



<b>Policy Name:</b>	Sexual Misconduct				
<b>Section Number:</b>	4.14	<b>Section Title:</b>	Office of the President		
<b>Policy Owner:</b>	Office of the President		<b>Last updated:</b>	February 2021	<b>Reviewed:</b> February 2021
<b>Status:</b>	Active		<b>Due for Review:</b>	April 2021	
<b>Evidence Standard</b>	Preponderance of Evidence.				

## I. Overview

Members of the Jones County Junior College (Jones College) community--students, staff, faculty, and administrators - are entitled to a learning and working environment free of sexual misconduct of any type in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act).

The College has jurisdiction over conduct covered by this policy that occurs on campus, during or at an official College program or activity (regardless of location and inclusive of field trips, social or educational functions, college related travel, student recruitment activities, internships, and service-learning experiences), and to off campus or online conduct when the conduct could deny or limit a person's ability to participate in or benefit from the College's programs and activities or creates the potential for a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sexual misconduct and remedy its effects.

## II. Statement of Non-discrimination

Jones does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in its programs, activities, or employment practices. The following persons have been designated to handle inquiries and grievances regarding the non-discrimination policies: (ADA/ Section 504) Dr. Kisha Jones, ADA Coordinator, Student Affairs, phone 601- 477-2673; email ADACoordinator@jcc.edu and (Title IX) Dr. Tessa Flowers, Title IX Coordinator, Asst. VP of Student Affairs, Hutcheson Hubbard Administration Building, phone 601-477-4845; email tessa.flowers@jcc.edu . Jones County Junior College, 900 South Court Street, Ellisville, MS 39437.

## III. Policy Application

This Policy applies to all College administrators, faculty, staff, students, and third parties within the College's control, including visitors. It applies to conduct regardless of where it occurs, including off campus property, if it potentially affects the complainant's education or employment with the College or potentially affects the College community. It also applies regardless of the gender, gender identity or sexual orientation of the parties. In addition, it applies to any complaint made verbally or in writing.

## V. Definition of Sexual Misconduct

A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual harassment, domestic/dating violence, and stalking. Sexual misconduct can be committed by any person, including strangers or acquaintances.

- Sexual Assault

Jones College defines sexual assault (including but not limited to rape) as any kind of sexual physical contact that involves force, or threat of force, coercion, fraud or intimidation, as well as any sexual physical contact with a person who is unable to consent. Sexual physical contact includes the intentional touching of another person on any area of the body generally recognized as an intimate part of the body or touching any part of another person's body with an intimate part of one's own body. Sexual touching includes bodily contact or contact with an object. A person who is unable to consent includes, but is not limited to, any unmarried person under age 17, anyone who is physically helpless, or anyone who is mentally incapacitated. A physically helpless person is considered to be one who is 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 Exploitation

Sexual Exploitation is taking sexual advantage of another person in a way that deliberately infringes on his or her reasonable expectation of privacy and/or security but does not involve actual or attempted physical contact. Examples of sexual exploitation include, but are not limited to (a) recording images, video, or audio depicting another person engaged in sexual activity or in a state of undress without that person's consent, even if the sexual activity itself is consensual; (b) distributing images, video, or audio depicting another person engaged in sexual activity or in a state of undress—or threatening to distribute the same—if the person distributing knew or reasonably should have known that the person depicted did not consent to the recording or the distribution; (c) intentionally viewing another person engaged in sexual activity or in a state of undress in a place where that person would have a reasonable expectation of privacy, without that person's consent and for the purpose of gratifying sexual desire; (d) intentionally failing to notify a person with whom one is engaged in a sexual activity that another person is observing.

- Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when it is sufficiently serious that it denies or limits a person's ability to participate in or benefit from the educational process. Sexual harassment can include unwelcome conduct of a sexual nature when i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or iii) such conduct has the purpose or effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. *Sexual Harassment* also includes non-*Sexual Harassment* or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this Policy, the various forms of prohibited Sexual Harassment are referred to as "Sexual Misconduct."

- Domestic/Dating Violence

An act of violence is considered to be "domestic violence" when the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child.

A person is guilty of simple domestic violence who:

- (i) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;
- (ii) Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or
- (iii) Attempts by physical menace to put another in fear of imminent serious bodily harm.

A person is guilty of aggravated domestic violence who:

- (i) Attempts to cause serious bodily injury to another, or causes such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;
- (ii) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or
- (iii) Strangles, or attempts to strangle another.

*97-3-7 Mississippi Code of 1972 Annotated*

#### Dating Relationship

“Dating relationship” means a social relationship of a romantic or intimate nature between two (2) individuals; it does not include a casual relationship or ordinary forms of socializing between two (2) individuals in a business or social context. Whether a relationship is a “dating relationship” shall be determined by examining the following factors:

- (i) The length of the relationship;
- (ii) The type of relationship; and
- (iii) The frequency of interaction between the two (2) individuals involved in the relationship.

*97-3-7 Mississippi Code of 1972 Annotated*

- Stalking

Any person who purposefully engages in a course of conduct directed at a specific person, or who makes a credible threat, and who knows or should know that the conduct would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property, is guilty of the crime of stalking.

## VI. Definition of Sexual Consent

Sexual intimacy requires that all participants consent to the activity. Sexual Consent between two or more people is defined as an affirmative agreement, through clear actions or words, to engage in sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of their own actions when giving the consent. Lack of protest or resistance does not constitute consent, nor does silence mean consent has been given. Relying solely on non-verbal communication can lead to misunderstanding. Persons who want to engage in the sexual activity are responsible for obtaining consent. A prior relationship or prior sexual activity is not sufficient to demonstrate consent. Consent must be present throughout the sexual activity. At any time, a participant can communicate that they no longer consent to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the issue can be clearly resolved.

**CONSENT IS NOT:** Consent cannot result from force, or threat of force, coercion, fraud or intimidation. In addition, an incapacitated person is not able to give consent. The use of force to obtain sexual access or to induce consent violates this policy whether the force is physical in nature, violent, or involving threats, intimidation or coercion.

- Physical force includes but is not limited to: hitting, kicking and restraining. Physical force means someone is acting on you physically and exerting control over you through violence.
- Threatening someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which they otherwise would not have consented.
- Intimidation is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though there may not be any threat made explicitly. Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.
- Incapacitation: It is a violation of this policy if the initiator has sex with someone the initiator knows, or reasonably should know, to be incapacitated by alcohol, drugs, sleep or illness. A person who is unconscious, unaware, or otherwise physically helpless cannot give effective consent to sexual activity. Someone is incapacitated when unconscious or for any

other reason unable to communicate unwillingness to engage in any act or who is mentally incapable of understanding the implications and consequences of any act.

- Age of Sexual Consent: According to Mississippi Code §97-3-65, effective consent can never be given by persons under the age of 14. Students who are at least 17 years old cannot receive effective consent from anyone between the ages of 14 and 16 if they are younger by more than 36 months.

## VII. Reporting Sexual Misconduct

Jones College requires all employees, with the exception of those listed below, to share with the college's Title IX Coordinator and/or the Office of the Vice President of Student Affairs information they learn concerning a report of sexual misconduct, so that the Title IX Coordinator and/or the Office of the Vice President of Student Affairs or their designee can investigate the incidents, track trends (including possible multiple reports involving the same assailant) and determine whether steps are needed to ensure the safety of the community. It is the survivor's choice whether he or she wishes to participate in the investigation; however, the college may proceed with an investigation through the Campus Police without the survivor's participation if there is a concern for the safety of other members of the community. In the event that making a report through the Title IX Coordinator and/or the Office of the Vice President of Student Affairs may be inappropriate, any persons can make a report the Deputy Title IX director, Rick Hamilton, Office of Internal Compliance, Administration Building, phone 601-477-4150 or email [rick.hamilton@jcc.edu](mailto:rick.hamilton@jcc.edu).

Jones College has designated the following employees as Confidential Resources for victims of sexual misconduct. Sharing information with these resources does not initiate a formal investigation, disciplinary action, adjustment of academic services, adjustment to living arrangements, or other accommodation or remedies from the College. Even if a victim initially requests confidentiality, the victim may later file a complaint with the College or report to the police.

The following Jones College employees are the confidential resources for victims of sexual assault:

Sarah Jones  
Counselor  
Administration Building  
Student Affairs Suite  
Phone: 601-477-4083  
[Sarah.jones@jcc.edu](mailto:Sarah.jones@jcc.edu)

Kisha Jones  
ADA coordinator  
Administration Building  
Student Affairs Suite  
Phone: 601-477-2673  
[kisha.jones@jcc.edu](mailto:kisha.jones@jcc.edu)

Vicki Hampton  
Nurse Practitioner  
Campus Health Clinic  
Home and Health Building  
Phone: 601-477-4104  
[vicki.hampton@jcc.edu](mailto:vicki.hampton@jcc.edu)

Chuck Robertson  
Housing Director  
Administration Building  
Student Affairs Suite  
Phone 601-477-5406  
[chuck.robinson@jcc.edu](mailto:chuck.robinson@jcc.edu)

Ryan Hearn  
Civil Engineering Technology Instructor  
J B Young West Building  
Room: W113  
Phone: 601-477-4289  
[Ryan.hearn@jcjc.edu](mailto:Ryan.hearn@jcjc.edu)

Mike Cummings  
A D Nursing  
Allied Health Center  
Room 114  
Phone: 601-477-2405  
[mike.cummings@jcjc.edu](mailto:mike.cummings@jcjc.edu)

### Request for Anonymity

Once a report of sexual misconduct has been submitted to the Title IX coordinator and/or the Office of the Vice President of Student Affairs by an employee or another third party, the victim may wish to remain confidential and/or request that no investigation or action occur. The victim must make this request directly to the Title IX coordinator and/or the Office of the Vice President of Student Affairs. The request will be evaluated with legal counsel taking into consideration the safety of the college community.

- Recommended Immediate Action for Victim of Violence

1. Seek immediate safety

Individuals who have been sexually assaulted or who have been the victim of any type of violence should immediately get to a safe place.

2. Seek medical assistance

Jones encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual assault, domestic violence, dating violence, or stalking. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The college will help any college community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

3. Advice on preserving evidence

The preservation of criminal evidence is essential and time sensitive to the successful prosecution of most sex offenses. As soon as possible, go to a hospital to be examined and treated for any injuries. Physical specimens collected soon after the sexual assault can be valuable evidence. (Avoid showering. If you change your clothes, put them in a paper bag). The Campus Clinic is not a "forensic evidence collection" site. South Central Regional Medical Center should be contacted for sexual assaults that occur in Jones County.

A student may choose a non JCJC entity to report sexual misconduct  
OFF-CAMPUS PHONE NUMBERS (From on-campus phone dial 9 for outside line.)

Emergency 911  
Ellisville Police Department 601-477-9352  
Jones County Sheriff's Department 601-425-3147  
South Central Regional Medical Center 601-426-4100  
Emergency Room- 1220 Jefferson St., Laurel, MS 39440

If an incident occurs at one the Jones College county centers the incident can be reported to campus police or the local law enforcement agency:

Jasper County Center located in Bay Springs - Bay Springs Police Department, 601-764-3122

Clarke County Center located in Stonewall - Stonewall Police Department, 601-659-5000 or Clarke County Sheriff's Office, 601-776-5252

Greene County Center located in Leakesville - Greene County Sheriff's Office, 601-394-2342

Wayne County Center located in Waynesboro - Waynesboro Police Department, 601-735-3192

## ON-CAMPUS

Campus Police Department 601-477-4006. Reports of a sexual nature made to the Campus Police Department will be shared with the Title IX Coordinator and/or the office of the Vice President of Student Affairs, and may also be made public (maintaining the survivor's anonymity) and shared with the respondent in cases where criminal prosecution is pursued. Reports received by the college concerning the abuse of a minor or juvenile must be reported to state officials in compliance with state law requiring mandatory reporting of child abuse. Students attending Jones College that are under the age of 18 are not considered minors for the purposes of this policy. See Protection of Minors Policy

- Employee Responsibilities for Reporting

All Jones College Employees, except the Confidential Resources described above, are required to notify the Title IX Coordinator and/or the Office of the Vice President of Student Affairs when they learn of, or witness, sexual misconduct against any member of the college community. Employees must report the misconduct or attempt to resolve the complaint directly. Employees should not make any attempt to validate any complaint. Every effort should be made to maintain the confidentiality of the complainant. Employees should make every effort to notify any complainant of their obligation to report any potential misconduct to the Title IX Coordinator as early in the conversation as possible and inform the complainant how to report with confidentiality.

## Survivor Confidentiality

Jones recognizes the sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents, and is committed to protecting the privacy of individuals who report incidents of abuse, to the extent that doing so is permitted by law and consistent with the college's responsibility to protect the safety of the college community. Reports and information received by Jones' medical professionals, licensed mental health counselors, and its Sexual Assault Advocate, are considered legally protected. Those individuals will not share information they learn from survivors with others within the institution or with any third party except in cases of imminent danger to the victim or third party. Absent such circumstances of imminent danger, the only information these employees will report to the college is statistical information, which does not identify the survivor, so that the incident can be included in the college's crime reporting.

Contact Information for Confidential Communications:

Jones Counseling Center -601-477-4083

Jones Clinic - 601-477-4104

Reports of sexual misconduct which are shared with other college officials, including Campus Police, will be treated with the greatest degree of respect and privacy possible while fulfilling the College's obligation to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. It is the survivor's choice whether to participate in the investigation; however, the college may proceed with the investigation without the survivor's participation if there is a potential threat to other members of the community. A survivor's ability to speak in confidence and with confidentiality may be essential to his or her recovery. Jones, thus, expects employees to treat information they learn concerning incidents of reported sexual assault, domestic violence, dating violence, and stalking with as much respect and as much privacy as possible. College employees must share such information only with those college officials who must be informed of the information pursuant to college policy. Failure by a Jones employee to maintain privacy in accordance with policy will be grounds for discipline. While federal law requires Jones to include certain reported incidents of sexual assault, domestic violence, dating violence, and stalking among its annual campus crime statistics, such information will be reported in a manner that does not permit identification of survivors.

The following is a list of available services for mental health, victim advocacy, legal assistance, and other available community resources:

- Jones County Sherriff Department 601-425-3147
- Local Police 9-1-1 Non-Emergency Number 601-477-9252
- Mississippi Coalition Against Domestic Violence Hotline 800- 898-3234
- National Domestic Violence Hotline 800-799-SAFE-(7233)
- Domestic Abuse Family Shelter - [www.domesticabusefamilyshelter.org](http://www.domesticabusefamilyshelter.org)
- Mississippi Coalition Against Sexual Assault - Toll-free: 888-987-9011
- National Sexual Assault Hotline 800-656- HOPE (4673)
- Jones College Student Counseling Center - 601-477-4030

County Resources regarding orders of protection, no contact order, or restraining orders:

- Jones County Sherriff Department Victim's Advocate - 601-425-3147

### Victim Amnesty

Students are strongly encouraged to report incidents of, or share information about, sexual misconduct as soon as possible. If the student with a complaint, or who was a witness, may have concern that their own alcohol or drug use, or other prohibited activity at the time of an incident may lead to further charges will be granted amnesty. The Office of Student Affairs will not pursue disciplinary violations against a student with a complaint or a witness for his/her improper use of alcohol or drugs if the student is making a good faith report of sexual misconduct.

### Rights of Victims

- The right to choose to report an incident to college officials and the option to notify local law enforcement. This also includes the right not to report, if this is the victim's desire;
- The right to a prompt, fair, and impartial investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators;
- The right to be notified of the timeframes for all major stages of the investigation;
- The right to present witnesses and evidence;
- In instances of reports of domestic violence, dating violence, sexual assault, or stalking, the right to have another person present (in a support or advisory role) during all phases of the investigation;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing classes after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available. Accommodations may include: -Exam or assignment rescheduling; -Transferring class sections; -Alternative course completion options.
- The right to a campus no contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior;
- The right to a written notice of the outcome and, when applicable, resulting sanction of the investigation, generally within 24 hours of any significant decision. After a disciplinary proceeding involving an allegation of sexual assault, dating violence, domestic violence, or stalking, this right includes the right to be informed of the outcome in writing, including a summary of any sanctions and the rationale for the decision.
- The right to appeal the findings and sanction, in accordance with the standards for appeal established in this policy;
- The right to preservation of privacy, to the extent possible and allowed by law.

### Rights of the Accused

- The right to a prompt, fair, and impartial investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators against the accused individual;
- The right to be notified of the timeframes for all major stages of the investigation;
- The right to present witnesses and evidence;
- In instances of reports of domestic violence, dating violence, sexual assault, or stalking, the right to have another person present (in a support or advisory role) during all phases of the investigation;
- The right to be informed of and have access to campus resources for counseling and advisory services;

- The right to appeal the findings and sanction, in accordance with the standards for appeal established in this policy;
- The right to a decision based solely on evidence presented during the investigative process;
- The right to written notice of the outcome and, when applicable, resulting sanction of the investigation, generally within 24 hours of the decision. After a disciplinary proceeding involving an allegation of sexual assault, dating violence, domestic violence, or stalking, this right includes the right to be informed of the outcome in writing, including a summary of sanctions and rationale for the decision;
- The right to preservation of privacy, to the extent required by law;

### Prohibition of Retaliation

Retaliation based on a Sexual Misconduct claim is not allowed by both Title IX and the Campus SaVE Act. Any person who retaliates against the parties or any other participants in an investigation or disciplinary process relating to a complaint, is subject to disciplinary action up to and including dismissal or separation from the College. If any participant in an investigation believes they have been subject to retaliation, they should immediately report the alleged retaliatory conduct to the Title IX Coordinator and/or the Office of the Vice President of Student Affairs.

### False Complaints

Any person who knowingly files a false complaint under this Policy is subject to disciplinary action up to and including dismissal or separation from the College. A finding that a respondent is not responsible for the sexual misconduct alleged does not imply a report was false.

### Applicable Procedures

The College retains discretion to determine the College policies or procedures most appropriate for investigating, adjudicating, or otherwise resolving a complaint, and to vary procedures when circumstances require.

### VIII. Disciplinary Procedures Regarding Sexual Misconduct.

Individuals charged with sexual misconduct, domestic violence, dating violence or stalking may be subject to disciplinary actions, regardless of whether the individual is simultaneously facing criminal or civil charges in a court of law. Off-campus violations that affect a clear and distinct interest of the College are subject to disciplinary sanctions. More than one disciplinary action may be taken. Disciplinary actions that may be taken include, but are not limited to, probation, suspension, dismissal from the College and/or termination from employment. In addition, the College may take protective measures as appropriate, including no-contact orders, trespass notices, or other protective measures.

Jones has developed a two-step procedure for handling sexual misconduct complaints:

1. A mechanism to resolve complaints informally;
2. A procedure to handle formal charges if the first procedure is unsatisfactory or if further action is deemed appropriate.

### Initial Contact

1. Employees or students who believe they have been the subject of sexual misconduct are encouraged to contact the Title IX Coordinator, the Office of the Vice President for Student Affairs and/or the Director of Human Resources (College Officer).
2. Upon receiving the initial complaint, the College Officer will schedule a preliminary meeting to discuss the charges, to explain proper procedures, and to determine whether further information is needed. Based upon the outcome of this meeting, the administrator will take one of the following actions:
  - a. If the person wants to proceed with the complaint, College Officer will explain the process and the procedures and initial complaint forms will be completed.

- b. If the person does not want to proceed with the complaint, College Officer will make a record of the complaint and take such action as necessary to protect the interest of the complainant and of the College.
- c. If after the preliminary discussion the College Officer feels that sexual misconduct has not occurred, they will advise the person of the findings and will advise the options if the person wishes to proceed further with the complaint.

#### Where the Complaint Involves Students Only

#### Procedure for Informal Resolution

If a person decides to file a sexual misconduct complaint, the following procedure shall be adhered to: Every effort should be made to resolve a complaint within thirty (30) days of the complaint using an informal process. During this preliminary stage, the complainant will be encouraged to complete a Sexual Misconduct Complaint Report describing the behavior and relief sought. The complaint forms are available and need to be filed with the Title IX Coordinator and/or the Vice President of Student Affairs. If it is determined that the described situation fits the definition of sexual misconduct, they will request the names of the involved parties and an agreement to conduct an informal investigation.

The objective of this process will be to provide appropriate relief to the aggrieved party, sensitize the alleged perpetrator to the effects of such behavior, and resolve the complaint to the mutual satisfaction of both parties. An investigation will minimally include contacting the College officer responsible for the accused, i.e., if a student makes a complaint about a faculty member, the faculty member's dean and/or department head relative to the complaint will be contacted.

#### Procedure for Formal Resolution

If the informal proceedings are deemed inappropriate or do not resolve the issue to the satisfaction of either party, the College will initiate the formal resolution procedure. In extraordinary circumstances, when the continued working or academic relationship between the aggrieved party and the accused creates an impossible working/academic environment, a temporary transfer or reassignment of classes/duties will be considered.

If the aggrieved party decides to proceed with a formal grievance the following action will take place:

1. A written and signed complaint of sexual misconduct must be submitted to the Title IX Coordinator and/or the Vice President of Student Affairs by the aggrieved party rejecting the use of, or result of, the Informal Process within ten (10) working days after the informal resolution has failed. The complaint shall state, clearly and concisely, the facts which are the grounds for the proceeding, and the relief sought. Upon receiving the written complaint, the Title IX Coordinator and/or the Vice President of Student Affairs will set a date for a hearing. In special circumstances, time limits may be waived with the mutual consent of College officials. All matters will be handled as expeditiously as possible. The College strongly encourages the prompt reporting of prohibited conduct covered by this policy. Delays in reporting can greatly limit the College's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy.
2. Upon receipt of the written complaint, the Title IX Coordinator and/or the Vice President of Student Affairs will within five (5) days, contact in writing the person who allegedly engaged in the sexual misconduct, and inform him/her of the basis of the complaint and the opportunity to respond. That person will have five (5) days to respond in writing to the complaint. The response shall contain, full, direct, and specific responses to each claim in the complaint.
3. Within fifteen (15) days of the aforementioned deadline, the appropriate the Title IX Coordinator and/or the Vice President of Student Affairs will convene the Student Affairs Committee to establish hearing procedures concerning the complaint.

4. The function of the Student Affairs Committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether the College's policy on sexual conduct has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the Title IX Coordinator and/or the Vice President of Student Affairs.
5. If the Student Affairs Committee determines that sexual misconduct has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past sexual harassment offenses. Appropriate corrective action can include but is not limited to the following: a. Oral reprimand b. Written reprimand c. Suspension d. Reassignment of duties e. Termination f. Counseling g. Any combination of the above
6. Within five (5) days following the conclusion of its investigation and hearing, the Student Affairs Committee will forward its findings and recommendation for action to the President. Within fifteen (15) working days, the President will review the Committee's recommendation and determine an appropriate course of action. The decision will be communicated in writing to the accuser, accused, and the accused's appropriate administrative supervisor(s) if applicable.
7. Either party may appeal the Committee's recommendation by submitting a written request to the President. Request for an appeal must be made to the President within fifteen (15) days after the appealing party received a copy of the President's decision. The President shall review any supplemental information as well as the initial decision and respond in writing within fifteen (15) days. The written ruling of the President shall constitute the final decision.

Where the Complaint involves only Employees

#### Procedure for Informal Resolution

If a person decides to file a sexual misconduct complaint, the following procedure shall be adhered to: Every effort should be made to resolve a complaint within thirty (30) days of the complaint using an informal process. During this preliminary stage, the complainant will be encouraged to complete a Sexual Misconduct Complaint Report describing the behavior and relief sought. The complaint forms are available and need to be filed with the Title IX Coordinator and/or the Director of Human Resources. If it is determined that the described situation fits the definition of sexual misconduct, he/she will request the names of the involved parties and an agreement to conduct an informal investigation.

The results of the investigation will be forwarded to the appropriate Executive Vice President (EVP). Allegations against a direct report to the President will be forwarded to the EVP responsible for Human Resources. The EVP will recommend a course of action to resolve the issue. If the informal proceedings are deemed inappropriate or do not resolve the issue to the satisfaction of either party, the College will initiate the formal resolution procedure.

1. A written and signed complaint of sexual misconduct must be submitted to the Director of Human Resources by the aggrieved party rejecting the use of, or result of, the Informal Process within ten (10) working days after the informal resolution has failed. The complaint shall state, clearly and concisely, the facts which are the grounds for the proceeding, and the relief sought. Upon receiving the written complaint, the Director of Human Resources will set a date for a hearing. In special circumstances, time limits may be waived with the mutual consent of College officers. All matters will be handled as expeditiously as possible. The College strongly encourages the prompt reporting of prohibited conduct covered by this policy. Delays in reporting can greatly limit the College's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy.
2. Upon receipt of the written complaint, Director of Human Resources will within five (5) days, contact in writing the person who allegedly engaged in the sexual misconduct, and inform him/her of the basis of the complaint and the opportunity to respond. That person will have five (5) days to respond in writing to the complaint. The response shall contain, full, direct, and specific responses to each claim in the complaint.

3. Within fifteen (15) days of the aforementioned deadline, the Director of Human Resources will convene the Human Resources Committee to establish hearing procedures concerning the complaint.
4. The function of the Human Resources Committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether the College's policy on sexual misconduct has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the Director of Human Resources.
5. If the Human Resources Committee determines that sexual misconduct has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past sexual harassment offenses. Appropriate corrective action can include but is not limited to the following:
  - a. Oral reprimand
  - b. Written reprimand
  - c. Suspension
  - d. Reassignment of duties
  - e. Termination
  - f. Counseling
  - g. Any combination of the above
6. Within five (5) days following the conclusion of its investigation and hearing, the Human Resources Committee will forward its findings and recommendation for action to the Office of the President. Within fifteen (15) working days, the College President will review the Committee's recommendation and determine an appropriate course of action. The decision will be communicated in writing to the accuser, accused, and the accused's appropriate administrative supervisor(s) if applicable.
7. Either party may appeal the Committee's recommendation by submitting a written request to the Office of the President. Request for an appeal must be made to the Office of the President within fifteen (15) days after the appealing party received a copy of the President's decision. The Office of the President shall review any supplemental information as well as the initial decision and respond in writing within fifteen (15) days. The written ruling of the College President shall constitute the final decision.

Where the Complaint involves a Student and an Employee

#### Procedure for Informal Resolution

If a person decides to file a sexual misconduct complaint, the following procedure shall be adhered to: Every effort should be made to resolve a complaint within thirty (30) days of the complaint using an informal process. During this preliminary stage, the complainant will be encouraged to complete a Sexual Misconduct Complaint Report describing the behavior and relief sought. The complaint forms are available and need to be filed with the Title IX Coordinator and/or the Office of the Vice President of Student Affairs. If it is determined that the described situation fits the definition of sexual misconduct, he/she will request the names of the involved parties and an agreement to conduct an informal investigation.

The objective of this process will be to provide appropriate relief to the aggrieved party, sensitize the alleged perpetrator to the effects of such behavior, and resolve the complaint to the mutual satisfaction of both parties. An investigation will minimally include contacting the College officer responsible for the accused, i.e., if a student makes a complaint about a faculty member, the faculty member's dean and/or department head relative to the complaint will be contacted.

#### Procedure for Formal Resolution

If the informal proceedings are deemed inappropriate or do not resolve the issue to the satisfaction of either party, the College will initiate the formal resolution procedure. In extraordinary circumstances, when the continued working or academic relationship between the aggrieved party and the accused creates an impossible working/academic environment, a temporary transfer or reassignment of classes/duties will be considered.

If the aggrieved party decides to proceed with a formal grievance the following action will take place:

8. A written and signed complaint of sexual misconduct must be submitted to the Title IX Coordinator and/or the Vice President of Student Affairs by the aggrieved party rejecting the use of, or result of, the Informal Process within ten

(10) working days after the informal resolution has failed. The complaint shall state, clearly and concisely, the facts which are the grounds for the proceeding, and the relief sought. Upon receiving the written complaint, the Title IX Coordinator will set a date for a hearing. In special circumstances, time limits may be waived with the mutual consent of College officers. All matters will be handled as expeditiously as possible. The College strongly encourages the prompt reporting of prohibited conduct covered by this policy. Delays in reporting can greatly limit the College's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy.

9. Upon receipt of the written complaint, the Title IX Coordinator will within five (5) days, contact in writing the person who allegedly engaged in the sexual misconduct, and inform him/her of the basis of the complaint and the opportunity to respond. That person will have five (5) days to respond in writing to the complaint. The response shall contain, full, direct, and specific responses to each claim in the complaint.
10. Within fifteen (15) days of the aforementioned deadline, the appropriate the Title IX Coordinator will convene the Joint Review Committee to establish hearing procedures concerning the complaint.
11. The function of the Joint Review Committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether the College's policy on sexual conduct has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the Title IX Coordinator.
12. If the Joint Review Committee determines that sexual misconduct has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past sexual harassment offenses. Appropriate corrective action can include but is not limited to the following: a. Oral reprimand b. Written reprimand c. Suspension d. Reassignment of duties e. Termination f. Counseling g. Any combination of the above
13. Within five (5) days following the conclusion of its investigation and hearing, the Joint Review Committee will forward its findings and recommendation for action to the Office of the President. Within fifteen (15) working days, the President will review the Committee's recommendation and determine an appropriate course of action. The decision will be communicated in writing to the accuser, accused, and the accused's appropriate administrative supervisor(s) if applicable.
14. Either party may appeal the Committee's recommendation by submitting a written request to the Office of the President. Request for an appeal must be made to the Office of the President within fifteen (15) days after the appealing party received a copy of the President's decision. The President shall review any supplemental information as well as the initial decision and respond in writing within fifteen (15) days. The written ruling of the President shall constitute the final decision.

## IX. Training and Education

Jones provides various preventive and educational programs to promote awareness of sexual assault, domestic violence, dating violence and stalking.

- Jones Orientation sessions include educational information to raise awareness about sexual assault, domestic violence, dating violence and stalking and introduce campus resources to all incoming students.
- The Enrollment Services conducts workshops focused on sexual and dating violence awareness and prevention, warning signs of abusive behavior, personal safety and victim risk reduction, and bystander intervention training for all students throughout the year. In addition, organization sponsors, student groups, staff, or faculty may request a workshop on sexual and dating violence awareness and prevention for their class, club or student group.
- The Campus Housing department conducts a mandatory workshop for all housing students on sexual assault and domestic/dating violence prevention education. Safety information, such as Campus Police safety escorts, are included in the Campus Housing handbook for housing students.
- The college also provides written and video resources through the Enrollment Services and through the MyJones electronic student portal.
- Self-defense classes are offered through the Bobcat Fitness Center for all Jones community members.

- New-employee orientation includes information about the college's policy on sexual assault, domestic violence, dating violence and stalking and introduces campus resources and educational material that is available to all employees.

## References

Regarding Title IX issues:

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1328  
1-800-421-3481  
<http://www.ed.gov/ocr>

EEOC, Title VII issues:

US Equal Employment Opportunity Commission  
Dr. A. H. McCoy Federal Building  
100 West Capitol Street, Suite 338  
Jackson, Mississippi 39269  
<https://www.eeoc.gov/employees/howtofile.cfm>