

ACCOUNTABILITY • TREATMENT
DISTRESS • DISCIPLINARY • **INFORMATION**
CONDUCT • **DATING VIOLENCE** • EXPLOITATION
AWARENESS • POSITIVE BEHAVIORS
OFFENSE • INFORMATION • **TRAINING**

Sexual Misconduct

Policy & Procedures

APPEALS • PERSONAL SPACE • **FEAR** • INVESTIGATION
EMOTIONAL • **PREVENTION**
SAFETY • ASSISTANCE • **DOMESTIC VIOLENCE**
SUPPORT • HARASSMENT • INTIMIDATE
THREATENING • EVIDENCE • **VICTIM RIGHTS**
INITIATIVES • **INTERVENTION**
UNDERSTANDING • **KNOWLEDGE** • TAKE ACTION
COUNSELING • CONFIDENTIALITY



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• Sexual Misconduct Policy •

(Including Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence and Stalking)



PURPOSE

Hinds Community College is committed to providing an educational environment free of sexual misconduct.



POLICY STATEMENT

The College is committed to providing an environment in which the rights of students, non-students and employees of the campus community are protected while they pursue their educational objectives and activities. The College prohibits any form of sexual discrimination, including sexual misconduct. Sexual misconduct is a broad term encompassing any non-consensual behavior of a sexual nature that is committed by force or intimidation or that is otherwise unwelcome. Sexual misconduct may include behaviors such as sexual assault, rape, harassment, domestic violence, dating violence, stalking and any other behavior that is non-consensual or that has the purpose or effect of threatening, intimating, or coercing a person or persons. Such actions occurring through the use of social media are also covered under this policy. The policy covers misconduct occurring between members of the same sex or members of the opposite sex.

The Sexual Misconduct Policy provides guidance for individuals who may be the victim of sexual misconduct, outlines the College's response to an alleged complaint, and identifies appropriate departments within the College responsible for managing the policy and programs. The policy applies regardless of the complainant's or respondent's race, gender, disability, age, marital status, religion, color, national origin, sexual orientation or other personal characteristic.

A student who believes he or she has been a victim of sexual misconduct is encouraged to contact the Hinds Community College District Title IX Coordinator at 601.857.3232, the Campus Police/

Security department on his/her local campus, campus designee Dean of Students/ Operating Dean. Students needing immediate medical attention are encouraged to contact local law enforcement by calling 911 or crisis centers for assistance. The District Title IX Coordinator will oversee the investigation of all reports of sexual misconduct. Campus Police or other appropriate law enforcement authorities will conduct any criminal investigation.

Individuals who feel they are a victim of sexual assault are encouraged to seek medical attention even if they do not wish to file criminal or disciplinary charges against the accused. Medical attention will ensure the victim the opportunity to seek treatment for injuries, secure preventive treatment for sexually transmitted diseases, and other health services. Hospitals are often staffed with a Sexual Assault Nurse Examiner (SANE) who will complete a rape kit at the victim's request and handle the medical treatment. SANE will assist with preserving evidence.

The College encourages anyone who feels he or she is, or has been, the victim of sexual misconduct to seek assistance to care for himself or herself emotionally and physically through confidential counseling and healthcare services. Medical examinations are critical in preserving evidence of sexual assault so that options can be considered at a later date. It is important that employees, students and non-students report in a timely manner. Due to confidentiality the College will not disclose any information to the agency and the agency will not disclose any information to the College without written consent from the student. For a list of available services, visit the sexual misconduct page posted on the College website www.hindscc.edu.

Confidentiality

The College will make an effort to obtain consent from the complainant before beginning any investigation of sexual misconduct. If the complainant requests confidentiality or asks that an investigation not be initiated, the College may still be required to investigate and pursue

criminal charges and/or disciplinary actions against the accused. The College will weigh the request of confidentiality against the seriousness of the alleged sexual misconduct following the guidelines of the Family Educational Rights and Privacy Act (FERPA). If the College decides to initiate an investigation, the complainant will be notified before the investigation begins. The College is committed to providing confidentiality to both the complainant and to the accused.

The Colleges District Title IX Coordinator or designee will initiate interim measures following disciplinary procedures stated in the current Student Handbook. Due process will be followed. The complainant will be notified in writing of the outcome of any disciplinary hearing involving the complaint. All reports will be considered as confidential.



PROCEDURES

Students wanting to file a complaint against another individual for a behavior they consider to be sexual misconduct should submit that complaint in writing to the following individuals:

Dr. Tyrone Jackson

Title IX Coordinator
Associate Vice-President/Dean of
Student Services
Denton Hall
Raymond Campus
P.O. Box 1100
Raymond, MS 39154-1100
Office: 601.857.3232
Email: Tyrone.Jackson@hindsc.edu

– OR –

Sharon R. Alexander

Assistant Title IX Coordinator
District Coordinator of Student Conduct/
Development
Harris Patrick Hall, Office 101
Raymond Campus
P.O. Box 1100
Raymond, MS 39154-1100
Office: 601.857.3371
Email: sralexander@hindsc.edu

The Title IX Coordinator will receive and review all complaints, oversee the investigation of the complaint, collaborate with the Assistant Title IX Coordinator, and appoint and train employees of the College to serve on the Sexual Misconduct Investigation Team (SMIT).

• **Sexual Misconduct Investigation Team (SMIT)**

The appointed team members will be employees of the College and will represent various sectors of the College, including staff, faculty and/or administration. The District Title IX Coordinator will assign specific investigative duties to the team.

• **Resources & Services - On and Off Campus**
Hinds CC Campus Police Department

Raymond Campus

P.O. Box 1100
Raymond, MS 39154
601.857.3270

Raymond Police Department

114 East Main Street
Raymond, MS 39154
601.857.0515

Hinds County Sheriff Department \ Raymond Jail

1450 County Farm Road
Raymond, MS 39154
601.857.4800

Hinds CC Campus Police Department

Jackson Campus-Academic \ Technical Center

3925 Sunset Drive
Jackson, MS 39213
601.987.8142

Hinds CC Campus Police Department

Jackson Campus-Nursing \ Allied Health Center

1750 Chadwick Drive
Jackson, MS 39204
601.376.4912

Jackson Police Department

327 East Pascagoula Street Jackson, MS 39205
601.960.1234

Hinds CC Campus Police Department

Utica Campus

34175 Hwy. 18
Utica, MS 39175
601.885.6151

Utica Police Department

108 White Oak Street
 Utica, MS 39175
 601.885.8752

Hinds CC Campus Security Department Rankin Campus

3805 Hwy. 80
 Pearl, MS 39208
 601.936.1800

Pearl Police Department

2422 Old Brandon Rd
 Pearl, MS 39208
 601.932.4568

Hinds CC Campus Security Department Vicksburg Campus

755 Hwy. 27
 Vicksburg, MS 39180
 601.629.6881

Warren County Sheriff Department

1000 Grove Street
 Vicksburg, MS 39183
 601.636.1761

University of Mississippi Medical Center

2500 N State St.
 Jackson, MS
 601.984.1000

St. Dominic Hospital

969 Lakeland Dr.
 Jackson, MS
 601.200.2000

Baptist Health Systems

12256 N State St.
 Jackson, MS
 601.968.1000

Merit Health Central

1850 Chadwick Dr.
 Jackson, MS
 601.376.1000

Merit Health River Oaks

1030 River Oaks Dr
 Flowood, MS
 601.932.1030

Merit Health Rankin

350 Crossgates Blvd
 Brandon, MS
 601.825.2811

Merit Health River Region

2100 US-61
 Vicksburg, MS
 601.883.5000

The Counseling Center

601.707.5023

Catholic Charities, Inc.

601.982.7273 or 800-273.9012

The Center for Violence Prevention 601.932.4198
 or 800.266.4198

Mississippi Coalition against Domestic Violence
 800.898.3234

Mississippi Coalition against Sexual Assault
 888.987.9011

National Domestic Violence Crisis Line
 800.799.SAFE

ON CAMPUS SPECIFIC	Counseling	Dean of Students/ Operating Dean	Residence Life/ Housing	Single Stop
Raymond	601.857.3216	601.857.3232	601.857.3222	601.857.3247
Utica	601.857.7022	601.885.7006	601.857.7088	601.629.6831
Jackson/ATC	601.376.4802	601.987.8161	N/A	601.987.8105
Jackson/NAHC	601.366.1405	601.376.4951	N/A	601.857.3247
Rankin	601.936.5540	601.936.5552	N/A	601.987.8105
Vicksburg	601.638.0600	601.629.6804	N/A	601.629.6831



INTERIM MEASURES PROCESS

The District Title IX Coordinator or designee will work in coordination with other necessary College administrators, may take immediate interim action to protect the safety of the College community, to enable students or employees with complaints and witnesses to continue studies or duties of employment, and to ensure the integrity of an investigation.

These actions may include, but not be limited, to the following:

- Interim suspension of an accused;
- No-contact notices to all parties involved;
- Modifying housing, class or work schedules as necessary;
- Addressing other academic or workplace concerns (e.g., assignments, grades, and withdrawal) without penalty;
- Involving law enforcement to assist in maintaining order or safety; and
- Any other appropriate actions warranted by the circumstances.

Violations of these protective actions will be considered as related offenses which may lead to additional disciplinary action(s) and possible arrest.



DEFINITIONS

• **Consent:**

Consent is a voluntary agreement to engage in sexual activity.

- Consent cannot be given by someone who is incapacitated.
- Past consent does not imply current or future consent.
- Silence or absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Consent can be withdrawn at any time.
- Coercion, force, or threat of either invalidates consent.
- An individual under the age of 17 cannot give consent.

• **Incapacitation**

A physically helpless person is considered to be one who is asleep, unconscious or for any other reason unable to communicate unwillingness to engage in any act. A mentally incapacitated person may be one who is under the influence of alcohol or a drug or who is mentally incapable of understanding the implications and consequences of any act.

• **Sexual Harassment**

Sexual harassment is a form of unlawful sexual discrimination. By definition, it is any unwelcome verbal, visual, or physical behavior that is sexual in nature. This can include sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Males and females may be the victim or the initiator of sexual harassment. The complainant does not have to be of the opposite sex of the initiator.

• **Hostile Environment Caused by Sexual Harassment**

A hostile environment is created when a person in authority requests sex in exchange for favors and through the presence of demeaning or sexual photographs, jokes or threats that create an intimidating offensive environment.

• **Sexual Assault**

Sexual physical misconduct includes, but is not limited to, the intentional touching of another person on any area of the body generally recognized as a sexual or private part of that person's body. It also includes an individual touching another person's body with any part of his/her own private body parts. This also includes forced oral sex. Sexual physical contact also includes the touching of another person's body with objects when those objects violate the privacy of another person's body. Any unwarranted touch may be considered sexual harassment or misconduct.

Sexual assault is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's *Uniform Crime Report*.

• **Sex Offenses**

A sexual offense is any sexual act directed against another person, without that person's consent, including instances in which the victim is incapable of giving consent.

- **Non-consensual Sexual Contact, and Non-consensual Sexual Intercourse**

- **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

- **Domestic Violence**

Domestic violence is defined as a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is co-habiting with, or has cohabited with, the victim as a spouse or intimate partner;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Dating Violence**

Dating violence is defined as violence committed by a person who is currently in or has been in a social relationship or a romantic or intimate relationship with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

- **Stalking**

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person's safety or the safety of others or to cause that person to suffer substantial emotional distress.

For the purpose of this definition:

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- **Sexual Exploitation**

Sexual exploitation is defined as occurring when an individual takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit or to take advantage of anyone other than the one being exploited, and such behavior does not otherwise constitute one of the other sexual misconduct offenses.

- **Sexual Intimidation**

Sexual intimidation is defined as an implied or actual threat to commit a sex act against another person, or behavior used to coerce participation in a sex act.

- **Retaliation**

Retaliation is defined as conduct intended to interfere, stop or intimidate any person involved with resolution and investigation of a complaint. Retaliation against an employee, student or non-student for filing a sexual discrimination

or misconduct complaint, or participation in the investigation of a complaint, is a violation of the law and is strictly prohibited. The College will take appropriate disciplinary action, may file criminal charges, and may invoke academic dismissal if retaliation occurs.



REPORTING POLICIES AND PROTOCOLS

Complaints of sexual misconduct should be made or reported to the District or Campus Title IX Coordinator. However, every College employee is responsible for immediately reporting incidents of sexual misconduct, which come to his or her attention to the District Title IX Coordinator or his or her designee at 601.857.3232. College employees must convey to students that they are required to report any information of this nature to the Title IX Coordinator. Students and non-students who witness or are aware of suspected incidents of sexual misconduct are strongly encouraged to report the incident as well.

A student may also secure and complete the form in the District Title IX Coordinator's office on the Raymond campus or on his or her campus' designee, Dean of Students/Operating Deans office. The District Title IX Coordinator or his/her designee will review all information provided in the sexual misconduct complaint form.

The College is obligated under the Clery Act to issue a timely warning to the College community if a situation poses a serious or ongoing threat to students and employees. The College is obligated to report sexual assaults, dating violence, domestic violence and stalking incidents in the annual Clery report. If drugs, alcohol, and other student conduct violations are involved in a sexual misconduct case, the College will review each charge on a case-by- case basis.

• **False Information**

Anyone who knowingly provides false information pursuant to filing a sexual misconduct complaint or gives false information during the investigation will be subject to appropriate disciplinary action and/or criminal charges up to and including academic dismissal.



INVESTIGATION PROCEDURES AND PROTOCOLS

While an investigation may begin on the basis of an oral complaint or report, the complainant is strongly encouraged to file a sexual misconduct complaint form with the District Title IX Coordinator or with his/her designee. The sexual misconduct complaint form is a written statement including a detailed account of the incident. The complaint form includes the complainant's name, signature, contact information, the name of the person directly responsible for the alleged violation, a detailed description of the conduct or event that is the basis of the alleged violation, the date(s) and location(s) of the occurrence(s), and the names of any witness(es) to the occurrence(s). The complainant is encouraged to provide all necessary information and evidence that is pertinent to the complaint.

The District Title IX Coordinator or his/her designee will review the information provided on the complaint form to determine if there is sufficient evidence to show a violation of the College's sexual misconduct policy. If so determined, an investigation will begin. The investigation will be completed within sixty (60) business days of the date that the District Title IX Coordinator is notified of the complaint. The District Title IX Coordinator is responsible for receiving and reviewing all submitted sexual misconduct complaint forms and for overseeing any investigative proceedings.

If a student is accused of violating the College's sexual misconduct policy and withdraws from the College while an investigation is in progress, the District Title IX Coordinator or designee along with the Sexual Misconduct Investigation Team (SMIT) will continue the investigation and make a final decision. A hold will be placed on that student's record at the College. The student will be required to meet with the District Title IX Coordinator before being allowed to re-enroll in the College.

• **Stages of the Investigation**

(1) The District Title IX Coordinator will assign specific investigative duties to his/her designee or the Sexual Misconduct Investigation Team (SMIT).

(2) The SMIT members will collect evidence relating to the complaint of sexual misconduct from all available sources.

(3) The SMIT members will document their findings and make a recommendation to the District Title IX Coordinator or his/her designee.

(4) Based on the findings, the District Title IX Coordinator or his/her designee, Dean of Students/Operating Dean may take interim action during the investigation where the accused may be removed from the College.

(5) The District Title IX Coordinator or his/her designee will notify the complainant and the accused of the investigation.

(6) If there is a finding of no violation of the College sexual misconduct policy, the process is concluded. The file will be kept in the District Title IX Coordinator's office.

(7) If there is a finding, the District Title IX Coordinator or his/her designee will send written notification to the complainant and to the accused of a pending hearing.



GRIEVANCE/ADJUDICATION PROCEDURES

When the Sexual Misconduct Investigation Team finds that a violation of the College's sexual misconduct policy has occurred, the District Title IX Coordinator will give written notice of the findings to the complainant and to the accused within three (3) business days. Mediation is not an option in a sexual misconduct case. A student may reference the College's *Disciplinary and Due Process Procedures* in the current **Student Handbook**.

• **Disciplinary Hearing and Sanctions**

The College District Disciplinary Committee or Administrative Hearing Officer will hear the sexual misconduct case. The Disciplinary Committee is composed of trained representatives from the various campuses. All proceedings are closed to the public and are confidential.

- The District Title IX Coordinator or designee will notify the complainant and the accused in written of the date, time and location of the hearing.
- The complainant and the respondent may seek assistance from an advisor. The advisor is limited

to advising the student and may not otherwise participate in the hearing. In the event the advisor attempts to go beyond this role he or she may be removed from the hearing. The complainant and the respondent is allowed only one advisor in the hearing.

- The complainant is allowed to present witness(es) and evidence.
- The accused is allowed to present evidence and witnesses and to cross-examine witness(es) for the complainant.
- The hearing officer or committee will address questions pertaining to the incident. Any prior reports of sexual experiences of any of the involved parties will not be addressed.
- After all witness(es) are heard and evidence presented, the hearing officer or committee will make a decision and assign sanctions as deemed necessary. The decision will be based on the preponderance of the evidence standard (i.e., it is more likely than not that the sexual misconduct occurred).
- The sanctions assigned to a student found guilty of sexual misconduct may range from probation to expulsion from Hinds Community College.
- The complainant and the respondent will receive written simultaneous notification of the outcome of the hearing and the rights of appeal from the decision.

A letter detailing the outcome of the disciplinary hearing will be provided to the complainant. The District Title IX Coordinator will receive a copy of the disciplinary findings which will be placed into the file of the accused. All information is confidential, and any disclosure to persons other than the parties deemed necessary shall be handled in accordance with all applicable Federal and state laws, including FERPA. The College encourages counseling for both the complainant and the accused.

• **Appeals Process**

Students have a right to appeal any decision made in a disciplinary hearing if it meets the guidelines for appeal as stated in the Appeals section of the current Student Handbook. A student has three business days from the date of the hearing to submit an appeal to the Associate-Vice President of Student Services Office on the Raymond Campus.



PREVENTION

The College will provide educational and preventive awareness programs to all new students and employees. These educational and preventive programs will include sexual assault, sexual harassment, dating violence, domestic violence, stalking and the College Sexual Misconduct Policy.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking will be comprehensive, intentional, and integrated. They will include initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking. Programs will be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, supported by research or assessed for value, effectiveness, or outcome. Programs will consider environmental risks and protective factors as they occur on the individual, relationship, institutional, community, and societal level. Programs to prevent dating violence, domestic violence, sexual assault, and stalking will include both primary prevention and awareness programs directed at incoming students and ongoing prevention and awareness campaigns directed at all students.

Primary prevention programs will address areas of sexual misconduct with the goal of preventing their occurrence. They will highlight positive and healthy behaviors that foster healthy and mutually respectful relationships. They will outline and encourage safe bystander intervention and seek to change behaviors and social norms in healthy and safe directions.

Awareness programs will be community-wide and audience specific. They will include specific programming, initiatives, and strategies to increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce occurrence.

Ongoing prevention and awareness campaigns will include programming, initiatives, and strat-

egies that are sustained over time and focus on increasing an understanding of topics relevant to the development of skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. Additional preventive programs will include Bystander Intervention and Human Trafficking.

• **Bystander Intervention**

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm to others or to intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:

- Recognizing situations of potential harm, and
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.



TRAINING

The College will provide training on the College Sexual Misconduct Policy to all new students and new employees. In addition, the College will require annual training for the District/Campus

Title IX Coordinators, Campus Police/Security Departments, and Counseling Departments. The training will include sexual assault, sexual harassment, dating violence, domestic violence, and stalking. This training will instruct individuals on how to recognize and properly respond to incidents of sexual misconduct. The College will also provide this annual training to the Sexual Misconduct Investigation Team and the College District Disciplinary Committee with additional training on how to conduct an investigation and a hearing process that protects the safety of victims and promotes accountability.

• NOTICE OF NON-DISCRIMINATION STATEMENT •

Hinds Community College offers equal education and employment opportunities and does not discriminate on the basis of race, color, national origin, religion, sex, age, disability or veteran status in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies: Dr. Debra Mays-Jackson, Vice President for Administrative Services, 34175 Hwy. 18, Utica, MS 39175; 601.885.7002

• DISABILITY SUPPORT SERVICES STATEMENT •

Hinds Community College provides reasonable and appropriate accommodations for students with disabilities. Disability Services staff members verify eligibility for accommodations and work with eligible students who have self-identified and provided current documentation. Students with disabilities should schedule an appointment with the designated Disability Services staff member on their respective campus to establish a plan for reasonable, appropriate classroom accommodations.

Rankin Campus	Carol McLaurin	601.936.5544
Raymond Campus	Mark Palmer	601.857.3646
Jackson Campus-ATC	Sherman Green	601.987.8148
Jackson Campus-NAHC	Taylor Wheatley	601.376.4803
Utica Campus	Michele Bouldin	601.885.7043
Vicksburg-Warren Campus	Cooper McCachren	601.629.6807



Title IX – Sexual Misconduct

Hinds Community College adopted this policy to prohibit any sexual misconduct. Additionally, Federal law prohibits all forms of sexual misconduct under the Title IV, Title VII and Title IX, to comply with the March 2013 reenactment of the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE Act) and the May 2013 Office of Civil Rights (OCR). The Family Educational Rights and Privacy act of 1974, and the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act and any federal, state, and local laws.

SEXUAL MISCONDUCT POLICY & PROCEDURES

Produced by the office of the District Title IX Coordinator/
District Coordinator of Student Conduct and Development
Hinds Community College • July 1, 2015
