

## DISCIPLINARY PROCEDURES

Violations of campus regulations, which could result in suspension from the College, will be considered by the five (5) member Discipline Committee. Each academic year, the Discipline Committee membership shall be recommended by the Vice President for Student Services to the President and include a faculty member as chair, an administrative/professional staff representative from the Student Services division, an administrative/professional staff representative from the Instructional Division, a student representative from the Student Body Association, and a faculty member at large. The Vice President for Student Services has the authority to designate a special discipline committee when it is not feasible to convene the regularly appointed committee.

Disciplinary actions or complaints may be brought by either students or school personnel. Such actions or complaints must be presented to the Dean of Students who shall prepare a written account of the violation, i.e., an Incident Report. The following procedures will be followed:

1. The decision to convene the Discipline Committee will be based on the nature of the offense as outlined in the handbook or the habitual offender criteria. These determinations will be made by the Vice President for Student Services in consultation with the Dean of Students.
2. The accused student will be notified in writing of the charges made and the time and place of the hearing.
3. The accused student will be informed of his/her rights at the same time they are notified of the charges.
4. The accused student will be present during the entire presentation of the evidence and may question the parties initiating the charges and the witnesses as appropriate.
5. The accused student will be allowed to have counsel at all times. This person may be a student, faculty member, or other adult, but counsel may not speak unless granted specific permission. Counsel may only advise.
6. The accused student will respond first to the charges, which have been made, and the members of the Discipline Committee will have an opportunity to ask questions.
7. Any available witnesses will be called and asked to give their version of the events. The Discipline Committee and the accused student will have the opportunity to question each witness.
8. After the presentation of evidence and the questioning of witnesses, the Discipline Committee will deliberate in private.
9. A vote will be taken on the guilt or innocence of the accused after the committee has deliberated. If the vote is not guilty, the student shall be dismissed and no further action shall be taken. If the vote is guilty, the accused student shall be recalled and possible sanctions and previous records will be discussed. The accused student may respond to the possible sanctions.
10. The Discipline Committee will deliberate sanctions in private. A vote will be taken on expulsion or a lesser sanction after the committee has deliberated. If the vote is expulsion, the action will be noted on the form. If the vote is for a lesser sanction, deliberation shall continue as to the actual sanction until there is agreement among the majority.

11. The recommendation will be submitted to the Vice President for Student Services for implementation and to the President for his information.
12. The decision of the Discipline Committee may be appealed within three days to the President. All appeals must be in writing and based on extenuating circumstances not fully considered in the hearing or on procedural matters within the hearing process.
13. If appealed to the President, he will take the matter under advisement. A meeting with the student making the appeal and the Vice President for Student Services will be part of the appeals procedure.
14. The decision of the President may be appealed to the Board of Trustees. This appeal must be initiated within 24 hours of the decision made by the President. The appeal must be requested in writing and will be placed on the agenda of the next regular monthly board meeting.
15. If a decision of the Discipline Committee is appealed the imposition of the sanction may be held in abeyance at the discretion of the Vice President for Student Services. Under circumstances which involve a clear threat to the health and safety of individuals, the sanctions will go into effect immediately.



## SEXUAL MISCONDUCT

East Central Community College (ECCC) is committed to providing and promoting an institutional environment where all employees and students may pursue their studies, careers, duties, and activities in an atmosphere free of the threat of unwelcome and unwanted sexual actions. The College strongly condemns sexual offenses, will not tolerate sexual offenders, and supports those who have been victimized. In response to any reported sexual misconduct, the College will take all appropriate steps to eliminate the misconduct, prevent its recurrence, and address its effects. Any behavior that constitutes sexual misconduct under this policy will subject the offender to disciplinary action, up to and including termination from employment or expulsion from the College, whether or not criminal charges are filed.

### A. Introduction

Sexual misconduct of any form is harmful and illegal and will not be tolerated at ECCC. Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the College, and violate College policy. To foster a climate that encourages the reporting of sexual misconduct, ECCC will respond promptly, fairly, and decisively to all reports of sexual misconduct. Members of the college community accused of sexual misconduct will be subject to the college's disciplinary procedures when the alleged incident has occurred on campus or when the incident has occurred off campus and materially affects the learning environment or operations of the college.

Cases of sexual misconduct are serious violations of the College's student regulations, faculty standards, and college employee policies. They are crimes under state law and punishable by fines and/or imprisonment. In addition, these actions are subject to civil suits for damage. ECCC will carefully review and/or investigate all reports to provide fair, efficient, and impartial evaluation and resolution.

ECCC is compliant with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) as amended in 1998, which requires all postsecondary institutions to publish and distribute certain information regarding campus crimes, including reports of campus sexual assault, sexual assault policies, and security programming to all current students, employees, and to any applicant who so requests.

### B. Purpose & Scope of the Policy

The purpose of this policy is to provide the ECCC community with a clear set of guidelines regarding behavioral standards, as well as a common understanding of key concepts and definitions. This policy applies equally to all members of the college community: students, faculty, administrators, staff, contract employees, and visitors, regardless of race or gender. It is intended to guide and protect members of the College community who have been impacted by sexual misconduct as a grievant, respondent, or third party.

### C. College Statement on Privacy & Confidentiality

The College Statement on Privacy and Confidentiality is intended to make members of the college community aware of the reporting and confidential disclosure options available to them so that they can make informed choices about where to turn should they become a victim of sexual violence. The College encourages victims to talk to someone at the College about what happened so they can get the support they need and so the College can respond appropriately. Professional counselors who provide personal counseling to members of the college community are not required to report any information about an incident to the Title IX Coordinator/Vice President for Instruction and/or the Vice President for Student Services without a victim's permission. A victim can seek confidential assistance and support from college employees without triggering a College investigation that could reveal the victim's identity or that the victim has disclosed the incident. While maintaining a victim's confidentiality, these employees or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator/Vice President for Instruction or the Vice President for Student Services. This limited report, which includes no information that would directly or indirectly identify the victim, assists the Title IX Coordinator/Vice President for Instruction and/or the Vice President for Student Services with information about the general extent and nature of sexual violence on and off campus so that the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator/Vice President for Instruction and/or or the Vice President for Student Services, these individuals will consult with the victim to ensure that no personally-identifying details are shared with the Title IX Coordinator/Vice President for Instruction and/or or the Vice President for Student Services.

A victim who speaks to a college employee must understand that if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue

disciplinary action against the alleged perpetrator. Even so, these employees will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, and health or mental health services. A victim who at first requests confidentiality may later decide to file a grievance with the college or report the incident to local law enforcement and have the incident fully investigated. If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community, the President in consultation with the Title IX Coordinator/Vice President for Instruction and Vice President for Student Services may be called upon to issue a timely warning to the community. Any such warning would not include any information that identifies the victim.

When a victim informs an ECCC police officer, the Dean of Students, the Vice President for Student Services, or the Title IX Coordinator/Vice President for Instruction about an incident of sexual violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. The Vice President for Student Services or his/her designee must report all relevant details about the alleged sexual violence shared by the victim with the Title IX Coordinator/Vice President for Instruction. At that time, the College will need to determine what happened including the names of the victim and alleged perpetrator(s), any witnesses, and any relevant facts including the date, time, and specific location of the alleged incident. To the extent possible, information gathered during an investigation will be shared only with the appropriate College staff. ECCC will make every effort to protect students' and employees' privacy and confidentiality.

#### D. Title IX Coordinator/Vice President for Instruction

The oversight and implementation of this Sexual Misconduct Policy is the responsibility of the Title IX Coordinator/Vice President for Instruction and the Vice President for Student Services. The Title IX Coordinator/Vice President for Instruction can be reached at 601-635-6337, and the Vice President for Student Services can be reached at 601-635-6375. To reach the Title IX Coordinator/Vice President for Instruction or Vice President for Student Services after hours or in an emergency, please contact Campus Police at 601-527-8939 or call 911.

#### E. Definition of Terms

Sexual misconduct can be defined as any physical act of a sexual nature perpetrated against an individual without consent or when an individual is unable to freely give consent, including, but not limited to, sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, bullying and cyber-bullying, aiding or facilitating the commission of a violation, and/or retaliation.

1. Sexual Assault – Sexual assault is defined as a forcible or non-forcible sex offense, i.e., sexual intercourse or sexual contact with another person by forcible compulsion (such as coercion) and/or without consent. Absence of protest is not consent. Acts of sexual assault include any sexual penetration (anal, oral, or vaginal), however slight, with any object or sexual intercourse without effective consent. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation by mouth-to-genital contact or genital-to-mouth contact.

2. Consent – Consent requires mutually understandable and communicated words and/or actions demonstrating agreement to participate in the proposed sexual act. Failure to object does not constitute consent. Consent does not exist where it is not expressly given; past consent does not imply future consent; and, consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person. Consent may never be given by minors (in Mississippi, those not sixteen (16) years of age), mentally disabled persons, and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary), or those who are unconscious, unaware, or otherwise physically helpless. Consent can also not be given where there are threats or intimidation. Attempted sexual assault or rape occurs when a person intends to commit the offense and engages in conduct that could lead to it.

3. Incapacitation – Incapacitation is defined as a person not being able to resist sexual activity due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent. It is a violation if the initiator has sex with someone the initiator knows, or reasonably should know, to be incapacitated by alcohol, drugs, sleep, or illness. An incapacitated person is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Someone is incapacitated when they cannot understand who, what, when, where, why, or how, in regards to sexual interaction.

4. Sexual Exploitation – Sexual exploitation is an act(s) committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. This includes, but is not limited to non-consensual video or audio taping of sexual activity, stalking with a sexual component, and voyeurism for personal sexual pleasure.

5. Intimidation – Sexual intimidation involves stalking, indecent exposure, and/or threatening another person that you will commit a sex act against them.
6. Stalking – Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress.
7. Domestic Violence – Domestic violence includes misdemeanor or felony crimes of violence committed by a current or former spouse, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated under domestic or family violence laws, or anyone else protected under domestic or family violence law.
8. Dating Violence – Dating violence is defined as violence by a person who has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on consideration of the following factors: length, type, and frequency of interaction of the relationship.
9. Retaliation – Retaliation is defined as acts or attempts to retaliate or seek retribution against the complainant, respondent, or any individual or group of individuals involved in the investigation and/or resolution of an allegation of sexual misconduct.

#### F. Resources & Support

College Resources for Victims of Sexual Assault - ECCC encourages all members of the campus community to report any incident of sexual misconduct. Because of the sensitive nature surrounding sexual misconduct allegations, the college offers confidential resources and support. Members of the college community have access to resources provided by the College that can provide crisis intervention services, counseling, and academic support. All of the staff and faculty listed below are trained to support individuals affected by sexual misconduct and to coordinate with the Title IX Coordinator/Vice President for Instruction consistent with the College's commitment to a safe and healthy educational environment. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process:

- Title IX Coordinator/Vice President for Instruction: 601-635-6337
- Vice President for Student Services: 601-635-6375
- Dean of Students: 601-635-6267
- Chief of Campus Police and Campus Police Officers: 601-635-6268
- Director of Housing and Student Activities: 601-635-6213

Community Resources for Victims of Sexual Assault – A student who believes he or she has been the victim of sexual misconduct may also contact the following community agencies:

- Decatur Family Medical Clinic: (601) 635-2258
- Laird Hospital – Union: (601) 774-8214
- Professional Crisis Intervention Counseling can be provided by Weems Mental Health professionals located in Leake County at (601) 267-3551; Neshoba County at (601) 656-3451; Newton County at (601) 635-3342; and Scott County at (601) 469-2211
- Newton Crisis Intervention Center Central Mississippi - (601) 683-4300
- The Wesley House Community Center in Meridian is an official Sexual Assault Center that can provide: (1) a Sexual Assault team composed of the Victim Services staff, law enforcement, Sexual Assault Nurse Examiners, and Sexual Assault Response Team as well as Professional Therapists available for clients and their families. Appointments can be made by calling the center and requesting an appointment at (601) 485-4736.
- National Sexual Assault Hotline: (800) 656-4673

Academic and Housing Accommodations – A student who believes he/she has been the victim of sexual misconduct as well as a student who has been accused of sexual misconduct may contact the Vice President for Student Services at 601-635-6375 to request consideration of the following interim actions when related to the incident or accusation of sexual misconduct:

- Interim suspension of an accused student or employee;
- Making alternative housing or workplace arrangements;
- Modifying class or work schedules, as necessary;
- Addressing other academic or workplace concerns, e.g. incompletes, leaves, or withdrawal;
- No-contact directives;



- Involving law enforcement to assist with order or safety; and/or
- Any other appropriate actions warranted by the circumstances.

#### G. Reporting Sexual Misconduct

ECCC encourages all members of the campus community to report any incident of sexual misconduct. The College has adopted procedures to promptly and fairly address concerns, complaints, and grievances about sexual misconduct. Student complaints or grievances may be submitted informally or formally via the College's Student Complaint Procedures or Student Grievance Procedures. Employee complaints or grievances may be submitted informally or formally via the College's Employee Grievance and Complaint Procedures. Although there is no time limit on filing a grievance with College administration, students and employees are highly encouraged to report incidents of or share information about sexual misconduct as soon as possible after the incident occurred. The College may ultimately be unable to adequately investigate if too much time has elapsed or if an accused individual has left the institution. Other factors that could negatively affect the College's ability to investigate include the loss of physical evidence or the potential departure of witnesses. The standard of proof as recommended by the Office of Civil Rights used in sexual misconduct hearings will be "preponderance of evidence" or "more likely than not" that the violation did/did not occur. There are two options students or employees can pursue to make a formal grievance of sexual misconduct.

##### 1. Filing a Grievance with College Administration

Students may file a grievance of sexual misconduct by a college employee by contacting the Title IX Coordinator/Vice President for Instruction at 601-635-6203. Students may file a grievance of sexual misconduct by another student to the Vice President for Student Services at 601-635-6375. Upon receipt of a sexual misconduct grievance, the Vice President for Student Services will report the grievance to the Title IX Coordinator/Vice President for Instruction at 601-635-6203. College administration will counsel students and employees regarding the grievance process.

##### 2. Making a Report to Law Enforcement

In the case of an emergency, victims should call 911 from wherever they are, and a law enforcement official will respond to assist them. In non-emergency situations, allegations of sexual misconduct can also be reported to the campus police at 601-635-6268 and after hours at 601-527-8939. Victims of rape should attempt to preserve evidence by making every effort to save anything that might contain the perpetrator's DNA. Therefore, a victim should not bathe or shower, use the restroom, change clothes, comb hair, clean up the scene, or move anything the offender may have touched. Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date.

#### H. Investigation of Grievances

Care and consideration of the victim's wishes will be taken into account throughout the intervention process. Individuals who feel that they are victims of any sexual misconduct are encouraged to file a complaint or grievance with the Title IX Coordinator, Campus Police Department, Dean of Students, or the Vice President for Student Services. The College strongly recommends that all victims seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection. Additionally, the College strongly recommends that all victims seek counseling and emotional assistance. A full range of support services can be initiated through the office of the Title IX Coordinator or the Vice President for Student Services. The lead investigator for any sexual misconduct issues will typically be the college's Title IX Coordinator/Vice President for Instruction. If circumstances arise where it is inappropriate for this person or this person is unable to serve as the lead investigator, the responsibility will be assigned to the Vice President for Student Services or another campus official trained in issues of sexual misconduct. For student and employee grievances against a student of the College, results of the investigation and/or the subsequent hearing will be referred to the Vice President for Student Services for consideration of possible disciplinary action against an accused student using the list of possible sanctions below. For student and employee grievances against an employee of the College, results of the investigation and/or the subsequent hearing will be referred to the Vice President for Business Operations for consideration of possible disciplinary action against an accused employee using the list of possible sanctions below.

#### I. Student and Employee Rights

ECCC takes all claims of sexual misconduct seriously and will afford certain rights to individuals involved in such conduct, whether they are a grievant or the accused. The rights for a grievant and an accused include:

- The right to an investigation and appropriate resolution of all credible complaints or grievances of sexual misconduct made in good faith to college administrators;
- The right to have complaints or grievances of sexual misconduct responded to quickly and with sensitivity;
- The right to be treated with respect by College officials;
- The right to preservation of confidentiality to the extent possible and allowed by law;
- The right to a grievance hearing closed to the public;
- The right to have complaints or grievances filed with and investigated by employees who have received sexual misconduct adjudication training;
- The right to be fully informed of any hearing policies and procedures as well as the nature and extent of all alleged violations contained within the grievance;
- The right to bring an advisor (a student, faculty member, other adult, etc.) to all phases of the investigation and hearing proceeding. The advisor may not speak without permission but may only advise;
- The right to present relevant witnesses to any hearing proceeding;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right to appeal the finding of the Hearing Committee according to established procedures for student due process or employee due process as determined by the College; and
- The right to be informed (simultaneously for the grievant and the accused) verbally and in writing of the outcome of the investigation and/or hearing proceeding and applicable appeal procedures.

#### J. Sanctions

Examples of possible sanctions for sexual misconduct include, but are not limited to:

- Expulsion/Termination from the College: Permanent separation of the student or employee from the College and all College functions or activities;
- Suspension from the College: Suspension for a definite period of time or temporary separation of the student or employee from the College and all College functions or activities;
- Disciplinary Probation: Probation with or without loss of designated privileges for a definite period of time. The violation of the terms of disciplinary probation may be grounds for suspension, expulsion, and/or termination from the College;
- Loss of Privileges: Loss of privileges as may be consistent with the offense committed and the rehabilitation of the student or employee. Examples include, but are not limited to, removal from the residence hall or campus housing and/or suspension from campus activities, i.e. athletic contests, intramurals, other extra-curricular activities;
- Appropriate Training: Students or employees may be required to attend sensitivity or other appropriate training;
- Fines: Students may be fined according to the Student Disciplinary Procedures where appropriate; and
- Other appropriate sanction(s) as determined by College administration. Depending on the severity of the sexual misconduct behavior(s) and/or action(s), multiple sanctions may be administered by College administration to the accused student or employee.