Mississippi College
Sexual Misconduct Policy

Introduction

Mississippi College is committed to maintaining a Christian environment for work, study, and social activities. As a Christian institution of higher education, Mississippi College has a moral commitment to the worth and dignity of all individuals. The university’s policy of opposition to sexual misconduct is not simply a legal requirement, it is a direct result of Mississippi College’s unwavering commitment to Christian and moral values as expressed in its Vision, Values, and Mission.

Scope of the Policy

This policy applies to any allegation of sexual misconduct against a member of the Mississippi College campus community, regardless of where the alleged sexual misconduct occurred. Certain behaviors amount to sexual misconduct as defined by Title IX of the Education Amendments of 1972 and the Violence Against Women Reauthorization Act of 2013. Although there is no geographical limitation to invoking this policy, sexual misconduct that is alleged to have occurred at a significant distance from the university may be more difficult to investigate. For this reason, victims of sexual misconduct away from the university campus are especially encouraged to notify local authorities to assist in the investigation.

The university encourages those who believe that they are a victim of sexual misconduct to file complaints as soon as possible. However, there is no period of limitations, provided that the accused is a member of the campus community. A complaint of sexual misconduct may be filed at any time while the accused is an active member of the campus community, regardless of the length of time between the alleged misconduct and the decision to file the complaint. The longer the victim waits to report an alleged act of sexual misconduct, the more difficult it becomes for the university to gather the needed evidence and respond.

Mississippi College is committed to facilitating an environment that encourages alleged victims to come forward if they have experienced any form of sexual misconduct. The university will take precautions to protect the identities and privacy of those who seek help or who report sexual misconduct.

Title IX Coordinator

The Title IX Coordinator is responsible for monitoring and overseeing overall implementation of Title IX compliance at Mississippi College including coordinating training, education, communications, and administration of grievance procedures for faculty, staff, students, and other members of the campus community.
Dr. Debbie Norris, Title IX Coordinator  
Vice President for Planning and Assessment and Graduate Dean  
601-925-3260  
dnorris@mc.edu  
Nelson 202

Options for Assistance Following an Incident of Sexual Misconduct

On-Campus:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Office Location</th>
<th>Telephone/E-Mail</th>
<th>Availability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr. Debbie Norris</td>
<td>Title IX Coordinator</td>
<td>Nelson 202</td>
<td>601-925-3260 <a href="mailto:dnorris@mc.edu">dnorris@mc.edu</a></td>
<td>M-F 8:00 – 4:30</td>
</tr>
<tr>
<td>Sharia Brock</td>
<td>Deputy Title IX Coordinator</td>
<td>BCR Back Patio</td>
<td>601-925-7714 <a href="mailto:sbrock@mc.edu">sbrock@mc.edu</a></td>
<td>M-F 8:00 – 4:30</td>
</tr>
<tr>
<td>Jonathan Nutt</td>
<td>Deputy Title IX Coordinator</td>
<td>Nelson 313</td>
<td>601-925-3248 <a href="mailto:nutt@mc.edu">nutt@mc.edu</a></td>
<td>M-F 8:00 – 4:30</td>
</tr>
<tr>
<td>Susan Musselwhite</td>
<td>Deputy Title IX Coordinator</td>
<td>Coliseum</td>
<td>601-925-3362</td>
<td>M-F</td>
</tr>
<tr>
<td>Intercollegiate Athletics</td>
<td><a href="mailto:musselwh@mc.edu">musselwh@mc.edu</a></td>
<td>8:00 – 4:30</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>MC Public Safety</td>
<td>All Members of Staff</td>
<td>Alumni Hall 102</td>
<td>601-925-3204 <a href="mailto:security@mc.edu">security@mc.edu</a></td>
<td>24/7</td>
</tr>
<tr>
<td>Morgan Bryant, Ph.D., LPC, NCC</td>
<td>Director of Student Counseling and Disability Services</td>
<td>Alumni Hall 4th Floor</td>
<td>601-925-7790 <a href="mailto:mbryant@mc.edu">mbryant@mc.edu</a></td>
<td>M-F 8:00 – 4:30</td>
</tr>
<tr>
<td>Scott French, CFNP</td>
<td>Health Services</td>
<td>Baptist Healthplex</td>
<td>601-924-9005</td>
<td>M-F 8:00 - 11:45 1:00 - 4:15</td>
</tr>
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**Off-Campus:**

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<thead>
<tr>
<th>Contact</th>
<th>Telephone</th>
<th>Availability</th>
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</thead>
<tbody>
<tr>
<td>Clinton Police Department</td>
<td>911 601-924-5252</td>
<td>24/7</td>
</tr>
<tr>
<td>Rape Crisis Center</td>
<td>601-982-7273</td>
<td>24/7</td>
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Prohibited Conduct

Prohibited acts of sexual misconduct are taken from Article III, Section X of the *Mississippi College Student Code of Conduct*:

a. Sexual Harassment: Sexual Harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that if unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from Mississippi College’s educational programs and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation. Examples include, but are not limited to:
   i. An attempt to coerce an unwilling person into a sexual relationship
   ii. To repeatedly subject a person to egregious, unwelcome sexual attention
   iii. To punish a refusal to comply with a sexual based request
   iv. To condition a benefit on submitting to sexual advances
   v. Sexual violence
   vi. Intimate partner violence
   vii. Gender-based bullying

b. Sexual Assault (Non-Consensual Sexual Contact): Sexual assault is any intentional sexual touching, however slight; with any object, by a male or female upon a male or a female that is without consent and/or by force. Consent must be informed and freely and actively given. Silence in and of itself is not an indication of consent.

c. Non-Consensual Sexual Intercourse (rape): Non-consensual sexual intercourse is any sexual intercourse however slight, with any object, by a male or female upon a male or female that is without consent and/or by force. A person must be capable of controlling their physical actions and making a rational, reasonable decision in order to consent. An underage or incapacitated person is unable to give consent. (In regards to consensual sexual activity, refer to Article III, Section M.b. Sexual Impropriety of the Mississippi College Student Code of Conduct.)

d. Sexual Exploitation: Sexual exploitation occurs when a student takes a non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another violation of Article III,
Section X: Sexual Misconduct. Examples of sexual exploitation include, but are not limited to:

i. Invasion of sexual privacy
ii. Prostituting another student
iii. Non-consensual video or audio taping of sexual activity
iv. Going beyond the boundaries of consent
v. Engaging in voyeurism (the sexual interest in or practice of spying on individuals engaged in intimate behaviors, such as, but not limited to, undressing, sexual activity, or other actions usually considered to be private in nature)
vi. Knowingly transmitting an STD, STI or HIV to another student

Stalking: Stalking occurs when a person willfully, on more than one occasion, follows or is in the presence of another person without legal purpose and with the intent to cause death or bodily injury, or with the intent to cause emotional distress by placing that person in reasonable fear of death or bodily injury.

Examples of stalking include, but are not limited to:

i. Threatening mail, phone calls or emails
ii. Persistent physical approaches
iii. Following a person or coincidentally showing up at places the person frequents
iv. Waiting outside a person’s residence, classroom, or place of employment
v. Destruction of a person’s personal property
vi. Breaking into a person’s car or residence
vii. Consistently questioning others for information about a person of interest

Terminology

Consent

Effective consent is informed, freely and actively given, in mutually understandable words or actions, by each participant which indicates a willingness to participate in mutually agreed upon sexual activity.

In the absence of mutually understandable words or actions (a meeting of the minds on what is to be done, where, with whom, and in what way), it is the responsibility of the initiator, that is, the person who wants to engage in the specific sexual activity, to make sure that they have consent from their partner. Relying solely upon non-verbal communication can lead to miscommunication. It is important not to make assumptions. If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, the initiator should stop and verbally clarify the other individual’s willingness to continue.
Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same act, in the same way, at the same time, with each other.

Consent which is obtained through the use of fraud or force, whether that force is physical force, threats, intimidation, or coercion, is ineffective consent. Intimidation or coercion is determined by reference to the reasonable perception of a person found in the same or similar circumstances.

Consent may not be inferred from silence, passivity or lack or active resistance alone. Consent may never be given to minors, mentally disabled persons, or physically incapacitated persons.

Silence, previous sexual relationships, and/or current relationship with the respondent (or anyone else) may not, themselves, be taken to imply consent. Consent cannot be implied by attire, or inferred from the buying of dinner, the giving of or exchange of any gifts, or the spending of money on a date.

Consent to one type of sexual act may not, in itself, be taken to imply consent to another type of sexual act. Consent has an expiration date. Consent lasts for a reasonable time, depending on the circumstances. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly; upon clear communication, all sexual activity must cease.

Incapacitation

Incapacitation means being in a state where a person lacks the mental or physical capacity to appreciate the fact that the situation is sexual, or cannot appreciate (rationally and reasonably) the nature and extent of that situation or its potential consequences.

One who is physically incapacitated as a result of alcohol or other drug consumption (voluntarily or involuntarily), or who in unconscious, unaware, or otherwise physically helpless, is incapable of giving consent. One may not engage in sexual activity with another who one knows, or should reasonably have known is incapacitated as a result of alcohol or drugs. The use of alcohol or drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another’s ability to give consent. Being intoxicated or high does not diminish one’s responsibility to obtain consent and is never an excuse for sexual misconduct.

Reporting Policies and Protocols

Reporting

Mississippi College strongly supports and encourages reporting of sexual misconduct. Reporting provides resources to victims and contributes to keeping the campus secure, but it can be a
difficult decision. However, it is important to understand that filing a report of sexual misconduct can be the beginning to the healing process. Reporting and/or pressing charges can prevent and offender from harming another person. Sexual misconduct should be reported to the Title IX Coordinator, or can be reported to any other responsible employee. No student should assume that an official of MC knows about his/her situation. Students should report all incidents of sexual misconduct.

Members of the campus community, including faculty, staff, administrators, and student employees, who have direct responsibility for student welfare, are required to inform the Title IX Coordinator any report of sexual misconduct they receive or instance of which they become aware. Students and all other members of the campus community who do not have direct responsibility for student welfare may report any instance of sexual misconduct for which they have knowledge.

Acts of sexual misconduct can be reported using the “Report It” form at www.mc.edu/reportit.

Sexual misconduct may constitute criminal activity. Because sexual assault and rape are crimes, a victim is encouraged to take criminal action against a violator. Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim’s person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the nearest emergency room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). If a victim goes to the hospital, local police will be called, but he or she is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

Immediately contact local authorities, Clinton Police Department 601-924-5252 or call 911.

If on campus, a student may contact the Office of Public Safety at 601-925-3204.

Confidentiality

Mississippi College is committed to facilitating an environment that encourages members of the campus community to come forward if they have experienced any form of sexual misconduct. The university will endeavor to protect the identities and privacy of those who seek help or who report sexual misconduct. However, it is important to understand the limits on confidentiality of individuals who may be contacted for such assistance. Different people, depending on their
positions, have different obligations with regard to confidentiality. Members of the campus community can expect complete confidentiality from Student Counseling Services, Student Health Services, and campus ministers.

Any other Mississippi College employee cannot guarantee complete confidentiality. Information is disclosed only to those individuals who have an essential need to know in order to carry out mandated responsibilities. Federal legislation requires the university to investigate and take reasonable action in response to all sexual misconduct complaints. Mississippi College must balance the needs of the individual reporting an alleged offense with its obligation to protect the safety and well-being of the campus community at large. Therefore, depending on the seriousness of the alleged incident, further action may be necessary.

**Retaliation**

Retaliation against any person making a complaint of sexual misconduct or against any person cooperating in the investigation of alleged acts of sexual misconduct is in violation of University Policy 1.18. Retaliation includes intimidation, threats or harassment against any complainant or third party, and interference in any stage of the investigation or review of the alleged act of sexual misconduct. Retaliation will result in swift disciplinary action.

**Interim Measures**

The Chief Conduct Officer, or his or her designee, in consultation with the Title IX Coordinator, may impose interim measures in order to stop the alleged sexual harassment or misconduct. Interim measures are preliminary and only in effect until the process is complete and a decision is rendered. Interim measures include, but are not limited to, “Do Not Contact orders,” changes in university housing assignments, housing suspensions, campus restrictions, academic schedule changes, and university suspensions.

**False Complaints**

Mississippi College prohibits any individual from knowingly filing a false complaint of sexual misconduct. However, a complaint made in good faith is not considered false simply because the evidence does not substantiate the allegation. Acts of knowingly filing a false complaint of sexual harassment are, by themselves, cause for disciplinary action.

**Amnesty Statement**

It is assumed that every student enrolling at Mississippi College agrees to conduct himself or herself in a manner conducive to the highest sort of mental and moral development in keeping with the ideals and traditions of the College as outlined in the *Mississippi College Student*
Code of Conduct. However, Mississippi College has a primary objective to promote the reporting of instances of sexual misconduct so those affected can receive the support and resources needed. Therefore, Student Code violations by a complainant may be exempt from disciplinary action in situations where the reported sexual misconduct or harassment also occurred, provided that such violations did not jeopardize the health or safety of others.

Student Rights

The following student rights are found in Article IV of the Mississippi College Student Code of Conduct.

Mississippi College affirms the following students’ rights and privileges in student conduct proceedings:

1. To be informed of the Mississippi College Student Code and its corresponding procedures;

2. To petition for redress of a grievance arising from an incident which violates Mississippi College policy and/or the Mississippi College Student Code. Any member of the Mississippi College community may file a student conduct charge or complaint against a student when that person believes the student has violated any Mississippi College policy;

3. To receive notice of any alleged violations of Mississippi College policy and/or breaches of the Mississippi College Student Code;

4. To have the benefit of opportunity to be heard by an impartial Hearing Board or Hearing Officer in addressing an allegation(s) of a violation of Mississippi College policy;

5. To have one advisor present in a student conduct conference and/or hearing. An advisor may not participate directly in a student conduct conference and/or hearing process nor may an advisor address any participant in the student conduct conference and/or hearing process other than the student the advisor represents. An attorney will not be allowed to serve as an advisor.

6. To examine any information, pertinent records to be used against him or her;

7. To view the list of witnesses against him or her at the Administrative Student Conduct Conference or prior to a hearing in front of a hearing board;

8. Incident reports serve as official documentation to incidents involving students. Incidents that are considered valid for review when the circumstances warrant, include, but are not
limited to, the following: alleged misconduct, actions that may be potentially harmful to one’s self or others, or actions that may cause potential damage to personal or Mississippi College property. Students have the following rights regarding information on incident reports:

a. A student has the right to contest the information pertaining to him or her on the report;
b. A student has the right to present or provide information regarding his or her alleged conduct as stated in the report;
c. A student has the right to submit information to contest his or her alleged actions or involvement

Mississippi College provides the following rights to the complainant. The cases to which these rights may apply, but are not limited to, those involving charges of Sexual Misconduct, abuse and hazing. Complainants must notify the Chief Conduct Officer, or his or her designee, at least two (2) class days prior to the scheduled hearing, if they wish to exercise any of the following rights listed below:

1. To have his or her unrelated past behavior excluded from the hearing. The Chief Conduct Officer, or his or her designee, will decide if such information is unrelated. The past sexual history of the complainant is not relevant, unless deemed essential by the Chief Conduct Officer, or his or her designee, to protect fundamental due process.

2. To attend an information session, during which time the complainant can view all of the information related to the case and receive instruction regarding the conduct process and rights of the individuals involved. Mississippi College shall provide notice to the complainant of these rights at least five (5) school days prior to a student conduct hearing.

3. To have one advisor accompany the complainant when presenting information to the Chief Conduct Officer or his or her designee, the hearing board and to any other relevant meetings held throughout the student conduct process. An advisor may not participate directly in a student conduct conference and/or hearing process nor may an advisor address any participant in the student conduct conference and/or hearing process other than the student the advisor represents. An attorney will not be allowed to serve as an advisor.

4. To provide information including presenting witnesses and/or signed written statements, as well as other relevant reports and documentary information.

5. To question the respondent and witnesses during the hearing. Questions to the respondent will first be posed to the hearing board, and depending on the case, the hearing board will
pose the questions to the respondent.

6. To submit an impact statement to the Chief Conduct Officer or his or her designee. This information will be used only in the sanctioning phase of deliberations, if the respondent is found responsible for the charge(s). The respondent may request to view the impact statement. The request will be considered by the Chief Conduct Officer or his or her designee, in consultation with the complainant.

7. To request to speak in a separate room from the charged student during the hearing procedure, as long as the process does not unduly compromise the respondent’s fundamental due process right to question the witness.

8. To request to be present throughout the entire hearing, or portions thereof. This option will be considered by the Chief Conduct Officer or his or her designee, and the decision shall be final and not subject to appeal.

9. To be notified of the status and outcome of the student conduct process at the first hearing level and final outcome to the extent that the outcome directly relates to the complainant and the notification does not violate the privacy rights of the respondent.

10. To appeal any first-level decision, provided that one or more of the reasons for appeal listed in Article V: Student Conduct Procedures, Appeals, is relevant to the case. On appeal, the burden of proof rests with the complainant to show clearly that an error substantially affecting the outcome of the proceedings, or constituting a fundamental due process right of the complainant, has occurred during the first level hearing process. The appellate body varies depending on the initial hearing board and is outlined in “Article V: Student Conduct Procedures, Appeals” of this Code.

Investigation Procedures and Protocols

Investigations involving acts of sexual misconduct (student on student) are handled according to the “Student Conduct Procedures” outlined in Article V of the Mississippi College Student Code of Conduct, in conjunction with the Title IX Coordinator. Those procedures can be found below.

Members from the Title IX Grievance Committee will sit on a hearing board in cases involving acts of sexual misconduct. This committee is under the direction of the Title IX Coordinator.

Charges
1. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Chief Conduct Officer, or his or her designee, responsible for the administration of the Mississippi College student conduct system. Any charge should be submitted as soon as possible after the event takes place, preferably within five (5) working days of the incident. The report should include:
   a. Full name, local address and phone numbers of the complainant(s), respondent(s), witnesses and 700# of all individuals involved whenever possible
   b. The specific Standard of Conduct, policy and/or rule allegedly violated (this may be determined by the Student Conduct Officer)
   c. The date, time, location and persons involved in the incident under investigation;
   d. A narrative of the incident describing what occurred;
   e. Copies of pertinent witness statements, police and/or housing reports, along with a list of any other physical information (photographs, written documents, items, etc.)

2. The Chief Conduct Officer, or his or her designee, may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Chief Conduct Officer, or his or her designee. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Chief Conduct Officer, or his or her designee, may later serve in the same matter as the student conduct hearing body or a member thereof.

Administrative Student Conduct Conference

1. Upon receipt of a properly filed complaint, a Student Conduct Officer shall notify the respondent student in written form by campus email, regular mail or hand delivery that student conduct proceedings have been initiated. The letter indicates a scheduled time for an Administrative Student Conduct Conference with a Student Conduct Officer, or directs the student to schedule an Administrative Student Conduct Conference within a specified amount of time. The letter also lists the alleged violation(s) in which the student is being charged. Failure to comply with this directive may result in a full hearing board being scheduled.

2. The purpose of the Administrative Student Conduct Conference is to provide the student the opportunity to review the alleged violation(s) with the Student Conduct Officer, to examine the information and reports, to discuss the Mississippi College Student Code of Conduct and the conduct process. Students who do not have a copy of the Mississippi College Student Code of Conduct will be given one in this conference or be directed to an online copy.

3. The student and the Student Conduct Officer will determine if they matter can be resolved through mutual agreement, including, but not limited to, the charges/complaints being rendered null and void; an “Administrative Student Conduct Conference Agreement” being signed which indicates the student assumes responsibility for a violation(s) of the Mississippi College Student Code of Conduct, and waives any further proceedings and/or appeals.

4. If the complaint cannot be disposed of by mutual consent, the matter will be referred to a hearing involving a Student Hearing Board or a University Hearing Board. If the case of an incident
which may rise to suspension or expulsion from Mississippi College housing or Mississippi College, the matter will be referred to a University Hearing Board.

**Hearings**

In cases which cannot be resolved in an Administrative Student Conduct Conference, and in those incidents which rise to suspension or expulsion from Mississippi College housing or Mississippi College, the matter will be referred to a University Hearing Board. Hearings involving a hearing board are designed for both the complainant and respondent to present their accounts of an incident.

1. The respondent student shall be given written notice of the hearing to inform him or her of the specific charge(s), of his or her rights as a student, and the date, time and location of the hearing.
   a. Generally, a student will be given a minimum notice of five (5) school days and maximum of fifteen (15) school days before the hearing takes place. However, due to the nature of the academic year, if the incident occurs close to the end of a semester, or if the appropriate hearing board cannot be scheduled, the student’s case will be heard as soon as a hearing can be scheduled.
   b. Time limits for scheduling hearings may be extended at the discretion of the Vice President for Enrollment Services and Dean of Students, Associate Dean of Students, Chief Conduct Officer and the Director of Student Development.
   c. Notice of a hearing shall be sent/delivered to the student’s campus email address and/or local mailing address identified on the student’s record, and shall be considered delivered two working days after the letter has been posted or sent. In the event of a hand delivery of a notice, the notice is considered delivered on the date it is given to the student.

2. The purpose of a student conduct hearing is to determine if the respondent student is responsible for violating one or more standards of the *Mississippi College Student Code of Conduct*, and to recommend any appropriate sanctions. A student is presumed to be not responsible until proven responsible in a student conduct hearing.

3. Hearings shall be conducted by a student conduct hearing board according to the following guidelines:
   a. Hearings shall be conducted in private.
   b. Admission of any person to the hearing shall be at the discretion of the Chief Conduct Officer or his or her designee.
   c. In hearings involving more than one respondent student, the Chief Conduct Officer or his or her designee, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
   d. The complainant and the respondent student(s) have the right to be assisted by an advisor, according to the guidelines outlined in “Article IV: Student Rights” of the *Mississippi College Student Code of Conduct*. 
e. The complainant and the respondent shall have the privilege of presenting witnesses, subject to the right of cross examination by the hearing board.

f. Pertinent records, exhibits and written statements may be accepted as information for consideration by a hearing board at the discretion of the Chief Conduct Officer or his or her designee.

g. All procedural questions are subject to the final decision of the Student Conduct Officer presiding over or conducting the hearing.

h. After the hearing, the hearing body shall determine (by majority vote) whether the student has violated each section of the Student Code which the student has been charged.

i. The hearing board’s determination shall be made on the basis of whether it is more likely than not (preponderance of the evidence) that the respondent student violated the Student Code.

j. There shall be a single verbatim record, such as a tape recording, of all hearings before a student conduct hearing board. The record shall be the property of Mississippi College and shall become a part of disciplinary records.

k. Except in the case of a student charged with failing to obey the summons of a College official, no student may be found to have violated the Student Code solely based on the failure to appear before a hearing board. In all cases, the information in support of the charges shall be presented and considered.

l. The hearing board may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the complainant, respondent and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Chief Conduct Officer or his or her designee.

4. A hearing is structured such that the discussion proceeds in an orderly manner. Below is the order the hearing follows:

- a. Introductions
- b. The reading of the complaint/charges by the hearing chairperson;
- c. The entering of pleas by each respondent;
- d. There are three pleas: Responsible, Not Responsible and No Plea, which indicates that the student does not know whether or not he or she is responsible, or means the student is unwilling to say and is allowing the hearing board to decide;
- e. Statement of complainant and introduction of information and witnesses;
- f. Questioning of the complainant, the complainant’s information and the complainant’s witnesses;
- g. Statement of the respondent and introduction of information and witnesses;
- h. Questioning of the respondent, the respondent’s information and the respondent’s witnesses;
- i. Final questions by the hearing board, complainant, and/or respondent;
- j. Closing statements, first by the complainant and then by the respondent;
i. Closing statements shall be specific to the incident involved and may include any reiteration of previously stated facts, written statements of character by a third party, and/or any other comments involving the case. Closing statements are the final opportunity for the respondent and the complainant to provide any additional information which will facilitate the hearing board’s decision, including recommendations for sanctions. Closing statements may be limited to a specified time constraint at the hearing board and/or chairperson’s discretion. Once the closing statements are concluded, the complainant, respondent and Student Conduct Officer will be dismissed.

k. Deliberation of the hearing board;
l. Recommendation of the hearing board to the Student Conduct Officer

Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Code:

1. **Warning**
   An official written notice that the student has violated Mississippi College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the Mississippi College.

2. **Restitution**
   Compensation for damage caused to Mississippi College or any person’s property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

3. **Fines**
   Reasonable fines may be imposed.

4. **Educational Service or College Service Requirements**
   Completion of some type of educational service or specific supervised Mississippi College service.

5. **Loss of Privileges**
   The student will be denied specified privileges for a designated period of time.

6. **Confiscation of Prohibited Property**
   Items whose presence is in violation of Mississippi College policy will be confiscated and will become the property of Mississippi College. Prohibited items may be returned to the owner at the discretion of the Director of Student Development and/or Director of the Office of Public Safety.
7. **Behavioral Requirement**  
   This includes required activities including, but not limited to, seeking counseling, academic counseling or substance abuse screening, writing a letter of apology, etc. This may also include working with a Student Services Office such as the Office of Student Success, Community Service Center or Office of Christian Development based on the student’s individual needs. This also includes paying any fees that may be charged for said required activity.

8. **Educational Program**  
   Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.

9. **Restriction of Visitation Privilege**  
   May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.

10. **Mississippi College Housing Probation**  
    Official notice that, should further violations of Residence Life Guidelines or other Mississippi College policies occur during a specified probationary period, the student may immediately be removed from Mississippi College residential housing. Regular probationary meetings may also be imposed.

11. **Mississippi College Housing Reassignment**  
    Reassignment to another Mississippi College residence hall room or residence hall. Residence Life personnel will decide on the reassignment details.

12. **Mississippi College Housing Suspension**  
    Removal from Mississippi College housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to Mississippi College housing may be specified. Under this sanction, a student is required to vacate Mississippi College housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for Mississippi College housing, the student must gain permission from the Director of Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all Mississippi College housing during the suspension.

13. **Mississippi College Housing Expulsion**  
    The student’s privilege to live in, or visit, any Mississippi College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
14. **Mississippi College Conduct Probation**
   The student is put on official notice that, should further violations of Mississippi College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.

15. **Eligibility Restriction**
   The student is deemed “not in good standing” with the Mississippi College for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Development and terms of this conduct sanction may include, but are not limited to, the following:
   a. Ineligibility to hold any office in any student organization recognized by Mississippi College or hold an elected or appointed office at Mississippi College; or
   b. Ineligibility to represent the Mississippi College to anyone outside the Mississippi College community in any way including: participating in the study abroad program, attending conferences, or representing the Mississippi College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.

16. **Mississippi College Suspension**
   Separation from Mississippi College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Student Development and Associate Dean of Students. During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Director of Student Development. This sanction may be enforced with a trespass action as necessary.

17. **Mississippi College Expulsion**
   Permanent separation from Mississippi College. The student is banned from university property and the student’s presence at any Mississippi College -sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.

18. **Other Sanctions**
   Additional or alternate sanctions may be created and designed as deemed appropriate to the violation with the approval of the Chief Conduct Officer or his or her designee.

**Typical Sanction Ranges**

Sanctioning ranges established by Mississippi College exist for students found responsible for violating certain sections of the Mississippi College Student Code of Conduct. However, ranges exist to provide a guide and are not mandatory as each case is determined on a case-by-case basis, taking into account intervening variables, the determination of the Student Conduct Officer or hearing board of the student’s realization and understanding of his or her actions, whether the student has been involved in past
infractions of the *Mississippi College Student Code of Conduct*, and the individual circumstances of the incident. Thus, ranges may be increased, decreased or changed as needed. Mediation is never considered as viable sanction for Sexual Misconduct cases. The following sanction ranges exist as follows for first-time offenses:

1. **Incidents Involving Sexual Misconduct** (*Article III, Section X*)
   a. Sexual Assault
      i. Suspension for one year up to expulsion from Mississippi College;
   b. Non-consensual sexual intercourse
      i. Expulsion from Mississippi College
   c. Sexual Exploitation, Stalking and Discrimination
      i. Referral to mandatory counseling/treatment (fee);
      ii. Educational service hours
      iii. Fine
      iv. Student Conduct Probation for two years up to expulsion from Mississippi College;

Other violations of the *Mississippi College Student Code of Conduct* will be assessed on a case-by-case basis.

**Interim Suspension**

In certain circumstances, the Chief Conduct Officer, or his or her designee, may impose a Mississippi College or Mississippi College housing interim suspension prior to the hearing before a hearing board.

1. Interim suspension may be imposed only:
   1. To ensure the safety and well-being of members of the College community or preservation of College property
   2. To ensure the student’s own physical or emotional safety and well-being;
   3. If the student poses a definite threat of disruption of or interference with normal Mississippi College operations.

2. During the interim suspension, students shall be denied access to the residence halls and/or the campus (including classes) and/or all other Mississippi College activities or privileges for which the student might otherwise be eligible, as the Chief Conduct Officer, or a designee, may determine.

**Appeals**

1. A decision reached by a hearing board or a sanction imposed by a Student Conduct Officer may be appealed by respondents to the Chief Conduct Officer within five (5) school days of notification of the decision. Such appeals shall be in writing and shall be delivered to the Chief Conduct Officer or his or her designee.
2. The Chief Conduct Officer may act as the Appellate Body or assign the case to an Appellate Body of his or her choosing.

3. An appeal is not a re-hearing of a matter to establish fact and therefore shall be limited to review of the verbatim record of the initial hearing and supporting documents, except as required to explain the basis of new information. The basis for an appeal shall be for one of the following purposes:
   a. To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present information that the Student Code was violated, and giving the respondent student reasonable opportunity to prepare and to present a rebuttal of those allegations.
   b. To determine whether the decision reached regarding the respondent was based on actual information, that is whether facts in the case were sufficient to establish that a violation of the Student Code occurred.
   c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed, as well as, other substantiated considerations which may have also had a hearing on sanctions such as, but not limited to, past Student Code violations.
   d. To consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

4. If an appeal is upheld by the Appellate Body, the body may review the case and recommend action to the Chief Conduct Officer, or recommend to the Chief Conduct Officer that the matter be remanded to the original student conduct body and/or Student Conduct Officer for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s).

5. Should an Appellate Body choose to review a case, without recommending that it be remanded to its original student conduct body and/or conduct Officer, the resulting action taken by the Appellate Body, if any, must be presented to the Chief conduct Officer in the form of a recommendation. The recommendation of the Appellate body shall be considered by the Chief Conduct Officer in determining and imposing final sanctions. Final decision of the Appellate Body and/or the Chief Conduct Officer acting as the appellate body will be reviewed and approved by the Vice President for Enrollment Services and Dean of Students. The decision is then final and binding.

6. Appeals by a respondent student may not result in more severe sanction(s). Instead, sanctions shall only be upheld or reduced.

7. Appeals by the complainant may result in sanctions against a respondent being reduced, upheld, or increased.

Prevention, Education & Training

Mississippi College provides resources for education about and prevention of sexual harassment, including sexual assault. The following resources and activities are a part of the university’s process:

- New employee orientation
• Subject guide located on the university’s website. This guide includes
  o People to contact
  o Procedures for reporting sexual harassment
  o Support group’s contact information
  o Resources for educating the community
• A reporting form located on the university’s website (anonymous)
• Institutional Title IX Committee made up trained university faculty and staff—
  adjudication is this committee’s focus.
• Sexual Assault Awareness Committee made up of experts in the fields of Campus
  Security, Nursing, Counseling, Student Discipline, Residence Life, Christian
  Development, and Athletics. Both committees are chaired by the University’s Title IX
  Coordinator. Training for the university’s constituents and prevention of any sexual
  assault is this committee’s focus.
• Each of the above-named committees regularly communicates about current issues and
  resources through management software called Basecamp.
• Students receive training through residence life programming, orientations, and
  intercollegiate sports programs.

Interpretation and Revision

Any question of interpretation regarding this policy should be referred to the Title IX
Coordinator or his or her designee for final determination.

This policy shall be reviewed periodically under the direction of the Title IX Coordinator.