



Mississippi  
College

A CHRISTIAN UNIVERSITY

## *Sexual Misconduct & Relationship Violence Policy*

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## **Article I: 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**

Sexual misconduct, in reference to this policy, shall be defined by Title IX of the Education Amendments of 1972 and the Violence Against Women Reauthorization Act of 2013. The Sexual Misconduct & Relationship Violence Policy, as defined by 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. 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.

### **Privacy & 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 confidentiality from Student Counseling Services, Student Health Services, and campus ministers. See "Reporting Sexual Misconduct" below for more information regarding confidential communication and responsible parties.

### **Amnesty Policy**

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*. 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. Reports of sexual misconduct, made in good faith by complainants who may have violated the Mississippi College Student Code of Conduct at the time of the sexual misconduct incident, are

granted amnesty from disciplinary actions under the Mississippi College Student Code of Conduct.

## **Article II: Authority on Issues of Sexual Misconduct**

1. The Title IX Coordinator, in cooperation with the Chief Conduct Officer, shall determine the composition of all hearing bodies and appellate bodies for violations of the sexual misconduct policy. The Title IX Coordinator has the delegated responsibility to determine which conduct body, conduct officer and appellate body shall be authorized to hear each case.
2. The Title IX Coordinator, in cooperation with the Chief Conduct Officer shall develop policies for the administration of the sexual misconduct policy and procedural rules for the conduct hearings which are consistent with provisions of the *Mississippi College Sexual Misconduct & Relationship Violence Policy*.
3. As designated by this policy, decisions made and sanctions recommended by the Sexual Misconduct Hearing Board shall be final, pending the normal appeal process.

## **Article III: Definitions**

1. The term “College,” “University,” “Institution,” or “MC” means Mississippi College.
2. The term “student” includes all persons taking courses at Mississippi College, both full-time and part-time, pursuing undergraduate, graduate, doctorate or professional studies and those who attend post-secondary educational institutions other than Mississippi College and who reside in Mississippi College residence halls. A person who is not officially enrolled for a particular term but has a continuing relationship with Mississippi College is considered a “student.”
3. The term “faculty member” means any person assigned by the College to conduct classroom activities.
4. The term “College official” includes any person performing assigned administrative or professional responsibilities.
5. The term “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by Mississippi College. A person’s status in a particular situation relative to this code shall be determined by the Chief Conduct Officer.
6. The term “College premises” or “College property” includes all land, buildings, facilities, and other property in the possession of, or owned, used or controlled by Mississippi College including adjacent streets and sidewalks.

7. The term “organization” means any number of persons who have complied with the formal requirements for recognition of an organization at Mississippi College.
8. The term “complainant” refers to the individual or individuals who bring forth a complaint against another student. A complainant could be any member of the Mississippi College community.
9. The term “respondent” refers to the student or students accused of a violation of the *Mississippi College Sexual Misconduct & Relationship Violence Policy*.
10. The term “information” includes, but is not limited to, any and all pertinent records, exhibits and written statements relating to an incident and/or violations of the *Mississippi College Sexual Misconduct & Relationship Violence Policy*.
11. “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 of active resistance alone. Consent may never be given 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.

12. “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 is 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 acts covered under “Article III, Section X: Sexual Misconduct.”)

13. The term “proceedings” refers to all activities related to an institutional conduct complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.
14. The term “results” refers to any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.
15. The term “advisor” refers to an individual who provides the accuser or accused support, guidance, or advice. 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.
16. The term “programs to prevent sexual misconduct & relationship violence” refers to comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual misconduct & relationship violence that:
- a. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
  - b. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels

Programs to prevent sexual misconduct & relationship violence include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

17. The term “awareness programs” refers to community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration
18. The term “bystander intervention” refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of programs to prevent sexual misconduct & relationship violence. Bystander intervention includes:
  - Recognizing situations of potential harm
  - Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene
19. The term “ongoing prevention and awareness campaigns” includes programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing programs to prevent sexual misconduct & relationship violence, using a range of strategies with audiences throughout the institution
20. The term “primary prevention programs” refers to programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop sexual misconduct & relationship violence before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.
21. The term “risk reduction” refers to options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
22. The term “prompt, fair, and impartial proceeding” refers to 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 and with written notice to the accuser and the accused of the delay and the reason for the delay; Conducted in a manner that:
  - a. Is consistent with the institution’s policies and transparent to the accuser and accused;
  - b. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  - c. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
  - d. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused

## Article IV: Prohibited Conduct

Sexual misconduct, in reference to this policy, shall be defined by Title IX of the Education Amendments of 1972 and the Violence Against Women Reauthorization Act of 2013. These behaviors are considered inappropriate by Mississippi College.

- 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. Gender-based bullying
- b. **Sexual Assault (Non-Consensual Sexual Contact):** Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting program.
  - i. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - ii. 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 or her or because of his or her temporary or permanent mental incapacity.
  - iii. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - iv. Statutory rape: Sexual intercourse with a person who is under the statutory age of consent.
- c. **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 the *Mississippi College Sexual Misconduct & Relationship Violence Policy*. 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

- d. **Domestic Violence:** A felony or misdemeanor crime of violence committed
- i. By a current or former spouse or intimate partner of the victim;
  - ii. By a person with whom the victim shares a child in common;
  - iii. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
  - v. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- e. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- i. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - iii. Dating violence does not include acts covered under the definition of domestic violence.
  - iv. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- f. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
- i. Fear for the person's safety of others; or
  - ii. Suffer substantial emotional distress
- For the purposes of this definition:
- "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
  - "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **Article V: Initial Steps & Reporting**

### **Initial Steps to Take if You Experience Sexual Misconduct**

Sexual assault, harassment, and other forms of sexual misconduct or relationship violence can have profound impacts on personal, professional, and academic life. If you have experienced sexual misconduct of any kind, the University urges you to take action to seek the help and support that you need. Individual experiences of sexual misconduct vary widely, as do people's needs. You have choices about what to do and when, and the University has people who can explain the options, answer your questions, and support you along the way.

#### *Immediate Steps*

1. Go to a safe place. In the immediate aftermath of a sexual assault, sexual violence, or other forms of sexual misconduct, the most important step to take is to get to a safe place. Whether it be your home, a friend's home, or with a family member, immediate safety is what matters most.
2. Seek medical treatment. If you have experienced physical or sexual violence, it is important to get care as soon as possible. Even if you feel okay, you may be injured or at risk of contracting a sexually transmitted infection or becoming pregnant. If you were sexually assaulted within the past 72 hours, you should strongly consider having physical forensic evidence collected at the time of your medical examination.

#### *Preserving Evidence*

3. Avoid activities that may alter or destroy evidence of sexual misconduct that is criminal in nature. Should a person experience physical or sexual violence of a criminal nature, it is important to preserve any evidence in the event the person wishes to pursue criminal charges.

A Sexual Assault Nurse Examiner (SANE) is available through Mississippi Baptist Medical Center, or other local hospitals (See additional resources in Article IX of this policy). If a victim goes to the hospital, local police will be notified but victims are not obligated to talk to the police or to pursue prosecution. Having the evidence collected in a professional manner will help keep options open for victims to pursue criminal prosecution, but will not obligate victims to do so.

Victims wishing to preserve evidence for possible criminal prosecution should avoid the following activities and proceed to the closest hospital or medical facility for professional assistance.

- a. Avoid washing your hands
- b. Avoid brushing your teeth

- c. Avoid showering
- d. Avoid using the bathroom, if possible
- e. Avoid combing your hair
- f. Avoid cleaning the scene of the incident
- g. Avoid changing your clothes. If you have changed clothes, take them with you to the hospital in a paper bag.

Other steps to consider should you wish to pursue charges: Save voicemails, emails, and text messages. Even if you do not initially plan to pursue a disciplinary or criminal complaint, it is good to keep those options open by retaining evidence.

### *Reporting Options*

Sexual misconduct may constitute criminal activity. Police are in the best position to secure evidence of a crime. Saving voicemails, e-mails, and text messages can be very powerful in building a strong case. Even if you do not initially plan to pursue a disciplinary or criminal complaint, it is good to keep those options open by retaining evidence.

- 4. Report the incident. If you have experienced or learned about sexual misconduct involving a member of the Mississippi College community, you may file a report, as outlined below. By reporting the incident, you alert the University and enable administrators to respond appropriately both to your case and to broader patterns of behavior. Reporting also allows you to discuss your options and gives you immediate access to various accommodations.

### *Support*

- 5. Get support. You should not have to cope with this experience alone. There are many places to turn. See the resources in Article IX of this policy for on campus and off campus resources for victims of sexual misconduct.

### **Reporting Sexual Misconduct on Campus**

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.

The university encourages those who believe that they are a victim of sexual misconduct to file complaints as soon as possible. There is no period of limitation, 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 and/or law enforcement to gather the needed evidence and respond.

Reporting provides resources to victims and contributes to keeping the campus secure. 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 an 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.

The Title IX Coordinator, Mississippi College Public Safety or associate dean of students will, upon request, assist any individual in making a report to law enforcement. The complainant has the right to report the sexual misconduct to the college and to simultaneously report to law enforcement. The complainant has the right to seek to obtain an order of protection/restraining order, and the college will cooperate to comply with any such orders.

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 about 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.

The following categories of employees are Mississippi College's responsible employees:

- Faculty (tenured, non-tenured, full-time, adjunct, temporary)
- Staff (Administrative, Student Affairs)
- Administrators
- Coaches
- Deans
- Graduate Assistants
- Resident Assistants
- Office of Public Safety employees (part-time, full-time)

The filing of a complaint with a non-confidential responsible employee above triggers the University's responsibility for conducting an investigation into the particular incident. Submission of a false, misleading or bad faith report or complaint is considered a violation of this policy, is prohibited, and may lead to sanctions.

Acts of sexual misconduct can be reported using the "Report It" form at [www.mc.edu/reportit](http://www.mc.edu/reportit).

An individual may not choose to provide all of the necessary information relevant to the case. However, the University still has an obligation to investigate the incident in order to provide a safe, non-discriminatory environment for all students, faculty and staff. In deciding whether a complaint must be pursued, the Title IX Coordinator will handle matters involving University employees, vendors, and/or third parties, while the Chief Conduct Officer, his or her designee or a Deputy Title IX Coordinator will handle matters which only involve students.

## Confidential Reporting

There are certain employees on campus that a student may have privileged and confidential communications. Professional, licensed counselors, and pastoral counselors who provide mental health counseling to members of the Mississippi College community are not required to report information about an incident to the Title IX Coordinator or Deputy Title IX Coordinator(s) without a victim's permission. Following is the contact information for offices with confidential employees:

- Office of Counseling & Disability Services  
Alumni Hall 4<sup>th</sup> Floor  
601.925.7791
- Office of Christian Development  
Nelson Hall 212  
601.925.3235

Mississippi College encourages counselors to inform clients of their opportunity to provide confidential statements for inclusion in the Annual Disclosure of Crime Statistics by submitting a Silent Witness Form on the Office of Public Safety website or through the Report It Form on the Office of Student Development website.

## Article VI: Student Rights

### A. Respondent's Rights

Mississippi College provides the following rights to the respondent:

1. To be informed of the *Mississippi College Sexual Misconduct & Relationship Violence Policy* and its corresponding procedures;
2. To request a review of a violation of the *Mississippi College Sexual Misconduct & Relationship Violence Policy*. Any member of the Mississippi College community may file a charge or complaint against a student when that person believes the student has violated the *Mississippi College Sexual Misconduct & Relationship Violence Policy*;
3. To receive notice of any alleged violations of Mississippi College policy and/or breaches of the *Mississippi College Sexual Misconduct & Relationship Violence Policy*;
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.

6. 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;
7. To examine any information, incident reports, or pertinent records to be used against him or her in a conduct proceeding. 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 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
8. To appeal any first-level decision, provided that one or more of the reasons for appeal is listed in the *Mississippi College Sexual Misconduct Policy*. Appeals must be relevant to the case. On appeal, the burden of proof rests with the student filing the appeal to show clearly that an error substantially affecting the outcome of the proceedings has occurred during the first level hearing process. The appellate body is determined by the Chief Conduct Officer in cooperation with the Title IX Coordinator.
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 complainant and accused.

### **B. Complainant's Rights**

Mississippi College provides the following rights to the complainant. Complainants must notify the Chief Conduct Officer, or his or her designee, at least two (2) class days prior to the scheduled hearing, if any of the following rights listed below shall be exercised:

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 rights of the parties.
2. To attend an information session, during which time the complainant can view all 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.

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 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 is listed in the *Mississippi College Sexual Misconduct & Relationship Violence Policy*. Appeals must be relevant to the case. On appeal, the burden of proof rests with the student filing the appeal to show clearly that an error substantially affecting the outcome of the proceedings, abridging a right of the student, has occurred during the first level hearing process. The appellate body is determined by the Chief Conduct Officer in cooperation with the Title IX Coordinator.

## **Article VII: Investigation, Hearing Procedures, Sanctions & Appeals**

Investigations involving acts of sexual misconduct (student on student) are handled according to the procedures outlined below, in cooperation with the Title IX Coordinator.

### **Interim & Protective Measures**

The Chief Conduct Officer, or his or her designee, in consultation with the Title IX Coordinator, may impose interim and/or protective 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. However, certain measures may become permanent as a result of a hearing, or at the discretion of the Chief Conduct Officer or Title IX Coordinator. Interim and/or protective measures include, but are not limited to

- a. Removal from or modification of living arrangements
- b. Removal from or modification of academic courses
- c. Removal from or modification of co-curricular program and activities, including athletics
- d. Escort by Public Safety while on campus
- e. No Contact Orders between individuals
- f. No Trespass Order on Mississippi College's campus for an individual
- g. Advisory letter. For example, a letter informing a person, organization, team, etc. that actions or behavior that created an environment conducive to violations of the Sexual Misconduct Policy should end immediately or result in a further response by the university
- h. Assistance with retaking coursework or withdrawing from a course(s) without penalty
- i. Assistance locating an off-campus counselor if on-campus counseling cannot meet needs
- j. Emergency action

The University reserves the right to take whatever measures it deems necessary in response to an alleged violation of the Sexual Misconduct Policy in order to protect the safety or orderly operation of the campus community. Not all violations of the Sexual Misconduct Policy will involve the same set of circumstances, so the Chief Conduct Officer, in cooperation with the Title IX Coordinator, will use his or her discretion to impose interim and/or protective measures.

### **Investigation Process**

A formal investigation will be employed when a victim files a sexual misconduct complaint and authorizes the investigation. Mediation is never an appropriate resolution for an alleged violation of sexual misconduct. The Chief Conduct Officer, or his or her designee, has specialized training in investigations and will conduct interviews of the victim, accused, and any witnesses identified. Those interviews will be conducted separately and privately. The respondent will be considered notified by the institution of an investigation at the time of receipt of a request for a meeting with an investigator. The Chief Conduct Officer, or his or her designee, may re-interview the complainant and/or respondent as needed. The Chief Conduct Officer, or his or her designee, will also review any evidence the parties or witness may have. The complainant and the respondent both have specific rights during the investigation process, as outlined in Article IV of this policy. The investigative process will be done in cooperation with the Title IX Coordinator.

Any information provided by local law enforcement to the University may be considered a part of the investigative report prepared by the institution. At the conclusion of the investigation, the Chief Conduct Officer, or his or her designee, will decide whether to charge the respondent with a violation of the sexual misconduct policy using a "preponderance of the evidence" standard. If the Chief Conduct Officer, or his or her designee, determines charges are merited, he or she will notify the complainant and the respondent in writing. If the Chief Conduct Officer, or his or her

designee, determines charges are not merited, he or she will notify the complainant and the respondent in writing.

If a charge is issued, the Chief Conduct Officer, or his or her designee will schedule separate meetings with both the complainant and the respondent to review the Mississippi College Sexual Misconduct & Relationship Violence Policy, its corresponding procedures and all afforded rights to both the complainant and the respondent. At this time, both the complainant and the respondent will have the opportunity to review the relevant information in the case. The complainant and the respondent will both be notified of the day, time and location of the hearing at this time, as described in the “Hearing Procedures” below.

The Investigation Process, although carried out by the Chief Conduct Officer, or his or her designee, will be in cooperation with the Title IX Coordinator.

### **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 this policy and the Mississippi College Student Code of Conduct. 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.

### **Hearing Procedures**

A formal hearing resolution process will be employed when the Chief Conduct Officer, or his or her designee, charges a respondent with a violation of the *Mississippi College Sexual Misconduct & Relationship Violence Policy*.

Hearings involving the Sexual Misconduct Hearing Board are designed for both the complainant and respondent to present their accounts of an incident. The hearing for issues of sexual misconduct will be prompt, fair, and impartial.

1. The complainant and the respondent student shall be given written notice of the hearing to inform each 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 hearing will be schedule with 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 Title IX Coordinator, Chief Conduct Officer or his or her designee, or the Vice President for Enrollment Services and Dean of Students.
  - c. If an in-person notification is not possible, 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.

2. The purpose of a sexual misconduct hearing is to determine if the respondent student is responsible for violating one or more standards of the *Mississippi College Misconduct Policy*, 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 sexual misconduct 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 Sexual Misconduct & Relationship Violence Policy*.
  - e. The complainant and the respondent shall have the right to cross examine the other through supplying cross examination questions to the hearing board chair. Neither will be allowed to directly ask questions to each other.
  - f. The complainant and the respondent shall have the privilege of presenting witnesses, subject to the right of cross examination by the hearing board.
  - g. 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.
  - h. All procedural questions are subject to the final decision of the Student Conduct Officer presiding over or conducting the hearing.
  - i. After the hearing, the hearing body shall determine (by majority vote) whether the student has violated each section of the *Mississippi College Sexual Misconduct & Relationship Violence Policy* which the student has been charged.
  - j. 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 *Mississippi College Sexual Misconduct & Relationship Violence Policy*.
  - k. 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.

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 a typical 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
5. If a student pleads "Responsible" to *Mississippi College Sexual Misconduct & Relationship Violence Policy* charges in a meeting with a conduct officer prior to a hearing, a "Sanctions Only" hearing may be held so that the Sexual Misconduct Hearing Board can recommend sanctions for the violation of the *Mississippi College Sexual Misconduct & Relationship Violence Policy*. The order for a "Sanctions Only" hearing is defined below:
- a. Introductions
  - b. The reading of the complaint/charges by the hearing chairperson;
  - c. The entering of pleas by each respondent;
  - d. Statement of complainant and introduction of information and witnesses;
  - e. Statement of the respondent
  - f. Questioning of the respondent and the respondent's information
  - g. Final questions by the hearing board
  - h. Closing statements 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 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, and Student Conduct Officer will be dismissed.

- i. Deliberation of the hearing board;
- j. Recommendation of the hearing board to the Student Conduct Officer

Both the complainant and respondent will be notified of the decision of the hearing board or any decision of a sexual misconduct disciplinary proceeding within 10 class days of the hearing or disciplinary proceeding. Barring any extenuating circumstances, the notification will be sent to both parties simultaneously via Mississippi College email.

## **Sanctions**

The following sanctions may be imposed upon any student found to have violated the Sexual Misconduct Policy. Sanctioning will be determined by the severity of the violations of the *Mississippi College Sexual Misconduct & Relationship Violence Policy*:

### **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 the property 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 Deferred Housing Suspension**

Removal from Mississippi College housing with be deferred pending any additional violations of the *Mississippi College Student Code of Conduct*. If any further violations occur during a specified period of time, Mississippi College Housing Suspension will be automatic following a finding of "Responsible" for a time period set at the time of sanctioning. This sanction may include restrictions on visitation to specified buildings or all Mississippi College housing during the deferred suspension.

**13. 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 written 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.

#### **14. 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.

#### **15. 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.

#### **16. 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.

#### **17. Mississippi College Deferred Suspension**

Deferred suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Student Code of Conduct.

During a deferred suspension the student will be officially suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes at this time, however, the suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violation of the Student Code of Conduct.

#### **18. Mississippi College Suspension**

Separation from Mississippi College for a specified 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.

#### **19. 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.

#### **20. "No Contact" Order**

A No Contact Order may be issued to students in cases of, but not limited to, abuse or harassment, which prohibits any communication via e-mail, text message, by phone, through a third party, electronically in any way, or any type of physical contact. If a "No Contact" order is issued, all parties will be required to sign and agree to the "No Contact" arrangement.

### **Appeals**

1. A decision reached by a sexual misconduct hearing board or a sanction imposed may be appealed by either the complainant or the respondent 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. Once an appeal is received by either the complainant or the respondent, both the complainant and the respondent will be notified in writing via institutional email of receipt of an appeal, simultaneously.
3. The Chief Conduct Officer may act as the Appellate Body or assign the case to an Appellate Body of his or her choosing, in cooperation with the Title IX Coordinator.
4. 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 *Mississippi College Sexual Misconduct & Relationship Violence Policy* 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 *Mississippi College Sexual Misconduct & Relationship Violence Policy* occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the *Mississippi College Sexual Misconduct & Relationship Violence Policy* which the student was found to have committed, as well as, other substantiated considerations which may have also had a bearing 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.
5. Once an appeal is received from either the complainant or the respondent, and the notification of an appeal has been sent to both parties, a decision and simultaneous notification of a final decision to both parties will be made within 10 class days.
6. 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).
7. 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 Title IX Coordinator. The decision is then final and binding.
8. Appeals by a respondent student may not result in more severe sanction(s). Instead, sanctions shall only be upheld or reduced.
9. Appeals by the complainant may result in sanctions against a respondent being reduced, upheld, or increased.

## Article VIII: Resources & Contact Information

### On campus resources:

Title IX Coordinator	<b>Dr. Debbie Norris</b> VP for Planning & Assessment and Dean of the Graduate School	Nelson Hall 202 601.925.3260 dnorris@mc.edu
Deputy Title IX Coordinator	<b>Jonathan Nutt</b> Director of Student Development	Student Life Center, Back Patio BCR 601.925.3248 <a href="mailto:nutt@mc.edu">nutt@mc.edu</a>
Deputy Title IX Coordinator	<b>Julie Kerr</b> Director of Residence Life	Student Life Center, Back Patio BCR 601.925.3359 <a href="mailto:jkerr@mc.edu">jkerr@mc.edu</a>
Deputy Title IX Coordinator	<b>Susan Musselwhite</b> Assistant Athletic Director	A.E. Wood Coliseum 601.925.3362
Associate Dean of Students & Chief Conduct Officer	<b>Dr. Jonathan Ambrose</b>	Nelson Hall 313 601.925.3275 <a href="mailto:jwambrose@mc.edu">jwambrose@mc.edu</a>
MC Security	<b>Mr. Mike Warren</b> Director of Public Safety <b>Mr. Brent Perkins</b> Assistant Director of Public Safety	Alumni Hall 1 <sup>st</sup> Floor 601.925.3834 <a href="mailto:mjwarren@mc.edu">mjwarren@mc.edu</a> <a href="mailto:perkins@mc.edu">perkins@mc.edu</a>

**On campus confidential resources:**

Student Counseling Services	<b>Dr. Morgan Bryant, LPC, NCC</b> Director of Student Counseling and Disability Services	Alumni Hall 4 <sup>th</sup> Floor 601.925.7790 <a href="mailto:mbryant@mc.edu">mbryant@mc.edu</a>
Office of Christian Development	<b>Dr. Beth Masters</b> Director of Christian Life and Ministries	Nelson Hall 212 601.925.3235 <a href="mailto:dbmasters@mc.edu">dbmasters@mc.edu</a>
Health Services	<b>Scott French, CFNP</b>	Baptist Healthplex, 1 <sup>st</sup> Floor 601.924.9005

**Off campus resources:**

Clinton Police Department	305 Monroe Street Clinton, MS 39056 911 601.924.5252
Rape Crisis Center (Central Mississippi)	601.982.7273
Mississippi Baptist Medical Center Emergency Room	1225 North State Street Jackson, MS 601.968.1000

**Article IX: Education**

**Outreach and Prevention**

Mississippi College is committed to the prevention of sexual misconduct and regularly administers outreach and educational programming designed to increase awareness of the prevalence of sexual misconduct involving college-age students and other University constituents, inform the Mississippi College community about issues related to sexual misconduct such as substance abuse and the role of the bystander, and promote knowledge of the University’s Sexual Misconduct & Relationship Violence Policy.

**Training**

Mississippi College regularly conducts sexual misconduct and relationship violence training for its constituents, including the following groups:

- Title IX Coordinator & Deputy Title IX Coordinators
- Investigators
- Members of the Hearing Board & the Appeals Board
- Employees
- Students
- Public Safety Officers

These groups are trained, as appropriate and applicable, on such subjects as:

- This Sexual Misconduct & Relationship Violence Policy.
- Title IX and related regulatory guidance.
- The University’s responsibility to address allegations of sexual misconduct.
- Recognizing and responding to reports of sexual misconduct.
- Understanding common and counterintuitive victim responses (during and after an incident) and the effect of sexual misconduct on victims.

- Understanding the link between substance abuse and sexual misconduct.
- Which employees are “Responsible Employees” and which individuals and offices are confidential resources for students.
- Reasonable, appropriate, and sensitive investigative, interview, and hearing techniques that protect victim safety and promote accountability.
- Issues related to Sexual misconduct & relationship violence.

Specific examples of sexual misconduct and relationship violence training at Mississippi College are:

- An online training module, Title IX Sexual Harassment, is e-mailed to all students, staff, faculty and administrators. All new Mississippi College employees are required to complete the module.
- Faculty & staff receive face-to-face sexual misconduct training during each fall semester.
- Athletes receive sexual misconduct training during the fall and spring semesters from the Office of Counseling and Disability Services through the Step-Up program.
- Sexual Assault Awareness Month is celebrated in April with a program on the quad that gave away teal coasters, ribbons, and donuts.

### **Article X: Interpretation and Revision**

1. Any question of interpretation regarding this policy shall be referred to the Title IX Coordinator or his or her designee for final determination.
2. The Sexual Misconduct & Relationship Violence Policy shall be reviewed periodically under the direction of the Title IX Coordinator.