

Mississippi College Title IX Sexual Harassment and Misconduct Policy and Procedures

Updated November 28, 2022

Mississippi College (“University”) maintains the following policy on sex discrimination and sexual harassment in compliance with Title IX of the Education Amendments of 1972 and the Title IX regulations in 34 CFR Part 106. The University provides notice of this policy to applicants for admission and employment, students, and employees, to the extent required by law.

NON- DISCRIMINATION ON THE BASIS OF SEX

The University does not unlawfully discriminate in its programs and activities on the basis of sex and complies with state and federal laws prohibiting sex discrimination. The requirement not to discriminate on the basis of sex applies to admissions, except undergraduate admissions as provided by Title IX.

As a non-profit Christian institution of higher education, the University exercises its rights under state and federal law to use religion as a factor in making employment decisions. Some regulations issued under Title IX relating to discrimination on the basis of sex are not consistent with the University’s religious tenets and do not apply to the University (34 CFR § 106.12(a)).

Questions or inquiries about the application of Title IX regulations in the University’s programs and activities may be addressed to the University’s Title IX Coordinator, General Counsel, or to the Assistant Secretary of the U.S. Department of Education.

STATEMENT OF NON-DISCRIMINATION

Mississippi College is a Christian University affiliated with the Mississippi Baptist Convention. The Mississippi Baptist Convention elects all members of the Board of Trustees of the University. In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, and the Americans with Disabilities Act and ADA Amendments, the University does not unlawfully discriminate on the basis of race, color, national or ethnic origin, sex, age, genetic information, veteran status, or disability in its education policies, programs, and activities, in its admissions policies and in employment policies and practices. As a religiously affiliated university, Mississippi College is exempt from provisions of certain nondiscrimination laws and regulations.

CLERY ACT COMPLIANCE

Whenever a report of Sexual Misconduct indicates a serious and immediate threat to the campus community, Mississippi College will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The Clery Act requires, among other things, that a post-secondary school that receives federal funds must report statistical information concerning Sexual Misconduct that occurs on properties owned or controlled by the school. This data is

reported annually by the Mississippi College Office of Public Safety to the U.S. Department of Education (“DOE”). The University prepares and publishes an Annual Security Report that includes statistical information concerning reported offenses that occurred either on campus, at off-campus properties controlled by the University, or on certain public property adjacent to the University campus. Neither the Annual Security Report nor the statistical data provided to the DOE includes the name or other personally-identifiable information of any person involved in a reported incident.

SCOPE AND APPLICATION OF THE POLICY

All members of the University community, including students, faculty, administrators, staff, trustees, volunteers, vendors, independent contractors, applicants for admission or employment, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the University or on University property, are subject to this Policy. All University community members are required to abide by University policies and governing local, state, and federal laws. This Policy applies to Sexual Harassment and/or Misconduct committed by or against a member of the University community that occurs on campus or other University property.

REPORTING SEXUAL HARASSMENT, SEXUAL ASSAULT OR OTHER SEX DISCRIMINATION

Title IX Coordinator

The University has designated and authorized the following employee(s) to coordinate its efforts to comply with its policies and to prevent sexual harassment and discrimination:

Dr. Kristena P. Gaylor, P h . D . , M B A
Title IX Coordinator
Associate Professor of Management & Economics
Self 200B
MC Box 4014
Clinton, MS 39058
KGaylor@mc.edu
[601-925-3415](tel:601-925-3415)
<https://calendly.com/kgaylor-1/1-on-1-with-dr-gaylor>

The Title IX Coordinator, works with the employees listed below, and others, to ensure that the University complies with Title IX. Regardless of which University employee or administrator or other party investigates or adjudicates a complaint, the Title IX Coordinator maintains oversight and control of the process. The Title IX Coordinator receives written notice of the complaint, the investigative report and any determination. Where sex discrimination, harassment or violence is found to have occurred within the jurisdiction of Title IX, the Title IX Coordinator oversees the University’s response. In those instances where the allegations involve faculty, staff, or outside parties, it may be necessary to coordinate the University’s response with the Office of the Provost or Human Resources, or other University offices as needed.

The Title IX Coordinator’s responsibilities also include coordinating training, education, and

prevention efforts; overseeing a centralized reporting process for all sexual harassment and misconduct allegations on campus; tracking and monitoring these allegations; and ensuring prompt and equitable resolution of complaints. When this policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

Note: Sexual Misconduct complaints that do not meet the definition of Sexual Harassment or Misconduct under Title IX or fall outside the jurisdiction of Title IX as defined in this policy may be handled by the Title IX Coordinator or by the Chief Conduct Officer of the University and processed under the Student Code of Conduct or employment policies, as relevant.

Deputy Title IX Coordinators

Susan Musselwhite
Assistant Athletic Director for Compliance & Senior Woman's Administrator
A.E. Wood Coliseum – 207
musselwh@mc.edu
601-925-3362

Kim Phifer, J.D.
Director of Student Services
School of Law
kphifer@mc.edu
601-925-7151

Emergency Report If you witness or experience any emergency involving sexual assault or any other crime of violence, or if you have immediate safety concerns, first call 911, and then call the Office of Public Safety at 601-925-3204. The Office of Public Safety is located in the basement of the B.C. Rogers Student Center.

How to Report Any person may file a report relating to sex discrimination, including sexual harassment or sexual misconduct, whether or not the person reporting is the person who may be the victim of conduct being reported. A report may be made in person to the Title IX Coordinator or Deputy Title IX Coordinators during the normal business hours of the university. At any time during or outside normal business hours by mail, telephone, or email, by using the confidential report system, Report IT (Report It can be found at <https://www.mc.edu/students/report-incident>) or by using the "Silent Witness" form on the Public Safety website or by contacting the Office of Public Safety at 601-925-3204.

False Reports Any person who knowingly files a false complaint under the institution's policy or provides materially false information is subject to disciplinary action up to and including dismissal or separation from the University. The purpose of this provision is not to discourage reporting a complaint, only to make clear that false reporting is an offense under the Student Code of Conduct and employment policies and subjects the individual to potential discipline.

Confidential Employees For individuals who are seeking confidential consultation on campus, there are employees who can provide confidential support. Licensed Professional Counselors

(LPC's) can provide counseling, information, and support under legally protected confidentiality. They may, however, submit non-identifying information about the incident for purposes of making a statistical report under the Clery Act.

Students wishing to obtain confidential support or resources on campus are encouraged to contact the Office of Student Counseling and Disability Services. This office is staffed by counseling professionals who are bound by rules requiring confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise authorized by state and federal law.

Mandated Reporters Mississippi College considers all University employees (faculty, staff, student employees, and administrators) Mandatory Reporters. As such, employees are expected to promptly report actual or suspected sexual harassment or misconduct, defined by this policy, to the Title IX Coordinator. Employees who fail to report an incident of which they become aware may be subject to discipline.

Amnesty In order to encourage complainants and witnesses to make reports of conduct prohibited under this policy, the University will not pursue disciplinary action against students for disclosure of personal consumption of alcohol or other drugs where the disclosure is made in connection with a good faith report or investigation of prohibited conduct and the personal consumption did not place the health or safety of any other person at risk. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

DEFINITIONS

The following words in this policy, when capitalized, mean the following:

Actual Knowledge of sexual harassment: Actual Knowledge occurs when actual notice of sexual harassment is received by the Title IX Coordinator OR another university official with authority to institute corrective measures related to sexual harassment.

Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Consent: The clear approval and permission to engage in sexual activity demonstrated by clear actions, words, or writings. Consent is informed, freely given and mutually understood by all parties involved. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the Complainant was mentally or physically incapacitated or impaired so that the Complainant could not understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious, or under the age of legal consent, or unable to give consent under current law. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the Respondent has taken advantage of a position of influence over the Complainant may be a factor in determining whether consent was freely given. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Consent can be withdrawn at any time.

Dating Violence: The Violence Against Women Act (VAWA) defines Dating Violence as violence committed by a person

- (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (a) The length of the relationship.
 - (b) The type of relationship.
 - (c) The frequency of interaction between the persons involved in the relationship.

Decision-maker: The person or panel designated by the University to conduct the Hearing and make a determination on the allegations in a Formal Complaint. No Decision-maker will be a Title IX Coordinator or the Investigator.

Document: A handwritten or typed document or electronic submission by email or one using the *MC ReportIt* system (<https://www.mc.edu/students/report-incident>) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing a report.

Domestic Violence: The Violence Against Women Act (VAWA) defines domestic violence as a felony or misdemeanor crime of violence (including threats or attempts) committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Mississippi, or 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 Mississippi.

Education Program or Activity: A location, event, or circumstance over which the University exercises (or, during the relevant time, exercised) substantial control over both the Respondent and the context in which the Sexual Harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the University.

Facilitator: A person who serves to facilitate an informal resolution of a *Formal Complaint* through mediation, arbitration, restorative justice, or a similar process.

Formal Complaint: a document expressly identified as a formal complaint that is "signed by the Title IX Coordinator and sent to a Complainant by the Title IX Coordinator which:

- (1) is filed by a Complainant directly with the Title IX Coordinator or submitted and signed by the Title IX Coordinator; and
- (2) if filed by the Complainant, he or she is participating in or attempting to participate in the University's education program and activities; and
- (3) alleges Sexual Harassment against a Respondent; and
- (4) requests that the University investigate.

Hearing: The live hearing before a *Decision-maker* for the purpose of presenting evidence regarding the allegations in a *Formal Complaint* and allowing for questioning and cross-examination of *Parties* and witnesses by the *Parties'* advisors, all in order that the *Decision-maker* can determine responsibility and sanctions, as appropriate.

Investigative Report: The written report created by the *Investigator* that fairly summarizes all relevant evidence obtained during the investigation of a *Formal Complaint*.

Investigator: The person designated by the University to investigate a *Formal Complaint*. If more than one person is designated, this term refers to all of the investigators.

Party: Either the Complainant or the Respondent.

Parties: All *Complainants* and all *Respondents* with respect to a complaint of Sexual Harassment or with respect to multiple *Formal Complaints* which have been consolidated.

Report: An account of alleged sexual misconduct reported to the University by the complainant, a third party, or an anonymous source. A report in itself does not constitute a Formal Complaint.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute *Sexual Harassment*.

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including: forcible or statutory rape, forcible sodomy, sexual assault with an object, forcible fondling, and incest.

Sexual Harassment under Title IX: Conduct on the basis of sex that satisfies one or more of the following:

- (1) A University employee conditioning the provision of a university aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined under Clery/ VAWA.

Stalking: Stalking is a pattern of repeated and unwanted attention, harassment, contact, or engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) fear for his or her safety or the safety of others; or
- (2) suffer substantial emotional distress.

Stalking can include frightening communications, direct or indirect threats, and harassing a complainant through the Internet or other communication mediums. Stalking can be a criminal act prohibited by the Mississippi Code § 97-3-107.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered to the *Complainant* or the *Respondent* (or one who may become a Respondent) before or after the filing of a *Formal Complaint* or where no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment.

RESPONSE TO SEXUAL HARASSMENT (WITH OR WITHOUT A FORMAL COMPLAINT)

If the University has Actual Knowledge of harassment in an Education Program or Activity, the Title IX Coordinator is responsible for coordinating a response that is prompt and reasonable in light of the known circumstances and includes at least the following:

- (1) Treating Complainants and Respondents equitably;
- (2) Promptly contacting the Complainant to discuss the availability of Supportive Measures;
- (3) Offering Supportive Measures to the Complainant whether or not the Complainant files a Formal Complaint;
- (4) Considering the Complainant's wishes with respect to Supportive Measures;
- (5) Explaining to the Complainant the process for filing a Formal Complaint; and
- (6) Following the University's grievance procedure before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent.

The University will provide students or employees who report being victims of Dating Violence, Domestic Violence, Sexual Assault or Stalking with an explanation of their rights and options, regardless of whether the offense occurred on campus. The explanation will include written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims (within the University and in the community), and the availability of changes to academic, living, transportation, and working situations, or Supportive Measures regardless of whether the student or employee files a Formal Complaint or makes a report to law enforcement.

SUPPORTIVE MEASURES

The University will offer Supportive Measures as appropriate, as reasonably available, and without fee or charge to the Complainant, the Respondent, or a person who may become a Respondent before or after the filing of a Formal Complaint, including where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

The following are examples of Supportive Measures the University may make available, but other similar measures may also be provided:

- (1) Additional excused absences from classes or leaves of absence
- (2) Extensions of deadlines or other course-related adjustments
- (3) Academic support services, such as free tutoring
- (4) Providing an escort to move safely between classes and activities
- (5) Providing parking closer to residence or classes
- (6) Modifications of work or class schedules
- (7) No-Trespass or No-Contact Orders or Agreements (prohibiting contact with another Party in person or by phone, email, text message, social network, or other

- means, including a third person)
- (8) Adjustments to campus housing assignments
 - (9) Adjustments to campus work assignments
 - (10) Counseling services
 - (11) Increased security and monitoring of certain areas of the campus

Confidentiality

The University will attempt to maintain as confidential any Supportive Measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the University's ability to provide the Supportive Measures.

EMERGENCY REMOVAL FROM THE UNIVERSITY

The University may remove any Respondent (student, employee, 3rd party contractor, visitor, etc.) from the University's Education Program or Activity on an emergency basis if:

- (1) The University conducts an individualized safety and risk analysis.
- (2) As a result of the analysis, the University determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal of the Respondent.
- (3) The University provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The University may place a non-student employee Respondent on administrative leave (paid or unpaid) during the pendency of an investigation and resolution process.

This provision for administrative leave or emergency removal does not modify any of the Respondent's rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT Under Title IX

General Provisions

The University will:

- (1) Treat Complainants and Respondents equitably by providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent.
- (2) Presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the resolution process.
- (3) Follow this resolution process before the imposition against the Respondent of any disciplinary sanctions or other actions that are not Supportive Measures.
- (4) Provide any Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to

- participate.
- (5) Design remedies to restore or preserve equal access to the University's Education Program or Activity. Remedies may include the same individualized services described as Supportive Measures, however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
 - (6) Require all persons who serve as the Title IX Coordinator, Investigator, Decision-maker, Appeal Decision-maker, or Facilitator not to have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
 - (7) Ensure that Title IX Coordinators, investigators, decision-makers, and Facilitators receive appropriate training. Part of the training will include how to serve impartially and avoid prejudgment of the facts, conflicts of interest, and bias.
 - (8) Apply the preponderance of the evidence standard in making determinations with respect to all Formal Complaints, whether against students, faculty, or non-faculty employees.

Notice of Allegations following a formal complaint

Upon receiving a Formal Complaint, the University will provide all known Parties written notice that includes at least the following:

- (1) The University's grievance procedure, including any informal resolution process.
- (2) All allegations which may constitute Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known.
- (3) A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance procedure.
- (4) A statement that the Parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- (5) A statement that the Parties may inspect and review evidence.
- (6) A statement that the University's code of conduct prohibits any student or employee knowingly making false statements or knowingly submitting false information during the grievance procedure.

If during the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice, the University will provide notice of the additional allegations to Parties whose identities are known.

When the University Must Dismiss a Formal Complaint

If the conduct alleged in the Formal Complaint

- 1) would not constitute Sexual Harassment even if proved, or
- 2) did not occur in an Education Program or Activity, or
- 3) did not occur against a person in the United States, then the University must dismiss the Formal Complaint as a complaint of Sexual Harassment under Title IX or this

grievance procedure.

When the University May Dismiss a Formal Complaint

The University may dismiss all or part of a Formal Complaint if at any time during the investigation or hearing:

- (1) a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in it; or
- (2) the Respondent is no longer enrolled or employed by the University; or
- (3) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations in it.

If all or part of a Formal Complaint is dismissed, the University must promptly and simultaneously send written notice of the dismissal and reason(s) for it to the Parties.

Despite a dismissal of a Formal Complaint under this Title IX Policy or in the event conduct does not rise to the level of a Title IX policy violation, the University may investigate and adjudicate sexual misconduct under other policies including, but not limited to, the Student Code of Conduct or University policies applicable to employees.

Consolidating Formal Complaints

The University may consolidate Formal Complaints:

- (1) as to allegations of Sexual Harassment against more than one Respondent; or
- (2) by more than one Complainant against one or more Respondents; or
- (3) by one Party against the other Party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance procedure involves more than one Complainant or more than one Respondent, singular references to “Party,” “Complainant,” or “Respondent” include the plural, as applicable.

ADVISORS

Designated Advisors and University-Appointed Advisors

A Party may designate an advisor of his or her choice. The University will not limit the choice or presence of an advisor for either a Complainant or a Respondent in any meeting or grievance proceeding. The advisor chosen by the student may be an attorney but will be limited in the manner they may engage the Parties under the Title IX process. Attorney advisors are not allowed in the Student Conduct process.

The University will appoint an advisor for any Party who does not have one present in the Hearing. University-appointed advisors serve at no cost to a Party. However, advisors appointed by the University serve for the limited purpose of conducting cross-examination at the Hearing. University-appointed advisors are not required to be attorneys or have a level of competency comparable to that of another Party’s designated advisor. An advisor is not required

to perform any function beyond relaying a Party's desired questions to the other Party and witnesses.

A Party may find that having an advisor is helpful throughout the grievance procedure and not just at the Hearing. Both Parties are encouraged to designate an advisor.

Because the University is required to provide certain information to a Party's advisor, each Party must notify the Title IX Coordinator in writing if he or she has designated an advisor. A Party may obtain an advisor or change the identity of the Party's advisor at any time.

Rules for Advisors

Except during a Hearing, the role of the advisor is limited to providing support, guidance, or advice to the Complainant or Respondent throughout the grievance procedure. The following rules apply to all advisors, including advisors appointed by the University:

- (1) Advisors are not to answer questions posed directly to any Party or witness, nor otherwise interfere with questioning by the Investigator. An advisor may request reasonable opportunities to confer with the Party being advised.
- (2) During meetings, a Party and the advisor may talk quietly with each other.
- (3) Advisors do not have the right to question witnesses except in a Hearing.
- (4) Advisors may not present opening statements, closing statements, or arguments.
- (5) Advisors cannot disclose to other persons any confidential student information which is disclosed to the advisor in the course of the grievance procedure.
- (6) Advisors must act in a respectful manner at all times; bullying, yelling, and abusive conduct are never permitted.
- (7) Parties and advisors must not disturb the Hearing or any other proceeding by loudly ~~conf~~ with one another.
- (8) Advisors must comply with the decisions and directions of the Decision-maker.

If a Party's advisor (whether designated by the Party or appointed by the University) refuses to comply with these rules, including rules relating to decorum, the University may require the Party to designate a different advisor or, if no other advisor is designated, to accept an advisor appointed by the University to conduct cross-examination on behalf of the Party. The University may remove from any proceeding advisors who become disruptive or who do not abide by the restrictions on their participation.

INFORMAL RESOLUTION

At any time after a Formal Complaint has been filed but before reaching a determination regarding responsibility, the University may facilitate an informal resolution process, such as mediation or restorative justice or other mutual resolution, that does not involve a full investigation and adjudication. Before the University and the Parties can proceed with an informal resolution the University must notify the Parties in writing disclosing

- (1) the allegations;
- (2) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;

- (3) that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance procedure with respect to the Formal Complaint; and
- (4) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The University must obtain the Parties' voluntary, written consent to proceed with an informal resolution process. The formal procedures for resolving a Formal Complaint will normally be suspended during the informal resolution process. If the informal process produces a resolution that is agreed upon by the Parties in writing, the grievance procedure shall end, and no investigation or Hearing shall occur.

The University:

- (1) may not require any person to waive the right to an investigation and adjudication of a Formal Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right;
- (2) may not require the Parties to participate in an informal resolution process;
- (3) may not offer an informal resolution (alternative process) unless a Formal Complaint has been filed; and
- (4) may not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Sexual Harassment against a student.

COMPLAINANT'S REQUEST NOT TO PROCEED

In the event a Complainant does not wish to proceed with an investigation or a complaint, the Title IX Coordinator will respect the complainant's wish unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. If the allegations in a formal complaint do not meet the definition of sexual harassment or did not occur in the school's education program or activity against a person in the United States, the Final Rule clarifies that the college must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the college deems appropriate under the University's Student Code of Conduct. The Title IX Coordinator will assess any obstacles to proceeding and will reassure the complainant that Title IX prohibits retaliation and that the University will take strong responsive action to protect the complainant.

In determining whether the University can comply with a complainant's request not to proceed, the Title IX Coordinator will consider a range of factors that bear on the safety and welfare of the University community, including:

- The severity and impact of the conduct, including whether a weapon was used;
- Whether the complainant is a minor under the age of 18;
- Whether prior reports of sexual misconduct have been made against the Respondent;
- Whether the Respondent threatened further violence or other violence against the Complainant or others;
- Whether the University has other ways to obtain relevant evidence of the alleged sexual misconduct (security cameras, video recordings, photographs or other evidence); and,

- The extent of prior remedial methods taken with the Respondent.

After evaluating the appropriate factors, if the Complainant's request not to proceed is allowed, the University will take reasonable steps to respond to the Complaint consistent with the request, but its ability to do so may be limited based on the nature of the request by the Complainant.

In situations where the University is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will notify the Complainant of the chosen course of action. To the extent possible, the University will avoid taking action that would reveal the identity of the Complainant.

A Complainant who initially requests that the University not proceed with an investigation or disciplinary action may later request that an investigation be conducted. Additionally, the Title IX Coordinator, after granting a request not to proceed, may proceed with an investigation or disciplinary action if any new or additional information becomes available.

INVESTIGATING FORMAL COMPLAINTS

The University's Responsibilities

The University will designate one or more investigators to investigate the allegations in a Formal Complaint. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties. The University shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived it. If the Investigator makes any determinations regarding credibility, those determinations may not be based on a person's status as a Complainant, Respondent, or witness.

The University may restrict who can be present during any meeting or proceeding related to the grievance procedure, including meetings or interviews conducted by the Investigator. However, both the Complainant and the Respondent will have the same opportunities to have others present during any grievance proceeding.

Equal Opportunity to Present and Review Evidence

In the course of the investigation, all Parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University does not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

Before completing the Investigative Report, the Investigator will send to each Party and the Party's advisor, if any, all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including

- (1) evidence upon which the University does not intend to rely in reaching a determination regarding responsibility; and
- (2) inculpatory or exculpatory evidence, whether obtained from a Party or another source.

The evidence will be subject to inspection and review by both Parties and may be provided in an electronic format, a hard copy, or a mixture of both. Each Party will have at least 10 days to submit a written response to the evidence. This written response shall be the Party's final opportunity to identify and present witnesses and other inculpatory and exculpatory evidence.

If the Investigator finds that Party has provided new evidence (including witnesses) directly related to the allegations, the Investigator will provide the new evidence to both Parties and permit an additional 10 days for each Party to respond to the new evidence. The Investigator will consider the Parties' written responses to the evidence before completing the Investigative Report.

Medical and Treatment Records

In gathering evidence, except with the Party's voluntary, written consent the University cannot access, consider, disclose, or otherwise use a Party's records that are:

- (1) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity; and
- (2) made and maintained in connection with the provision of treatment to the Party.

The Investigation Report

After the time for a Party's written response to the evidence has expired, the Investigator will create an Investigative Report that fairly summarizes the relevant evidence gathered during the investigation.

At least 10 days prior to the Hearing, the Investigator will send each Party and each Party's advisor a copy of the Investigative Report in an electronic format or a hard copy. A Party or a Party's advisor may make a written response to the Investigative Report by providing a copy to the Investigator and the Title IX Coordinator no later than noon of the last business day before the day of the Hearing. The Title IX Coordinator will provide a Party's written response, if any, to the other Party. A copy of the Investigative Report and all written responses by the Parties will be provided to the Decision-maker prior to the Hearing.

PRE-HEARING PROCEDURES

When Hearings Are Required

A live hearing must be held with respect to a Formal Complaint **unless**:

- (1) the Formal Complaint has been dismissed;
- (2) the facts alleged in a Formal Complaint are not contested;

- (3) the Respondent has admitted, or wishes to admit responsibility; or
- (4) the Parties want to resolve the case through an informal resolution process without a completed investigation or adjudication.

The Parties cannot waive a hearing except by agreement to use the University's informal resolution process.

Preparing for the Hearing

At least 7 days before the Hearing, the University will notify each Party and advisor in writing of the date, time, location, and participants for the Hearing, including the name of each witness whom the University will request to appear at the Hearing (in person or virtually) for the purpose of providing evidence. The Hearing may be conducted with all participants physically present in the same location or, at the University's discretion, any or all Parties, witnesses, and other participants may appear virtually, with technology enabling participants simultaneously to see and hear each other.

Requesting Separate Rooms

At the request of either Party, the University will provide for the Hearing to occur with the Parties located in separate rooms using technology enabling the Decision-maker and Parties to simultaneously see and hear the Party or the witness answering questions. *In order to have sufficient time to make the appropriate arrangements, a Party's request to be in a separate room must be made in writing to the Title IX Coordinator at least 5 days before the Hearing.*

Attendance by Advisors

If a Party does not have an advisor present at the Hearing, the University will provide the Party an advisor of the University's choice without fee or charge to that Party. Unless the University grants a delay for good cause shown, the University shall appoint an advisor for a Party whose designated advisor is absent from the Hearing. The advisor is responsible to conduct cross-examination on behalf of that Party.

Attendance of Parties and Witnesses; Delay for Absent Witness

The University is prohibited by law from requiring any Party or witness to appear at the Hearing, or from engaging in any act that would intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, grievance proceeding, or Hearing.

For these reasons, the University is not responsible if a Party or witness fails to appear at the Hearing, and the Hearing may proceed in the absence of the Party or witness. The University may grant a Party's reasonable request to delay the Hearing if that Party or an important witness is unable to attend the Hearing. A request for a delay should be made *as soon as possible* in the manner described below in the section of this grievance procedure entitled Temporary Delays or Extensions.

HEARING

Convening the Hearing

The Decision-maker shall convene the Hearing at the appointed time. In order to maintain students' privacy as much as possible, witnesses will not be in the Hearing room or attending by technological means except when providing evidence or being cross-examined. Parties and witnesses will not be "sworn in," but may be reminded that providing false information in connection with the Hearing is a violation of the University's code of conduct for students and employment policies.

Questioning Parties and Witnesses

Each Party's advisor will be given an opportunity to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the Party's advisor, and never by a Party personally.

Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-maker may ask both advisors to provide reasons why a question should or should not be considered relevant. The Decision-maker will instruct all Parties and witnesses not to answer any question until the Decision-maker has allowed the question.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- (1) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
- (2) the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Decision-maker shall not permit any questions, nor the introduction of any evidence, that would involve the disclosure of information protected under a legally-recognized privilege under state law unless the person holding the privilege has waived it.

Because the University's grievance procedure is not a civil proceeding or state action, there is no right against self-incrimination. However, the Decision-maker cannot draw an inference regarding responsibility based solely on a Party's or witness's absence from the Hearing or refusal to answer cross-examination or other questions.

Availability of Evidence

The University will make all of the evidence that was subject to inspection and review by the Parties in connection with the preparation of the Investigative Report available at the Hearing to give each Party equal opportunity to refer to such evidence during the Hearing, including for

purposes of cross-examination. Parties must notify the Title IX Coordinator at least 48 hours prior to the Hearing regarding any physical evidence, transcripts, recordings, or other items requested to be physically available at the Hearing.

Conducting the Hearing

The Hearing will be conducted substantially as provided below. The Decision-maker may recess the Hearing for appropriate and reasonable rest and meal breaks. Any Hearing participant may request a break.

1. The Dean of Students, Investigator, Title IX Coordinator or a designee will serve as the moderator for the Hearing. The function of the moderator is to move the proceeding forward in an unbiased manner and to give the Parties and witnesses an opportunity to get their evidence before the Decision-maker.
2. The moderator will review the Complainant's allegations and review the evidence provided by the Complainant and summarized in the Investigative Report. The moderator will ask the Complainant whether he or she wishes to affirm the allegations and evidence as reviewed, and whether he or she would like to make any additional statements.
3. The Respondent's advisor will be given an opportunity to question the Complainant.
4. The moderator will review the Respondent's response to the allegations and review the evidence provided by the Respondent and summarized in the Investigative Report. The moderator will ask the Respondent whether he or she wishes to affirm the response and evidence as reviewed, and whether he or she would like to make any additional statements.
5. The Complainant's advisor will be given an opportunity to question the Respondent.
6. The moderator will bring each witness before the Decision-maker, either in person or through appropriate technology. The moderator will review any evidence provided by the witness and summarized in the Investigative Report. The moderator will ask the witness whether he or she wishes to affirm the evidence as reviewed.
7. The Complainant's advisor will be given an opportunity to question the witness.
8. The Respondent's advisor will be given an opportunity to question the witness.
9. If the University has provided any relevant evidence summarized in the Investigative Report, an appropriate representative or representatives of the University will review such evidence.
10. The Complainant's advisor will be given an opportunity to question the University's representative(s).
11. The Respondent's advisor will be given an opportunity to question the

University's representative(s).

12. The Decision-maker may ask questions of any Party, witness, or University representative during the time that person is presenting evidence or being questioned.
13. After confirming with the moderator that there is no additional evidence or other matters to be addressed, the Decision-maker will adjourn the Hearing.

Record of the Hearing

The University will create an audio or audiovisual recording, or transcript, of the Hearing and make it available to the Parties and to the Decision-maker for inspection and review. Records will be maintained for 7 years.

DETERMINATION OF THE ALLEGATIONS

Letter of Determination

The Decision-maker shall determine whether the Respondent is responsible for each of the allegations in the Formal Complaint that could constitute Sexual Harassment. The Decision-maker shall reach these decisions by applying the preponderance of the evidence standard. In making the determination, the Decision-maker:

- (1) must make an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.
- (2) must not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.
- (3) cannot draw an inference about responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- (4) cannot rely upon evidence or information protected under a legally recognized privilege unless the person holding the privilege has waived it.

The Decision-maker shall issue a written determination stating the Respondent's responsibility for the alleged misconduct. The written determination must include:

- (1) Identification of the allegations potentially constituting Sexual Harassment;
- (2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (3) Findings of fact supporting the determination;
- (4) Conclusions regarding the application of the University's Sexual Misconduct Policy to the facts;
- (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal

- access to the University's education program or activity will be provided by the University to the Complainant; and
- (6) The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Decision-maker shall exercise independent and unbiased judgment with respect to:

- (1) findings of fact which support the determination(s);
- (2) conclusions regarding the application of the University's Sexual Misconduct Policy to the facts;
- (3) the determination regarding responsibility as to each allegation; and
- (4) the rationale for the Decision-maker's conclusions.

The Decision-maker may consult with University officials for information with respect to the procedural steps taken, the University's normal practices relating to appropriate sanctions, and the University's procedures and permissible bases for appeals.

Effective Date of Determination

The University will provide the written determination regarding responsibility to the Parties simultaneously. If neither Party appeals, the determination becomes final on the date on which an appeal would no longer be considered timely.

If a Party appeals the determination, the determination becomes effective on the date the University provides the Parties with the written determination of the result of the appeal, unless the appeal decision requires further proceedings.

The Title IX Coordinator is responsible for effective implementation of any sanctions or remedies.

SANCTIONS

The University can impose a range of disciplinary sanctions and remedies with respect to any misconduct for which a Respondent has been determined to be responsible. Possible disciplinary sanctions and remedies include:

- (1) Warning: A reminder to the Respondent that a violation of Mississippi College policies and/or rules has occurred and that more severe conduct actions will result should the Respondent commit further violations.
- (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.
- (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 will 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 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.
- a. **Mississippi College Conduct Probation:** The Respondent is put on official notice that, should further violations of Mississippi College policies occur during a specified probationary period, the Respondent may face suspension or expulsion. Regular probationary meetings may also be imposed.
- (15) **Eligibility Restriction:** The Respondent may be deemed “not in good standing” with Mississippi College for a specified period of time. Specific limitations or exceptions may be granted by the University. 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 to hold an elected or appointed office at Mississippi College; or
 - b. Ineligibility to represent Mississippi College to anyone outside 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 Deferred Suspension:** Separation from Mississippi College for a specified period of time will 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 Suspension will be automatic following a finding of “Responsible” for a time period set at the time of sanctioning.
 - (17) **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 chief student affairs officer. 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.
 - (18) **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.
 - (19) **“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. Mississippi College uses different Do Not Contact Orders based on the circumstances. For example, some use mutual agreement of the Parties and some are imposed by the University without regard to mutuality or other “agreement” of the Parties.
 - (20) **Imposing, Continuing, or Modifying any Supportive Measures.**
 - (21) **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 other designee.
- (22) Employee who are also Respondents are subject to the full range of sanctions, including, but not limited to, warning, probation, administrative suspension/leave, reassignment, and termination.

APPEALS

Right of Appeal

Both Parties may appeal a determination of responsibility, or from the University's dismissal of all or any part of a Formal Complaint. The appeal procedures shall apply equally to both Parties.

Any of the following is an appropriate basis for appeal:

- (1) Procedural irregularity that affected the outcome of the matter;
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made; or
- (3) The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Filing an Appeal

To appeal a decision, a Party must file a written Notice of Appeal challenging the initial outcome. The Title IX Coordinator must receive the appeal within 10 days following the issuance of the written Letter of Determination. The Notice of Appeal must state, at a minimum:

- (1) every basis for the appeal;
- (2) a complete statement of the facts and evidence that support each basis for the appeal; and
- (3) the relief requested by an appeal.

Consideration of an Appeal

The University will promptly notify both Parties in writing that an appeal has been filed and provide a copy of the Notice of Appeal to the other Party. The non-appealing Party shall have 10-days from the date of such notice to submit to the Title IX Coordinator a written statement in support of the initial outcome or in opposition to the appeal. A copy of any such written statement shall be provided to the appealing Party.

The appeal shall be considered and decided by an Appeal Decision-maker who is not the same person as the Investigator, the Title IX Coordinator, or the Decision-maker that reached the determination regarding responsibility or dismissal. The Appeal Decision-maker shall review the Notice of Appeal, the response of the non-appealing Party, and may review the record of the Hearing as necessary to reach a conclusion on the appeal. The Appeal Decision-maker shall be bound by the same rules and considerations which apply to a Decision-maker, as described in this grievance procedure.

Decision on Appeal

The Appeal Decision-maker shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall, insofar as applicable, provide the same type of information required to be included in the initial written determination issued in connection with the Hearing.

The decision on appeal shall be appropriate to the basis or bases for appeal, and may adopt one or more of the following holdings, regardless of which Party filed the appeal:

- (1) Affirm the initial written determination;
- (2) Change any part of the written determination, including a change to find responsibility or to find no responsibility;
- (3) Increase or decrease the sanctions;
- (4) Require additional investigation (particularly in the case of new evidence that is material, not merely cumulative, and if presented in the Hearing could reasonably have resulted in a different determination); or
- (5) Order a new Hearing

The written decision on the appeal shall be provided simultaneously to both Parties.

SCHEDULED TIME FRAMES FOR THE GRIEVANCE PROCEDURE

Normal Time Frames

The University will conclude this grievance procedure in a reasonably prompt manner and in accordance with the following time frames:

- (1) The University will generally issue the written Hearing determination within 90 days after the filing of the Formal Complaint.
- (2) The University will generally issue the written Appeal determination within 21 days after the filing of the Notice of Appeal.
- (3) The University will generally conclude any informal resolution process within 21 days after the Parties agree to an informal resolution.

Temporary Delays or Extensions

The University may direct a temporary delay in the grievance procedure or the limited extension of the normal time frames for good cause. The University will notify the Complainant and the Respondent in writing of any temporary delay or limited extension and the reasons for the action.

The Complainant or Respondent may request a temporary delay or limited extension in writing to the Title IX Coordinator. The written request must state the reason for the delay or extension and the length of the delay or extension being requested.

Some examples of situations which may constitute good cause for a delay or extension include: the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University will attempt to accommodate the schedules of Parties and witnesses throughout the grievance procedure to provide Parties with a meaningful opportunity to exercise their lawful rights. However, the University will not delay the grievance procedure indefinitely because a Party, witness, or advisor is refusing to cooperate. In order to resolve complaints within reasonable time frames, the grievance procedure can proceed to conclusion even in the absence of a Party or witness.

RECORDS

The Title IX Coordinator will retain for seven (7) years records of communications and decisions related to sexual misconduct filed under this policy. All reports, allegations, complaints, grievance process, informal resolution process, appeals process and their outcomes shall be maintained as a part of the record. If the University does not find the respondent responsible, the student's conduct file or academic record will reflect that finding.

RETALIATION PROHIBITED

Retaliation Defined

Retaliation shall include the following:

- (1) Conduct intended to intimidate, threaten, coerce, or discriminate against any Individual for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this grievance procedure.
- (2) Bringing disciplinary charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint, for the purpose of interfering with any right or privilege secured by Title IX, 34 CFR Part 106, or this grievance procedure.

No Retaliation

Neither the University nor any other person may engage in retaliation against an individual because the individual has made a report or complaint or testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or Hearing under this grievance procedure.

Any person who believes that he or she has experienced retaliation which is prohibited by this grievance procedure may file a complaint with the Title IX Coordinator.

Confidentiality

The University must keep confidential the identity of:

- (1) any individual who has made a report or complaint of sex discrimination;
- (2) any individual who has made a report or filed a Formal Complaint of Sexual Harassment;
- (3) any Complainant;

- (4) any individual who has been reported to be the perpetrator of sex discrimination;
- (5) any Respondent; and
- (6) any witness except as may be permitted by law or as necessary to carry out this grievance procedure.

Amendments and Disclaimer of Contract

The University, through a compliance group that will include the Title IX Coordinator, the General Counsel, the Deputy Title IX Coordinators, the Associate Vice President for Students, and the Director of Public Safety, will review and propose updates to this policy, no less than annually. The University will evaluate, among other things, any changes in legal requirements and existing University resources.

Non-substantive amendments, such as, changes of the names of specific individuals, contact information, community and emergency resources, technical corrections, or typographical errors may be made from time to time by the Title IX Coordinator with the approval of the General Counsel.

This document does not constitute a contract between MC, on the one hand, and any student, employee, or other person, and none of the provisions of this policy shall be construed as or deemed to be contractual in nature. Updates are effective immediately