cases, a refusal to participate in the investigative process will preclude a complainant or respondent from appealing any determination. The Dean of Students will make this determination.

E. Time Frame for Complaint Resolution.

The University will seek to resolve every report of sexual misconduct within sixty (60) calendar days of the start of an investigation, not counting any appeals. Time frames may vary depending on the complexity of a case, the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may

extend any time frame for good cause, with a written explanation to the complainant and respondent.

F. Prohibition on Retaliation.

It is illegal and a violation of the University's Sexual Misconduct/Title IX Policy to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person for reporting sexual misconduct, filing a sexual misconduct complaint, or participating in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion from the University.

G. Notice.

The Title IX Coordinator will give the complainant and respondent, respectively, a written explanation of their rights and options, and any available accommodations, as soon as possible after a complaint is reported. Title IX and the Dean of Students Office will also ensure that both the complainant and respondent are updated throughout the investigative process, including with timely notice of meetings where either the complainant's or the respondent's presence may be required.

IX. INTERIM MEASURES

Upon the filing of a sexual misconduct complaint, the Title IX Coordinator will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. The range of interim measures may include, but not be limited to:

- Moving the complainant's or respondent's residence.
- Adjusting the complainant's or respondent's work schedule, assignment, or location for University employment.
- Changing the complainant's academic schedule, allowing the complainant to take an incomplete in one or more courses, allowing the complainant to drop (or retake) a course without penalty, or attend class via web conference.

- Changing the complainant’s transportation arrangements or providing an escort to ensure safe movement between classes and other activities.
- Allowing the complainant to extend deadlines for examinations or other assignments without penalty.
- Reassigning the respondent to another section, if the complainant and respondent are enrolled in the same lecture, discussion class, academic team, or project group.
- Providing access to tutoring or other academic support.
- Issuing an administrative “no contact” directive. □ Interim suspension of the respondent.

The University will maintain as confidential any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures. An individual’s failure to comply with restrictions imposed by interim measures is a violation of University Policy and a basis for disciplinary action, up to and including expulsion from the University.

X. RESPONDING TO A COMPLAINT

A. Notification of Respondent.

The person alleged to have committed sexual misconduct is the respondent. Unless the complainant requests and is granted confidentiality, the respondent will be notified in writing that a complaint alleging sexual misconduct has been filed against him or her. The respondent will be advised that he or she may have an Adviser accompany him or her to any meeting or interview related to the investigation and complaint resolution process.

B. Information for Respondent.

Within seven (7) calendar days of receiving notice of the complaint, the respondent must arrange to meet with Title IX Coordinator. At that meeting, The Title IX Coordinator will:

- Provide the respondent with information regarding the Rights of the Complainant and Respondent.
- Provide the respondent with a copy of the complaint.
- Explain the prohibition against retaliation.
- Discuss the nature of the complaint.
- Explain the rights and responsibilities of the complainant and respondent.
- Explain the process for investigating and resolving the complaint (including the available appeal procedures).
- Instruct the respondent not to destroy any potentially relevant documentation in any format.
- Give the respondent a copy of the relevant policies.
- Provide the respondent with a list of on-campus and off-campus support resources.

If the respondent fails to meet or cooperate with the investigation, the resolution of the complaint will proceed without input from the respondent. If interim measures have been imposed, The Title IX Coordinator will explain the scope of those measures and the respondent's duty to comply with the interim measures.

C. Acceptance of Responsibility.

After reviewing the complaint and meeting with the Title IX Coordinator, the respondent may choose to end the complaint resolution process by accepting responsibility for the conduct alleged in the complaint. If the respondent accepts responsibility for the conduct alleged in the complaint, the Hearing Panel will determine an appropriate sanction for the respondent. If the respondent disputes the allegations of the complaint, the matter will proceed to an investigation.

At any point in the process, the respondent may accept responsibility for the conduct alleged in the complaint. In such cases, the Dean of Students may impose sanctions for violations of the Sexual Misconduct/Title IX Policy. Once the sanction is imposed, the matter will be considered closed.

XI. INVESTIGATION OF A COMPLAINT

A. Investigators.

The Title IX Office has an investigator specifically trained in sexual misconduct investigations to conduct a prompt, thorough, and fair investigation.

B. Investigation Process.

The investigation will include one or more interviews with the complainant, the respondent, and any witnesses. The investigation will include the gathering of physical, documentary, or other relevant and available evidence, including law enforcement reports. As part of the investigation, the University will provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence.

C. Standard of Proof.

In resolving complaints pursuant to the Sexual Misconduct/Title IX Policy, the University will use a “preponderance of the evidence,” standard, which is whether the evidence gathered and information provided during the investigation supports a finding that it is more likely than not that the respondent violated the Sexual Misconduct/Title IX Policy.

D. Investigation Finding.

At the conclusion of the investigation, the Investigator will prepare a report (the “Investigative Report”) summarizing the relevant facts determined through the investigation, with reference to any supporting documentation or statements. Before the Investigative Report is finalized, the complainant and respondent will be given the opportunity to review their own statements and, may also be provided with a written summary of other information collected during the investigation.

A complainant or respondent must submit any comments about their own statement, or on any investigation summary that might be provided, to the Investigators within ten (10) calendar days after the statement or summary was provided.

Following the receipt of any comments submitted, or after the 10-day comment period has lapsed without comment, the Investigators will address any identified factual inaccuracies or misunderstandings, as appropriate. The final Investigative Report will provide a summary of the Investigator’s impressions, including context for the evidence and a recommendation, but

will not make a final determination as to whether a violation of the Sexual Misconduct/Title IX Policy occurred, reserving that decision for the Hearing Panel.

E. Adjudication

The Title IX Coordinator will appoint a Hearing Panel of three to five (3-5) adjudicators and will appoint one of these members as the Panel Chair. The Hearing Panel will not include any person who has participated in any effort to resolve the same complaint. The Hearing Panel members will receive the names of the complainant, the respondent, and all witnesses, and must withdraw from the proceedings if their relationship to a party or witness, or other circumstances leads them to believe that they cannot judge the matter fairly. Adjudicators shall serve a term of two years except that the term for student members shall be one year. Members appointed to fill a vacancy on the panel shall serve for the duration of the term.

If, during the summer or during any other period, sufficient members of the Hearing Panel are not available to create a Quorum, the Title IX Coordinator, at the request of the Dean of Students, may designate individuals to serve as an interim adjudicator for the purpose of serving on a Hearing Panel. All Adjudicators must participate in training. In addition, each year, returning adjudicators must receive refresher training. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

The Title IX Coordinator will provide the complainant and respondent with simultaneous, written notice of the outcome of the University's resolution of the sexual misconduct complaint, the sanction, if any, that has been imposed on the respondent, and any additional steps that the University has taken to eliminate the hostile environment and prevent any recurrence of any sexual misconduct. The Letter of Determination will include a description of the right to appeal for both the complainant and the respondent. Either party may appeal the decision to the Dean of Students or their designee.

XII. SANCTIONS FOR VIOLATING THE SEXUAL MISCONDUCT/TITLE IX POLICY

If the respondent is found responsible for violating the Sexual Misconduct/Title IX Policy, the Dean of Students will impose a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX obligations. Sanctions may also serve to promote safety or deter students from similar future behavior.

The following, individually or in combination, are potential sanctions for violations of the University's Sexual Misconduct/Title IX Policy. Where appropriate, the statement of the sanction includes the duration, any conditions to be observed during that period, and the conditions for termination of the sanction.

Major Sanctions:

- Expulsion from the University or a program of the University.
- Suspension from the University or a program of the University for a specific period of time.
- Deferred suspension from the University or a program of the University.
- Denial of graduation, diploma, or degree.
- Deferral of graduation, diploma, or degree for a specific period of time.
- Revocation or withdrawal of diploma or degree previously credited, awarded, or conferred.

Other Sanctions:

- Expulsion from a University residence.
- Suspension from a University residence for a specific period of time.
- Deferred residence expulsion (with or without relocation to a different residence location).
- Disciplinary probation. Disciplinary probation may involve counseling with faculty or administrative staff; restriction of student privileges; prohibitions against participation in University activities or events, including athletic or non-athletic activities; and prohibitions against holding office or participating in student organizations or residence, school, or college organizations or activities.
- Residence probation. Residence probation may involve periodic meetings with a member of the residence staff and/or restriction of specific residence privileges.

- Disciplinary reprimand or warning.
- Restitution. The student will reimburse the University and/or other appropriate party for damage to or loss of property or for costs or expenses incurred by the University or other party. Restitution will be made at full cost of replacement or repair, and other expenses.

As part of the sanctioning process, the Dean of Students may require that existing interim remedies stay in place for a prescribed period of time. In consultations with the Title IX Coordinator, the Dean of Students may also impose new remedies or administrative actions such as no contact orders, housing placement, or academic accommodations based upon the investigation and resolution of the case.

XIII. PREVENTION AND EDUCATION

Jackson State University expects all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Members of the JSU community who intervene to prevent or stop sexual misconduct will be supported by the University and protected from retaliation

XIV. TRAINING

In connection with its obligations under Title IX, Jackson State University is committed to ensuring appropriate training for its Title IX Coordinator, law enforcement personnel, “responsible employees,” victim advocates, and others involved in responding to, investigating, or adjudicating sexual misconduct. In addition, we offer a comprehensive awareness and prevention training to faculty, staff, and students to assist them in recognizing sexual misconduct, teach them how to respond to reports of sexual misconduct, and ensure that they are aware of available on and off campus resources.

Resources

On Campus:

Title IX Office/Diversity and
Inclusion
Student Center, Suite 2125
601-979-1315

Campus Police

Department of Public Safety
601-979-2580

Dean of Students Office
Student Center, Suite 3200
601-979-2329

Campus Ministries
Reddix building, 1st floor
601-979-1318

Student Health Center

Applied Psychological Services
Center

Prentiss St.

College of Liberal Arts, Suite
327

601-979-2260

601-979-3381

LaTasha Norman Counseling
Center
Student Center, Suite 2102
601-979-0374

Human Resource (Faculty and
Staff)
College of Business, Suite 530
601-979-2015

SEXUAL MISCONDUCT ASSAULT RESPONSE TEAM (**S.M.A.R.T.**)

A Sexual Misconduct Assault Response Team (SMART) has been established to further the University's commitment to addressing and preventing sexual 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 complainants. 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 misconduct on campus.

Off Campus:

Catholic Charities
Hinds County Sheriff
Department

Shelter for Women and Children
601-366-0222
601-974-2900

Jackson Police Department
911 (in case of emergency)
St. Dominic's Hospital
969 Lakeland Dr. Jackson
MS

601-960-1234 (non-emergency
call)
601-200-2000

University Medical Center
2500 N. State St. Jackson MS.
Baptist Medical Center
1225 N. State St. Jackson
MS

601-984-1000
601-968-1000

HotLines:

Domestic Violence: **1-800-898-3234**

Sexual Assault: **1-800-565-HOPE (4673)**

Catholic Charities, Inc. Rape Crisis Center: **601-948-4495**

Center for Violence Prevention: **601-932-4198**

Mississippi Coalition Against Sexual Assault: **601-948-0555**

Mississippi Coalition Against Domestic Violence: **601-981-9196**

To assure University-wide compliance with this policy and with federal and state law, the Title IX Coordinator must be advised of all reported incidents of sexual misconduct and their resolution.