

NORTHEAST MISSISSIPPI COMMUNITY COLLEGE

SEXUAL MISCONDUCT POLICY AND PROCEDURES

(Includes sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence)

I. PURPOSE

In compliance with Title VI of the Civil Rights Act of 1964; Title IX, Educational Amendments of 1972 of the Higher Education Act; and Section 504 of the Rehabilitation Act of 1973, as amended, the Board of Trustees of Northeast Mississippi Community College hereby adopts a policy assuring that no one shall, on the grounds of race, sex, color, age, creed or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity of the college. NORTHEAST MISSISSIPPI COMMUNITY COLLEGE adheres to the principle of equal educational and employment opportunity without regard to race, sex, color, age, creed, or national origin. This policy includes the qualified disabled and extends to all programs and activities supported by the college. (Board Policy)

The purpose of this policy is to comply with Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in the course of any federally funded educational program or activity, and to provide procedures for the prompt and equitable resolution of complaints of sexual misconduct. Sexual misconduct, as defined in this policy, includes both sexual harassment and sexual violence, which are forms of sex discrimination prohibited by Title IX. This policy also covers domestic violence, dating violence, and stalking in accord with the Violence Against Women Act Amendments to the Clery Act.

Northeast Mississippi Community College has developed its policy on Sexual Misconduct in accordance with Title IX of the Education Amendments and the Violence Against Women Act to reaffirm the College’s commitment to address sexual misconduct and take steps to prevent its reoccurrence and remedy its effects.

NEMCC will not tolerate and prohibits sexual assault and all forms of sexual misconduct including intimate partner violence, stalking, dating violence, sexual exploitation, sexual harassment, and domestic violence offenses. These acts are against Mississippi State Law.

II. SCOPE

The NEMCC Sexual Misconduct Policy applies to all members of the College community, including students, faculty, staff, employees, contractors, vendors, and visitors, and to all programs and activities sponsored by the College whether conducted on or off campus.

III. POLICY

NEMCC is committed to maintaining an environment free from sexual harassment, sexual violence, domestic violence, dating violence, and stalking. In accord with the provisions of Title IX, NEMCC prohibits discrimination on the basis of sex and/or gender, including sexual misconduct. NEMCC has an affirmative duty pursuant to Title IX to take immediate and appropriate action once it knows, or reasonably should have known, of any act of sexual misconduct in any of its educational programs or activities. NEMCC will act on any complaint of sexual misconduct in order to resolve such complaints promptly and equitably.

NEMCC policy is intended to make students, faculty, staff, employees, contractors, vendors, and visitors aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence.

While activities covered by the laws of the community and those covered by the College's policies may overlap, the community's laws and the College's policies operate independently and do not substitute for each other. The College may pursue enforcement of its own policies whether or not legal proceedings are underway and may use information from law enforcement agencies and the court to determine whether College policies have been violated.

Individuals reporting an incident regarding Sexual Misconduct and/or making inquiries concerning the application of Title IX at Northeast Mississippi Community College may contact:

Vice President of Student Services
David Robbins
216 Ramsey Hall
101 Cunningham Blvd., Booneville, MS 38829
662.720.7241
wrobbins@nemcc.edu

Associate Vice President of Student Services/Title IX Coordinator
Angie Langley
Frank & Audrey Haney Union
101 Cunningham Blvd., Booneville, MS 38829
662.720.7409
adlangley@nemcc.edu

Disciplinary action resulting from sexual misconduct may include dismissal from the College or termination of employment with the College. College disciplinary action is separate from, and may be in addition to, any criminal or civil penalties.

Retaliation against a complainant or witnesses for filing or participating in the investigation of a sexual misconduct complaint is prohibited under this policy and Title IX. Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against one or more individuals for exercising their rights (or supporting others for exercising their rights) under this policy. The College will investigate any reports of retaliation and take appropriate disciplinary action.

Individuals may also file a report with the Office of Civil Rights:

Headquarters:
Office for Civil Rights
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201

Regional Office
Office of Civil Rights
U.S. Department of Health & Human Services
San Nunn Atlanta Federal Center, Suite 16T70
61 Forsyth Street, S.W.
Atlanta, GA 30303-8909
800.368.1019

IV. COLLEGE DEFINITIONS

A. College: College refers to Northeast Mississippi Community College.

B. Student: Student refers to an individual enrolled at Northeast Mississippi Community College.

C. Responsible Employee: A “responsible employee” is a College employee who has the authority to redress sexual violence, who has been given the duty to report to appropriate school officials about incidents of sexual violence or any other student misconduct, or whom a student could reasonably believe has this authority or duty.

D. Sexual Misconduct: As used in this policy, sexual misconduct is an umbrella term that includes sexual harassment, sexual violence, domestic violence, dating violence and stalking, all of which are defined below.

E. Sexual Harassment: Unwelcome sexual advances, requests for sexual acts or favors, and other gender-based verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, academic advancement, evaluation, or grades; or
- Submission to or rejection of such conduct by an individual is used as a basis for employment, academic advancement, evaluation, or grading decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to unwelcome sexual attention; to punish a refusal to comply with a sexual-based request; to condition a benefit on submitting to sexual advances; or gender-based bullying. Sexual harassment can occur regardless of the relationship, position or respective sex and/or gender of the parties. Same-sex harassment violates this policy, as does harassment by a student of a faculty member or a subordinate employee of his/her supervisor.

F. Intimidating, Hostile, or Demeaning Environment: Intimidating, Hostile, or Demeaning Environment can be defined as any unwelcome action, verbal expression, usually repeated or persistent, or series of actions or expressions that have either the intent, or are reasonably perceived as having the effect, of creating an intimidating, hostile, or demeaning educational, employment, or living environment for a student or College employee, either by being sexual in nature or by focusing on a person's gender, sexual orientation, gender identity, or gender expression. An intimidating, hostile, or demeaning environment is defined as one that is so severe, pervasive, or objectively offensive that it interferes with a person's ability to learn, exist in living conditions, work (if employed by the College), or have access and opportunity to participate in all and any aspect of campus life.

G. Sexual assault: Sexual assault is the nonconsensual sexual contact with the accuser by the accused, or the accused by the accuser when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the accuser, and the accused knows or has reason to know at the time of the contact that the accuser did not or could not consent. Sexual contact includes, but is not limited to, the intentional touching of the accuser's, the accused's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the accuser's, the accused's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

a. **Non-consensual sexual contact** means sexual contact that occurs without effective consent. Sexual contact as used in this policy includes without limitation deliberate sexual touching, however slight, or using force to cause another to engage in sexual touching. Sexual contact also may include contact of a sexual nature with an object.

b. **Non-consensual sexual intercourse** means sexual intercourse or penetration, however slight with any object or body part without effective consent.

H. Domestic Violence: A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner, which includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim. An "intimate partner" is defined as a current or former spouse of the complainant, a person with whom the complainant shares a child in common, or a person who is cohabitating with or has cohabitated with the complainant as a spouse. It also includes any person covered under the current domestic or family violence laws applicable to the jurisdiction of the infraction. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

I. Dating violence: The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.

J. Sexual Exploitation: Sexual Exploitation occurs when a person takes non-consensual, unfair, 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. This behavior must not otherwise constitute a violation of sexual assault or sexual harassment. Examples of sexual exploitation include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, presentation or unauthorized viewing of such recordings, going beyond the boundaries of consent (such as letting your friends watch you having consensual sex without the knowledge or consent of your sexual partner), engaging in act of a peeping tom.

K. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his, her, or others' safety or to suffer substantial emotional distress. Such conduct includes two or more acts by which the stalker directly, or indirectly, or through third parties follows, monitors, observes, surveys, threatens or communicates about a person or interferes with his or her property.

L. Retaliation: Retaliation is taking materially adverse actions against someone because the individual has engaged in legally protected activities. For instance, terminating or expelling an individual because the individual has in good faith complained of conduct raised under this policy could be an example of retaliation. The College will not tolerate members of its community taking adverse actions towards anyone who, in good faith, alleges discrimination or harassment. Nor will the College tolerate retaliation against individuals for cooperating with an investigation related to the individual's complaint or another individual's discrimination complaint. Just as if an individual is determined to have violated this policy by engaging in discrimination or harassment, if the College determines that any individual has engaged in retaliation in violation of this policy, that individual may be subject to disciplinary action up to and including immediate termination of employment or association with NEMCC.

M. Intimidation: Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

N. Complainant: a person that makes a complaint or alleges that a violation has occurred

O. Respondent: a person against whom a complaint is brought, or who is alleged to have committed a violation

P. Consent: Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in sexual activity.

- Consent to any one form or condition of sexual activity cannot automatically imply consent to any other forms or conditions of sexual activity.
- Current and/or previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn at any time.
- In order to give effective consent, one must be of legal age, which is 16 years.
- Someone who is incapacitated cannot give consent. Sexual activity with someone known to be – or based on the circumstances, should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction)

- This policy also covers a person whose incapacity results from mental disability, sleep, or involuntary physical restraint.
- Coercion, force, or threat of either, invalidates consent

V. REPORTING

If an individual has knowledge of or has experienced Sexual Misconduct, it is particularly important, for the protection of both the complainant and the College community, that the incident be reported to the NEMCC Police or local law enforcement immediately. NEMCC Police can assist the individual in getting medical attention and in notifying the proper local law enforcement authorities, if the complainant so chooses. The sooner an incident is reported, the easier it is to preserve and collect the evidence necessary for a criminal prosecution. Reporting the incident to the police does not mean the complainant must press charges against the accused, but it does help assure that the individual received assistance in deciding how to proceed.

A. Formal Reporting Options: Anyone in the NEMCC community who feels that they have been subjected to, or is aware of someone else being subjected to, sexual violence, sexual harassment, domestic violence, dating violence or stalking is encouraged to immediately report the incident to one of the following College representatives: Responsible Employee, Vice President of Student Services, Title IX Coordinator, or Campus Police.

The complainant is encouraged to complete a "Sexual Misconduct Report Form." The written complaint will be submitted to the Campus Police and the Title IX Coordinator.

Any College representative receiving a report of the initial incident should document details and contact campus police, who are required to maintain records of such incidents for the purpose of reporting campus crime statistics.

Complainants will be informed of their right to notify law enforcement officials, including College and/or local police, and will be assisted in doing so if they so choose. Complainants may also decline to notify such authorities.

1. Online reporting - Silent Witness: The college's website for online reporting (which allows for anonymous reporting) provides options for anyone to report a Title IX concern relating to students, faculty, staff, employees, contractors, vendors, and visitors. Silent Witness goes to NEMCC Campus Police. Reports also may be emailed to adlangley@nemcc.edu

2. In-person reporting - providing a written report in person.

Police Chief, Randy Baxter
Frank & Audrey Haney Union, Room 145
NEMCC Booneville Campus
662.720.7576 or 662.720.6687

Executive Vice President, Craig Ellis-Sasser
Ramsey Hall, Room ##
NEMCC Booneville Campus
662.720.7302

Vice President of Student Services, David Robbins
Ramsey Hall, Room 216
NEMCC Booneville Campus
662.720.7241

Associate Vice President of Student Services/Title IX Coordinator, Angie Langley
Frank & Audrey Haney Union
NEMCC Booneville Campus
662.720.7409

Director of NE @ Corinth/WIA Team Leader, Jason Mattox
NEMCC Corinth Campus
662.696.2312

Director of NE @ New Albany/Assistant WIA Team Leader, David Goode
NEMCC New Albany Campus
662.692.1508

3. Paper reporting - providing a written report by mail or email:

Associate Vice President of Student Services/Title IX Coordinator, Angie Langley
adlangley@nemcc.edu
Northeast Mississippi Community College
101 Cunningham Boulevard
Booneville, MS 38829

NEMCC Chief of Police, Randy Baxter
rabaxter@nemcc.edu
Northeast Mississippi Community College
101 Cunningham Boulevard
Booneville, MS 38829

4. Anonymous reporting options -

Although the College encourages victims to talk to someone, the College provides for anonymous as well as partial disclosure reports of incidents involving students, faculty, staff, employees, contractors, vendors, and visitors at www.nemcc.edu; Silent Witness.

Anonymous reports may be filed physically using the secure drop box located in the Frank & Audrey Haney Union Lobby.

5. Reporting for criminal prosecution - Reporting to the police

Sexual assault and some other forms of sexual misconduct are crimes, and may be reported to law enforcement for investigation. Students, faculty, staff, employees, contractors, vendors, and visitors may report to the police and also report internally. You do not need to choose one or the other.

- NEMCC Police generally have jurisdiction over incidents occurring on Northeast MS Community College campus.
- The Booneville Police generally have jurisdiction over incidents occurring in the city of Booneville, MS.
- The Prentiss County Sheriff's Department generally have jurisdiction over incidents occurring in Prentiss County MS

If the sexual assault occurs on campus, **call 911 or 662.720.6687** to contact the NEMCC Police. Although an assault may occur off campus, the victim may report the incident to Campus Police that will assist the victim with contacting the appropriate law enforcement agency.

In cases involving potential criminal conduct, consistent with state and local law, the College will determine whether appropriate law enforcement or other authorities should be notified.

B. Alternative to reporting: In many cases, informal actions can be taken that will effectively stop the misconduct. The complainant may choose to resolve the complaint informally, except that informal processes are not appropriate for cases involving alleged sexual assault. At any time the complainant may choose to end the informal process in favor of the formal process.

NEMCC Counseling Center provides information and support to student survivors of sexual assault and others who have questions or want to learn more. The Counseling Center can coordinate support services and accommodations to help students who have experienced the trauma of sexual assault. These services and accommodations are available regardless of whether a student files a formal report.

C. Confidentiality: NEMCC will endeavor to maintain confidentiality in all informal and formal proceedings, except as otherwise specified in these statements of procedure. All documents relating to the alleged incident of sexual misconduct will be maintained as confidential. Participants are authorized to discuss the case only with those persons who have a genuine need to know.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement without the complainant's consent or unless the survivor has also reported the incident to law enforcement.

If a complainant discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the survivor.

Although rare, there are times when the College may not be able to honor a complainant's request in order to provide a safe, non-discriminatory environment for all students, faculty, staff, employees, contractors, vendors, and visitors.

If the College determines that it cannot maintain a complainant's confidentiality, the College will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

If the College determines that it can respect a complainant's request for confidentiality, the College will also take immediate action as necessary to protect and assist the survivor.

D. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)): is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on-or off- campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. NEMCC's Clery Report is published in the student handbook and may be accessed at www.nemcc.edu; Department of Campus Law Enforcement.

E. Anonymous and Third-Party Reporting: If the complainant does not wish to pursue a formal hearing and/or requests that his or her complaint remain anonymous, federal legislation nevertheless requires the College to investigate and take reasonable action in response to the complainant's request. The Vice President of Student Services/Title IX Coordinator will inform the complainant the College's ability to respond may be limited if the complainant is not a participant in the investigation.

NEMCC expects all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention (if it is safe to do so), calling law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

F. Retaliation: Pursuant to Title IX, retaliation against the individual who initiates a sexual misconduct complaint, participates in an investigation, or pursues legal action, is prohibited. Independent action may be taken against anyone engaging in retaliation including individuals who are acting on behalf of the accused, with or without the knowledge of the accused. Retaliation may occur in person or electronically.

In an effort to avoid retaliation, prevent recurrence of any discrimination or discriminatory effects, and provide for the safety of the victim(s) and others, NEMCC will implement all necessary remedies during an investigation period and/or the conclusion of an investigation. These remedies may include, but are not limited to: mutual "no contact" letters, changes in course schedules and changes in housing assignments.

G. Amnesty from Student Discipline for the Reporting Party and Witnesses: Assisting students who are reporting sexual misconduct is the College's primary interest. In order to facilitate reporting, the Vice President of Student Services/Title IX Coordinator does not charge students who report sexual misconduct and any material witnesses with Code of Conduct violations for behavior that would otherwise be considered violations (for example consuming alcohol underage or consuming illegal drugs).

TIMELY WARNING: In the event that a situation arises, either on or off campus, that, in the judgment of the Chief of Police, constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. The warning will be issued through the college e-mail systems to students, faculty, staff and the college’s website, www.nemcc.edu and via the Tiger Alert System.

Depending on the particular circumstances of the event, especially in all situations that could pose an immediate threat to the community and individuals, the Campus Police will inform the alert list as soon as possible. Building Supervisors would warn faculty, staff and students to remain in classrooms and work areas. Doors should be locked if appropriate. Campus police may also post a notice on the college’s website, www.nemcc.edu providing the college community with more immediate notification. In such instances, a copy of the notice is posted in each residence hall and at the front door of the student union.

Anyone with information warranting a timely warning should report the circumstances to the Campus Police office, in person or by phone at ext. 6687.

VI. INVESTIGATION

NEMCC Campus Police Chief/Investigator
Frank & Audrey Haney Union 145
NEMCC Booneville Campus
662.720.7576 or 662.720.6687

Executive Vice President, Craig Ellis-Sasser
Ramsey Hall
101 Cunningham Boulevard, Booneville, MS 38829
662.720.7302

Vice President of Student Services, David Robbins
wrobbins@nemcc.edu
Ramsey Hall 216
101 Cunningham Boulevard, Booneville, MS 38829
662.720.7241

Associate Vice President of Student Services/Title IX Coordinator, Angie Langley
adlangley@nemcc.edu
Frank & Audrey Haney Union
101 Cunningham Boulevard, Booneville, MS 38829
662.720.7409

Title IX Coordinator Duties:

The duties and responsibilities of the Title IX Coordinator include training, education, and overseeing the policies and procedures that apply to complaints alleging sex discrimination (including sexual harassment, sexual assault, and sexual violence) by employees, students or third parties.

- Assist with the academic-related needs of students who have experienced sexual misconduct;
- Provide changes to academic and living situations and notify the student as to what changes are reasonably available when necessary;
- Provide information about student conduct process, legal and criminal options, and other possible remedies;
- Provide information about rights and responsibilities concerning discriminatory behavior, including the application of Title IX;
- Answer questions about the College's compliance with Title IX.
- Oversee the investigation and resolution of all reports of sexual misconduct;
- Meet with any individual, whether a Complainant, a Respondent, or a third party, to discuss interim measures, resources, and procedural options on and off campus;
- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures;
- Conduct on-going and annual climate checks, tracking, and monitoring of sexual misconduct allegations on campus; and,
- Coordinate training, education and prevention efforts.
- The Title IX Coordinator will maintain records of investigations into alleged sexual misconduct in a central database.
- The Title IX Coordinator is authorized to make minor, technical amendments to this policy, such as to update contact information.

Title IX Team is composed of College faculty/staff/administration. This team is coordinated by the Title IX Coordinator/Vice President of Student Services and trained as "responsible employees". This team assists with Title IX training, education, and prevention efforts.

Vice President of Student Services oversees the disciplinary process. When a student is charged with violation of conduct regulations, disposition of the student's case shall be according to the due process regulations of the institution. (Student Code of Conduct)

PRESERVING EVIDENCE

Complainants are encouraged to make every effort to preserve evidence, even if he or she has not made a decision regarding whether to report the violation. A medical exam, preferably by a Sexual Assault Nurse Examiner (SANE), is an important way for a health provider to properly collect and preserve evidence in order to assist with this process the complainant should not: bathe or shower, use the restroom, change clothes, comb hair, clean up the area where the incident occurred or move anything the alleged perpetrator may have touched. While the emergency room and/or a Sexual Assault Nurse is obligated to report the alleged assault to police, the complainant may choose whether he or she wishes to press charges.

GRIEVANCE PROCEDURES

STEP 1: REPORT IS MADE

Once an individual complainant reports an alleged incident of Sexual Misconduct to a College employee, that College employee must immediately notify his or her supervisor, and/or contact the Vice President of Student Services or designee if the accused individual (respondent) is a student or the Executive Vice President or designee if the accused individual (respondent) is an employee. The Vice President of Student Services or the Executive Vice President (herein after referred to simply as EVP) will then notify the Title IX Coordinator of the complaint. The report may also be filed directly with the Title IX Coordinator or Campus Police.

The complainant will be encouraged to seek out immediate medical care, offered counseling support, and provided the opportunity to file an official report with either campus or local police. However, the complainant has the right to decline to notify the police at this time. Whether the complainant wishes to speak with the police or not, an intake meeting with the Title IX Coordinator, EVP, or the Vice President of Student Services will be scheduled as soon as possible. If a complainant is under the age of 18, the circumstances surrounding the report will be evaluated in order to determine whether contact will be made with the parents, legal guardian, and/or emergency contact person.

STEP 2: INTAKE MEETING

Meeting with the Complainant - Upon receipt of notice of any allegation of Sexual Misconduct, the Vice President of Student Services/EVP/Title IX Coordinator will schedule an individual intake meeting with the complainant in order to provide to the complainant a general overview of this Policy.

This intake meeting should involve the following:

- The complainant is advised in writing of his or her rights and options under Title IX and offered the opportunity to report the case to law enforcement (with assistance from the College). The complainant is notified that by doing so, the complainant is not obligated to pursue charges against the respondent.

The complainant is advised of the importance of preserving and collecting evidence for a criminal prosecution.

A discussion of the interim measures that can be taken to protect the complainant from contact and/or potential retaliation from the respondent or any related organization (see Interim Measures) including his or her right to seek a protective order, a restraining order, a no contact order, or similar lawful order from a criminal, civil or tribal court, and the College's obligation to help enforce any protective order.

If the complainant does not wish to share any information involving the case at this time, a follow-up meeting should be scheduled after the complainant has had adequate time to process the intake meeting information and their options. The Title IX Coordinator, Vice President of Student Services, or EVP obtains written verification of this decision.

Interim Measures - The College will undertake effective action as is reasonably practical under the circumstances to support and protect the complainant from retaliation and/or contact with the respondent or related organizations.

Accordingly, NEMCC Police and/or Vice President of Student Services may impose a "no-contact" order, which typically will include a directive that the parties refrain from having any contact with one another, directly or through third parties, whether in person or via electronic means, pending the investigation and, if applicable, the hearing. The Vice President of Student Services, in consultation with the Title IX Coordinator, may take further protective action that he or she deems appropriate concerning the interaction of the individuals, including, but not limited to, directing appropriate College officials to alter the student's academic schedule, campus housing, and/or College employment arrangements. When taking steps to separate the complainant and the respondent, the Vice President of Student Services will seek to minimize unnecessary or unreasonable burdens on either party. Note, however, that this obligation does not preclude the College from evaluating and implementing an interim suspension, if deemed warranted.

When appropriate interim measures are determined, and a respondent is identified, the Vice President of Student Services or Title IX Coordinator will schedule an initial intake meeting with the respondent to provide a general overview of this policy, as well as details regarding applicable respondent rights at this stage.

STEP 3: THE INVESTIGATION

If the College determines that there is sufficient information on which to conduct an investigation and the complainant wishes to proceed with the grievance procedure, the Vice President of Student Services and/or HR will notify both parties on the status of proceeding with the investigation. Upon following up with the complainant and respondent, the Vice President of Student Services and/or EVP will reiterate the College's obligation under Title IX and explain the investigative options being utilized.

The investigative options include the following:

Law Enforcement Related Investigation - If the complainant requests or the College determines to have the case investigated for criminal violations, the case will be immediately forwarded to the appropriate law enforcement agency for review. However, a trained investigator will be assigned to the case by the College to monitor, evaluate, and/or conduct a separate investigation, as necessary, for student or employee violations based on the "preponderance of the evidence" standard set forth by the College.

The investigator will write up a summary presented in a written report to the Vice President of Student Services for cases involving student respondents, and the EVP for cases involving employee respondents. Investigations will be completed as quickly as possible, and reasonable attempts will be made to comply with the Title IX timeline of a 60-day resolution. The length of the process may vary depending on the complexity of the case and the number of witnesses. A copy of the investigative report will be sent to the Title IX Coordinator.

Non-Law Enforcement Related Investigation - If the complainant declines to have the case investigated by law enforcement for criminal violations, the College is still obligated under Title IX to investigate the case based on the "preponderance of the evidence" standard set forth by the College. In such circumstances, a trained investigator will be assigned to the case. The trained investigator will notify both parties of the investigation and will conduct a full review of the allegations, including interviewing all available relevant witnesses and evidence presented by both the complainant and the respondent.

If the complainant wishes to have the case investigated without his/her identity disclosed, the investigator will discuss the parameters of the investigation and limits for institutional response with the complainant before proceeding. In either case, the investigator will write up a summary presented in a written report to Vice President of Student Services for student cases, and EVP for cases involving employees. Typical investigations will be completed within 60-90 days, but may vary depending on the complexity of the investigation. A copy of the investigative report will be sent to the Title IX Coordinator.

STEP 4: RESOLUTION

Based on the information available from the investigation (either directly from law enforcement and/or via the trained investigator), the Vice President of Student Services in consultation with the Title IX Coordinator for student cases, and the Executive Vice President for employee cases, will review the summary and make a decision on how to proceed. A request may be made by the Vice President of Student Services or EVP for further information or clarification by law enforcement or trained investigator before making this determination. This may include additional interviews or statements. The following options are available at this stage for the Vice President of Student Services or EVP:

A. No Further Action - Based on the entirety of the circumstances, the College may choose to take no further action. If no action is taken, both the complainant and respondent (except in cases where the respondent is unknown, is not covered by this policy, or the complainant has asked to remain anonymous) will be notified in writing and a copy of the investigation and documentation supporting this decision will be sent to the Title IX Coordinator.

B. Informal Resolution - A complainant who wishes to file a complaint, but does not wish to pursue Formal Resolution, may request a less formal proceeding, known as "Informal Resolution." Whether this request for an informal instead of formal resolution is granted is at the discretion of the Vice President of Student Services. Mediation is not an option for Sexual Misconduct cases. Informal Resolution will be handled by the Vice President of Student Services for student cases, and by the Executive Vice President for employee cases, and may include a formal warning about the respondent's behavior, stipulations on contact, educational activities, or other actions as determined by the Vice President of Student Services/EVP. Informal Resolutions will be held as part of the student's or employee's disciplinary record, subject to student and employee confidentiality laws.

The Title IX Coordinator must review any Informal Resolution before being finalized. The terms of the Informal Resolution will be communicated to both the complainant and the respondent in writing; and, if either party does not agree with the outcome and/or stipulations during the Informal Resolution process, the case may be referred for review under the Formal Resolution process.

C. Formal Resolution - A review is conducted by the appropriate disciplinary process applicable to the respondent(s) (student or employee):

For Employees: Within 30 days of receipt of the report of the investigation, the Executive Vice President will implement appropriate disciplinary action, up to and including termination, for the employee.

The Executive Vice President retains the right to request additional information deemed necessary to clarify any questions or issues, and to determine responsibility. The decision of the EVP will be shared simultaneously with both the complainant and respondent. A copy will be sent to the Title IX Coordinator for review. If the Executive Vice President recommends dismissal of a faculty member, faculty members may exercise their rights as outlined in the NE Policy and Procedures Manual.

For Student Respondents: The case is forwarded for charges and processing under the Student Code of Conduct procedures. For detailed information on how to file charges, options for adjudication, procedures, and complainant and respondent rights, consult the Student Code of Conduct.

In the Formal Resolution process for students, both the complainant and respondent should be offered the opportunity to be present during the hearing; to make any statements they wish to make prior to concluding the hearing; to have an advisor of their choice present at the hearing or any related meetings; and to submit impact statements. The complainant and the respondent will be given similar and timely notice of meetings and access to materials that will be used in meetings or proceedings.

The hearing body retains the right to request additional information deemed necessary to clarify any questions or issues, and to determine responsibility. The final results of this hearing body will be shared simultaneously with both the complainant and respondent. A copy will be sent to the Title IX Coordinator for review.

If a violation of this Sexual Misconduct Policy is found, the determination of sanctions is made in light of the unique facts and circumstances surrounding each individual case and the previous conduct history of the student. Students found responsible for violation(s) of the Student Code of Conduct will be subject to sanctions that include, but are not limited to, one or more of the following:

Category I These would include any violation of the Student Code of Conduct

- **Warning:** Issued for minor infraction of policy. Further violations will result in more serious sanctions.
- **Fine:** Student is fined for violation of policy; amount of fine will vary depending upon the nature and severity of offense.
- **Restriction:** Student is restricted from entering certain facilities or from specified student privileges.
- **Supervised Work:** Specified work hours with a campus office or community service.
- **Mandatory Counseling/Educational Sessions:** Behavioral counseling or educational sessions as deemed necessary by the Dean of Student Services or the discipline committee.
- **Disciplinary Probation:** Student is no longer considered in good standing in terms of conduct. Further violation of regulations during this probation period may result in suspension, dismissal, or expulsion. Certain student privileges may be suspended during a probationary period. Example: scholarships, representing the college in activities, seeking elected office, may lose elected office.

- **Residence Hall Dismissal:** Required to vacate a residence hall for violations of residence hall policies and/or institutional policies. Students are not allowed to visit any residence hall when assigned this sanction. Residential students appealing the sanctions of expulsion, dismissal, suspension, modified suspension, or residence hall dismissal may be required to temporarily vacate the residence hall while the appeal is pending.
- **Modified Suspension:** All privileges except to attend classes are suspended for a specified period of time. The student is allowed to attend classes only. Student must leave campus no later than 3:30 p.m. each day.
- **Suspension:** Separation from Northeast Mississippi Community College for a specific period of time. The student is not allowed on college premises without specific permission from the Dean of Student Services.

Category II These would include felonies or misdemeanor charges as described by federal and state laws.

- **Modified Suspension:** All privileges except to attend classes are suspended for a specified period of time. The student is allowed to attend classes only. Student must leave campus no later than 3:30 p.m. each day.
- **Suspension:** Separation from Northeast Mississippi Community College for a specific period of time. The student is not allowed on college premises without specific permission from the Dean of Student Services.
- **Withdrawal:** Student is withdrawn from school for the remainder of the semester. No entry is made on official records other than withdrawal. Student may return to school at the end of specified time.
- **Expulsion:** Dismissal from Northeast Mississippi Community College for a specified period of time, with the denial of rights for the student to participate in any academic or other activity. Student is not allowed on campus.
- **Dismissal:** Permanent separation from Northeast Mississippi Community College, with the student not allowed to reapply for admission. The student is not allowed on college premises without permission from the Dean of Student Services.
- **Interim Suspension:** Any student charged with or convicted of a violation of the law, or college regulation involving injuries to the health and welfare of the college community shall be subject to immediate administrative suspension, with or without prejudice, depending upon the nature and circumstances of the case, by the President of the College or his delegates. A hearing regarding the student's conduct will be held as soon as practical in accordance with Northeast policies.

The conviction of a student for a criminal offense which interferes with the orderly education and operation of the college or of a nature that, if the student were allowed to remain enrolled, would endanger the health, safety, or property of the college community shall be sufficient grounds for disciplinary action consistent with the college's policies and procedures.

STEP 5: APPEAL

Either party may appeal the results of the resolution process. Both parties will be informed simultaneously, in writing, of the procedures for appealing the results. If both the complainant and the respondent are students, appeals should be handled in accordance with the Student Code of Conduct.

Appeal Procedure for Non-Academic Matters - Students

- A.** The student will submit a written appeal of the complaint/grievance to the immediate supervisor of the college employee within ten (10) workdays of his or her awareness of the “failure to reach resolution.”
- B.** The immediate supervisor must respond in writing within ten (10) workdays rendering a decision and justification.
- C.** If the student is not satisfied with the immediate supervisor’s decision, the student may file a written grievance with the immediate supervisor’s supervisor within ten (10) workdays of the receipt of the supervisor’s response.
- D.** The secondary supervisor must render a decision in writing with justification within ten (10) workdays of receipt of the appeal.
- E.** If the student is not satisfied with the second appeal, he or she may, within ten (10) workdays of the response, request an appellant hearing before the Student Grievance Committee.

Grievance Committee for Non-Academic Matters - Students

- A.** The Student Grievance Committee is composed of the Executive Vice-President (Chair), two faculty members (one male, one female), two staff members (one male, one female), and one academic division head.
- B.** The appeal must be written and must be submitted to the chair of the grievance committee.
- C.** The Executive Vice-President will notify the student of the time, date, and location of the Student Grievance Committee hearing.
- D.** The student must be present when the grievance is heard. The student may have an advisor present during the hearing.
- E.** The responsibility of the committee shall be limited to a review of the case to determine if established Northeast policies, procedures, or practices were followed or interpreted correctly or to determine if discrimination and/or sexual harassment occurred.

The Grievance Committee will respond in writing to the grievance within ten (10) business days by certified mail. (Note: in the event a grievance is filed against the Executive Vice-President, the President of the College will name a replacement/chairman.)

A. If the student remains unsatisfied he/she may appeal through a signed, written statement to the President of the College and the members of the Board of Trustees' Grievance Committee. In an attempt to resolve the grievance, the committee shall meet with the student and his/her representative within thirty(30) business days of the receipt of the appeal. A copy of the response of the Board's Grievance Committee will be mailed by certified mail to the student within ten (10) business days following the meeting. All copies of documentation will be housed in the Dean of Student's Office.

B. If the student has not been satisfied by the above procedures, the student may contact the regional office of the Office of Civil Rights, U.S. Department of Education.

Appeal Procedure - Employee

If the respondent is an **employee**, appeals from either the complainant or respondent should be directed to the Executive Vice President within ten (10) working days after receipt of the written results.

Any such appeal shall be in writing and shall state the grounds for the appeal. Grounds for appealing the results are:

A. An error in procedural due process, which prejudiced the accused to the extent that they were denied a fundamentally fair hearing as a result of the error. Procedural flaws alone are not grounds for an appeal. Significant procedural errors that may have affected the outcome will be considered.

B. The emergence of new evidence that could not have been previously discovered and that, had it been represented at the initial hearing, would have substantially affected the original decision.

C. The imposition of sanctions, which are disproportionate to the offense. For cases where the respondent is an employee, the Executive Vice President shall make a decision within 30 working days of receipt of the appeal. The Executive Vice President's decision is final.

Both parties will be notified simultaneously, in writing, about any changes that occur prior to the time the results become final and the outcomes of any appeal. A copy will be sent to the Executive Vice President's Office for faculty and staff, and to the Title IX Coordinator. The College will follow the law in protecting the complainant's and respondent's confidentiality. The College will protect complainant confidentiality, including publicly available records, and will withhold complainant identity to the extent permissible by law.

RESOURCES AND SUPPORT

As an immediate priority, care will be taken to ensure the safety and well being of the complainant, and to exercise all precautionary measures to prevent a repeat of the alleged sexual misconduct. Complainants will be provided information about appropriate college or local area resources, including law enforcement, legal services, medical services, and counseling and victim advocacy/support. Complainants will be informed in writing about options for, and available assistance in, changing academic, living, transportation, and working situations if requested and if reasonably available. Complainants will be advised of the importance of preserving evidence that may be necessary to prove sexual assault.

Professional, licensed counselors who provide mental-health counseling to members of the college community are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

Law Enforcement - Important Telephone Numbers
Emergency: 911

Booneville Campus

NEMCC Campus Police: 662.720.6687

Frank & Audrey Haney Union, Room 145

101 Cunningham Boulevard

Booneville, MS 38829

Booneville Police Department: 662.728.5611

1901 E Chambers Drive

Booneville, MS 38829

Prentiss County Sheriff's Department: 662.728.6232

1901 E Chambers Drive #B

Booneville, MS 38829

NEMCC Corinth Campus

City of Corinth Police: 662.286.3377

300 Childs Street

Corinth, MS 38834

Alcorn County Sheriff's Department: 662.286.5521

2833 S Harper Road

Corinth, MS 38834

NEMCC New Albany Campus

City of New Albany Police: 662.534.2222

110 E Bankhead Street

New Albany, MS 38652

Union County Sheriff's Department: 662.534.1943

300 Carter Avenue

New Albany, MS 38652

NEMCC Counseling Center

Director of Guidance/Counseling, Joey Williford

Ramsey Hall, Room 113

662.720.7564

jewilliford@nemcc.edu

Special Populations Director, Title III, Emily Pollard

Ramsey Hall, Room 113

662.720.7192

egpollard@nemcc.edu

Legal Counsel

It is the complainant's and the respondent's decision whether to seek the advice and assistance of an attorney at their own expense if they need legal advice. Although anyone has the right to seek legal advice, neither the complainant nor the respondent may be represented by legal counsel at investigatory interviews, informal resolution processes, or a college administrative hearing.

Medical Services

Baptist Memorial Hospital
100 Hospital Drive
Booneville, MS 38829
662.720.5000

Magnolia Regional Health Center (SANE Nurse Available)
611 Alcorn Drive
Corinth, MS 38834
662.293.1000

Baptist Memorial Hospital – Union County
200 Hwy 30 W
New Albany, MS 38652
662.538.7631

Additional Behavioral Health/Area Resources

Region IV-Timber Hills

Booneville/Prentiss County
2100 East Chambers Drive
Booneville, MS 38829
662-728-3174

Alcorn County Chemical Dependency Center
401 New Hope Road
Corinth, MS 38834
662-287-7199

Corinth/Alcorn County

601 Foote Street
Corinth, MS 38834
662-287-4424

Iuka/Tishomingo County

1213 Maria Lane
Iuka, MS 38852
662-423-3332

Ripley/Tippah County

2441-A CR 501
Ripley, MS 38663
662-837-8154

Behavioral Health in Tupelo, MS

Behavioral Health Clinic
4577 South Eason Boulevard, Suite A
Tupelo, MS 38801
662-377-7590

Miller Psychiatry Clinic INC
110 Union Belle Boulevard
Saltillo, MS 38804

Lifelight Counseling Center
431 West Main Street, Suite 404
Tupelo, MS 38804
662-690-4007

Sheehan Counseling Center, PA
1040B South Madison Street
Tupelo, MS 38801
662-844-4364

Other Resources & Private

Parkwood Behavioral Health System
8135 Goodman Road
Olive Branch, MS 38654
662-895-4900

Hope Family Ministries
2754 Mattox Street
Tupelo, MS 38801
662-842-HOPE (4673)
hopefamilyministries.com

Psychological Services Center
Oxford (Ole Miss)
382 Kinard Hall
University, MS 38677
662-915-7385

Jonathan Harrison, LPC & Nationally Certified / Mental Health Counselor
Freed-Hardeman U and Private Practice
641 E. Poplar Avenue
Selmer, TN 38375
731-608-2590

Holly Smith Barnett, LPC
Noyes Family Care Center
2000 E. Shiloh Rd.
Corinth, MS 38834
662-287-6999

Pregnancy/Abortion/Miscarriage:

Oasis Medical Center

“Anyone who needs to talk about any pregnancy-related issue is welcome. While we don’t have professional counselors on staff, many of our clients have suffered miscarriages, and we have some good materials available. Sometimes it helps just to talk to someone who is removed from the situation and is willing to listen. We also offer a Bible study called “Threads of Hope: Pieces of Joy” for those who have been through pregnancy loss.”

Monday-Thursday from 10am - 4:30pm
Friday from 9am - 1:30pm

2421 Proper St
Corinth, MS 38834
(662) 287-8001
www.myoptionsmychoice.com

S.A.F.E., Inc. (Shelter and Assistance in Family Emergencies)

1-662-841-CARE (2273)

1-800-527-7233

24 hour-a-day support for victims of domestic violence and sexual assault.

- S.A.F.E., Inc. Mission Statement

S.A.F.E. Inc. believes that everyone has the right to live a life free from violence. We strive to eliminate this social problem and its causes through education and community awareness. To assist victims of domestic violence and sexual assault and their children, S.A.F.E., Inc. provides shelter, counseling, advocacy and continued support.

Additional Information and Resources

Northeast Mississippi Community College takes the issue of sexual, domestic, and dating violence seriously; and annually offers a variety of prevention, training, and education programs aimed at creating awareness and increasing safety for our community. For information on these programs, as well as information and resources related to bystander intervention programs, warning signs of abusive behavior, and other safety tips, contact the Vice President of Student Services at 662.720.7241 or the Title IX Coordinator at 662.720.7409. It is imperative that complainants of any of the above offenses take immediate steps to preserve evidence after an incident occurs, and report the violation immediately.