

## Meridian Community College

### Sexual Misconduct Policy

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Meridian Community College is committed to creating and maintaining a community in which students and employees can learn and work together in an atmosphere free of the threat of sexual assault. Every member of the college community should be aware that the College considers personal physical safety of students and employees to be a minimal prerequisite for the establishment of a quality learning environment.

MCC views any form of sexual misconduct (including sexual assault, domestic violence, dating violence and stalking) as a serious offense, and such behavior is prohibited by state law and by college policy. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities. The College will investigate reports of violations of sexual misconduct in an impartial, prompt, and equitable manner. Reporting an incident is a separate step from choosing to prosecute. We are concerned with the victim's welfare and want to ensure that the appropriate treatment and support is provided. When a person files a report with the Campus Police, they are not obligated to continue with legal proceedings or college disciplinary action. Prosecution of individuals for crimes they commit, whether by state or federal prosecutors, is independent of and in addition to the charges or disciplinary proceedings instituted by the College. The Title IX coordinator (or designee) oversees the College's investigation and response to incidents of Title IX violations. Meridian Community College has designated the Dean of Student Services as the Title IX Coordinator.

Ms. Soraya Welden  
Dean of Student Services  
Ivy Hall, Room 138  
Phone: 601-484-8628  
Email: [swelden@meridiancc.edu](mailto:swelden@meridiancc.edu)

A student also has the right to file a formal complaint by contacting the United States Department of Education:

Office of Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202.1100  
Customer Service Hotline: 800-421-3481 TDD: 877-521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov) Website: [www.ed.gov/ocr](http://www.ed.gov/ocr)

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#### Types of Sexual Misconduct

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**1. Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**2. Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**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.

**Consent** is defined as agreeing to do or allow something. It may be given by words or actions, so long as those words or actions create clear, mutually understood permission to engage in (and the conditions of) sexual activity. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. A person who is unable to consent includes, but is not limited to, any person under the legal age of consent, 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.

**3. Domestic Violence:** A felony or misdemeanor crime of violence committed

By a current or former spouse or intimate partner of the victim;

By a person with whom the victim shares a child in common;

By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;

By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**4. Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

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 purposes 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.

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

**5. Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

Fear for the person's safety or the safety of others; or

Suffer substantial emotional distress.

For the purposes of this definition:

*Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

### **Reporting sexual assault and receiving assistance**

The Title IX Coordinator (or designee) is available to help anyone who reports a violation of the sexual misconduct policy. The Coordinator can provide assistance and information regarding crisis intervention, assessment, and referral for the victim and the accused. The Coordinator, along with other members of student services, are responsible for coordinating prevention education efforts on campus.

Individuals may report violations of sexual misconduct to the Title IX Coordinator by phone, email, or written notice. Employees of the college should report violations to the Human Resources Coordinator located in the Business Office of Hardin Hall.

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off-campus, the College will provide the student or employee with a copy of the MCC Sexual Assault policy which contains written explanations of the student's or employee's rights and options.

A student may choose to use the College disciplinary process in cases involving another student, whether the incident occurred on- or off-campus. An individual has the right not to report if they choose. If the reporting student requests confidentiality or requests that the complaint not be pursued, the Coordinator will take all reasonable steps to investigate the complaint and respond consistently with the student's request as long as doing so does not prevent the College from responding effectively. The College will take all reasonable steps to protect the confidentiality of the victim and other necessary parties. Publicly available record keeping, including Clery Act reporting and disclosures, will not contain personally identifying information about the victim. The College will also maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the

ability of the institution to provide the accommodations or protective measures. The Coordinator will inform the student that confidentiality cannot be assured.

If the reporting student insists that he/she remains anonymous in the investigation, the Coordinator will inform the student that such a request will limit the College’s ability to respond to the complaint. The Coordinator will evaluate the request in the context of the College’s responsibility to provide a safe and nondiscriminatory environment for all students. When reasonably available, the College can provide assistance in changing academic, living, transportation, working arrangements, and other protective measures, if requested with the Coordinator, regardless of whether the victim chooses to report the crime to campus or local police and regardless of whether the incident occurred on or off campus.

Any college employee receiving a report of sexual assault involving a student should refer the matter to the Title IX Coordinator. The Coordinator will discuss options and resources with the person reporting the sexual assault and with the student.

Where applicable, MCC will enforce orders of protection, “no contact” orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts or by the institution.

MCC maintains relationships with various institutions which offer confidential services to assist victims of sexual violence. A few of those institutions are the Care Lodge, Weems Mental Health, Psychology Associates, and Wesley House. These institutions provide services such as counseling, health, mental health and victim advocacy. See the contact information below for off campus resources.

<p><b><i>Care Lodge</i></b>                  24 Hour Hotline 601-693-4673                  Community Service 601-482-8719                  Domestic Violence Shelter                  601-483-8436</p>	<p><b><i>Wesley House</i></b>                  1520 8<sup>th</sup> Avenue                  Meridian, MS 39307                  601-485-4736</p>
<p><b><i>Weems Community Mental Health Center</i></b>                  1415 College Drive                  Meridian, MS 39307                  601-483-4821</p>	<p><b><i>Psychology Associates</i></b>                  5004 Highway 39 North                  Meridian, MS 39307                  601-693-8307</p>
<p><b><i>Anderson Regional Medical Center</i></b>                  2124 14<sup>th</sup> Street                  Meridian, MS 39301                  (ER) 601-553-6111</p>	<p><b><i>Rush Foundation Hospital</i></b>                  1314 19<sup>th</sup> Avenue                  Meridian, MS 39301                  (ER) 601-703-9260</p>
<p>Care Lodge- Meridian, MS  <a href="http://www.carelodge.com">www.carelodge.com</a></p>	<p>Wesley House- Meridian, MS  <a href="http://www.wesleyhousemeridian.org">www.wesleyhousemeridian.org</a></p>
<p>Mississippi Coalition Against Domestic Violence  <a href="http://www.mcadv.org">www.mcadv.org</a></p>	<p>Clery Center for Security on Campus  <a href="http://www.clerycenter.org">www.clerycenter.org</a></p>

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### **Procedures for reporting a sexual misconduct violation:**

1. A person should go to a safe place as soon as possible.
2. The person should also try to preserve all physical evidence. If a person is reporting a sexual assault that has occurred within the previous 72 hours, it may be possible to collect trace evidence of the offense. This evidence is important particularly if a person wishes to prosecute the offender. Do not shower or bathe, wash hands, use the toilet, change clothing, or wash clothing or bedding. If the victim changed clothes, please place all of the clothing that was worn at the time of the incident in a paper (not plastic) bag.
3. Seek medical attention. A medical examination will provide any necessary treatment and collect important evidence. MCC police are available to transport sexual assault victims to any local hospital of the victim's choice where a rape examination may be conducted. See the local hospitals listed above.
4. A person may report the incident to the Title IX Coordinator or Campus Police, and/or local law enforcement.
5. Call MCC Campus Police. (It is the victim's decision whether to involve the police in an incident. Deciding not to involve the police does not prevent the victim from seeking assistance from the Title IX Coordinator.) To report an incident that has just occurred, or to report an incident at a later date, call MCC Campus Police at 601-484-8620 or 601-934-0072. Campus Police will assist the victim in notifying local law enforcement if the victim chooses to do so.

Reporting an incident to the MCC Campus Police helps:

- Identify and apprehend the alleged assailant;
- Maintain future options regarding criminal prosecution, College disciplinary action, and/or civil action against the perpetrator; and
- May protect the victim and others from future assaults by the same assailant.

When an incident is reported, an MCC police officer will complete an incident report. An investigator will be summoned to begin an investigation into the offense. This process is important if the victim wishes to bring criminal charges at this or a later time. The victim will be asked questions about the incident and asked to identify any witnesses and what happened before and after the incident. Generally, the MCC Campus Police works to safeguard the identity of the victim.

6. Call off-campus police. A person can call 911, the Meridian Police Department (601-485-1893), or the Lauderdale County Sheriff's Department (601-482-9898).
7. Seek counseling or other support. A victim who wishes to speak to someone confidentially is encouraged to contact one of the resources listed in the chart above.

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### **Disciplinary process**

In responding to reports of sexual assault, the College will support and protect the persons involved and protect the College community. Interim measures such as campus escorts, academic changes, employment or housing modifications, or interim suspension may be provided to any person involved in an incident.

A charge of sexual assault against an individual will be handled by the Office of the Dean of Student Services under the normal College disciplinary processes. The Dean, or Associate Dean, will conduct a prompt, fair, and impartial process from the initial investigation to the final result. The Dean, or Associate Dean, of Student Services has the discretion to suspend a student accused of sexual assault, pending the completion of the investigation. Upon completion of any necessary investigation, the Dean, or Associate Dean, of Student Services will formally notify the accused student of the charge(s).

Investigations involving any type of reported sexual assault will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking along with how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

Both the person filing a complaint and the person accused of a violation of the policy on sexual assault has certain rights in the College disciplinary process. The standard of evidence in sexual misconduct violations is a preponderance of the evidence.

The person filing a complaint has the right to:

- Be present whenever the accused student is present in the disciplinary process;
- Be accompanied by a representative of their choice;
- Be present when (or if) disciplinary action is announced to the accused;
- Make a formal statement, orally or in writing, prior to consideration of any penalty to be imposed on the offender;
- Be notified, at the same time as the offender, of any penalty being imposed;
- Be notified of any appeals filed by the offender, and to respond to any new evidence presented as the basis for any appeal; and
- Be notified, at the same time as the accused, of the result of any appeals.

Both the accuser and the accused have the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.

Both the accuser and the accused will be simultaneously notified, in writing, of the result of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. Both the accuser and the accused have the right to appeal the result of the institutional disciplinary proceeding.

Both parties will be notified when the results become final and any change to those results.

See the *MCC College Catalog* for the Disciplinary Process for Students and for the Student Appeals Procedure.

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## **Retaliation**

Retaliation against a person who has in good faith filed, supported or participated in an investigation of a complaint of any type of discrimination, harassment or sexual misconduct as defined above is prohibited. Retaliation includes but is not limited to, ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's educational, living, or work environment. Students accused of retaliation will be subjected to the procedures of the MCC Disciplinary Process.

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## **Sanctions**

The sanctions for students found guilty of sexual assault under this policy range from a minimum of suspension for one year to a maximum of permanent expulsion. Any student suspended under this policy must, as a condition of reentering the College, submit to the Dean of Student Services proof of successful completion of counseling by a licensed mental health professional and the results of a psychological evaluation.

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## **Education programs**

MCC has contracted with a company to provide online, interactive sexual misconduct education for students and employees. Each module provides information related to sexual assault, dating and domestic violence, sexual harassment, bystander intervention and links to federal and state laws. Other topics related to healthy relationships, the importance of consent and being a good communicator, and the many ways a student can help create the safe, positive campus to be a part of are also discussed.

During the academic year, local agencies such as the Care Lodge and Wesley House provide programs and services to our students and employees relating to domestic violence. The Care Lodge also hosts a conference on Domestic Violence which is attended by various employees.

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