



RESPONDENT RESOURCES

TITLE IX AND INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT

THE UNIVERSITY'S COMMITMENT

The University of Mississippi is committed to fostering an environment that prevents sex-based discrimination, sexual harassment, and other unwelcome sexual conduct and interpersonal violence. As part of this commitment, the University adheres to effective, equitable, and fair procedures to investigate and adjudicate formal complaints containing allegations of this nature.

The University does not discriminate on the basis of sex in the educational programs or activities that it operates and is required under Title IX of the Education Amendment of 1972 not to discriminate in such a manner. The University does not tolerate or excuse sexual harassment or interpersonal violence.

THE EQUAL OPPORTUNITY & REGULATORY COMPLIANCE AND TITLE IX OFFICE

The Office of Equal Opportunity & Regulatory Compliance (EORC), which houses the Title IX Office, is the designated University office responsible for addressing and responding to allegations of sex-based discrimination, sexual harassment, interpersonal violence, and other sexual misconduct. Accordingly, the EORC Office conducts investigations into formal complaints alleging a violation of the University's Title IX Policy or its Interpersonal Violence and Sexual Misconduct Policy, and provides supportive measures and accommodations to parties, with or without the filing of a formal complaint.

Honey Ussery, the Assistant Director of EORC and Title IX Coordinator, is the appropriate University official to contact to make a report or formal complaint of sex-based discrimination, sexual harassment, interpersonal violence, or other sexual misconduct. If you have questions or would like to speak with someone at the University regarding these issues, please contact the University's Assistant Director of EORC/Title IX Coordinator. Alternatively, complainants may contact VIP: Survivor Support. Respondents may contact U-Matter: Student Support and Advocacy. **To contact the Assistant Director of EORC/Title IX Coordinator, please use the information below:**

Honey Ussery
Assistant Director of EORC/Title IX Coordinator
Office of Equal Opportunity & Regulatory Compliance
University of Mississippi
P.O. Box 1848
120 Lester Hall
University, MS 38677-1848
P: (662) 915-7045
F: (662) 915-1229
hbussery@olemiss.edu

IMPORTANT THINGS TO REMEMBER

FILING A FORMAL COMPLAINT

- A **complainant** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A complainant generally has the option to decide whether they would like the University to conduct an investigation into the allegations of interpersonal violence or sexual misconduct.
- A **respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- If a complainant files a formal complaint with the University alleging a violation of the Title IX Policy or Interpersonal Violence and Sexual Misconduct Policy, they can withdraw the formal complaint at a later time if they decide to do so.

REPORTS AND FORMAL COMPLAINTS

- *A report is different than a formal complaint.*
- A **report** is a communication to the Assistant Director of EORC/Title IX Coordinator notifying her of an allegation of sexual harassment, interpersonal violence, or sexual misconduct.
- A **formal complaint** is a signed document from a complainant to the Assistant Director of EORC/Title IX Coordinator alleging sexual harassment, interpersonal violence, or sexual misconduct against a respondent and requesting that the University investigate the allegation.
- Community members who believe they have, or believe someone they know has, experienced a potential policy violation may submit a report in writing, in person, by mail, by telephone, by electronic mail, or by any other means that results in the Assistant Director of EORC receiving the report.
- Individuals who believe they have experienced a Title IX or Interpersonal Violence and Sexual Misconduct Policy violation may file a formal complaint with the EORC Office requesting an investigation into an alleged policy violation.
- Individuals can file a formal complaint without meeting with the Assistant Director of EORC/Title IX Coordinator in person, so long as the complaint: (i) contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the formal complaint, (ii) alleges sexual harassment against the respondent, and (iii) requests that the University investigate the allegations.
- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of the University.

SUPPORTIVE MEASURES

- **Supportive measures**, which are non-disciplinary, non-punitive, individualized services offered by the University as appropriate, as reasonably available, and without fee or charge, to either party, are available to the parties of a Title IX or Interpersonal Violence and Sexual Misconduct case with or without the filing of a formal complaint.
- Members of the University community may receive supportive measures from the EORC/Title IX Office, VIP: Survivor Support, or U Matter: Student Support & Advocacy, including but not limited to: academic accommodations, housing accommodations, safety accommodations, and other individualized services offered by the University as appropriate and as reasonably available.

- Please contact the Office of Equal Opportunity & Regulatory Compliance for more information on supportive measures and accommodations.

ADVISORS

- The complainant and the respondent have the right to have an advisor of their choice, who may be, but is not required to be, an attorney, present throughout the entire grievance process.
- At any time during the Title IX or Interpersonal Violence and Sexual Misconduct grievance process, both parties may choose their own advisors or may request that the University provide them an advisor at no cost or fee.

AMNESTY

- To encourage University community members to timely seek medical care and to promptly report allegations of sexual harassment and other prohibited conduct, the University offers amnesty to those individuals who the EORC Office learns has voluntarily consumed alcohol or other drugs relating to the alleged incident under investigation.
- Students who have consumed or possessed alcohol or drugs during the circumstances related to or involving the incident alleged in a Title IX or Interpersonal Violence and Sexual Misconduct report or formal complaint will not face conduct proceedings nor be otherwise sanctioned for such conduct under the University's drug and alcohol policies.
- This amnesty extends to complainants, respondents, and any witnesses making a report, formal complaint, or participating in an investigation or proceeding in any manner.

RETALIATION

- Retaliation against an individual who initiates a Title IX or Interpersonal Violence and Sexual Misconduct report or formal complaint, participates in an investigation, or pursues legal action, is prohibited.
- Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by the University's Title IX or Interpersonal Violence and Sexual Misconduct, constitutes retaliation.
- If an individual believes they may have experienced retaliation, please contact the EORC Office.

OFFICE FOR CIVIL RIGHTS

- Complaints can be filed directly with the Office for Civil Rights using the following contact information:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Dept. of Education Bldg.
400 Maryland Ave., SW
Washington, DC 20202-1100
P: 1 (800) 421-3481
TDD: 1 (800) 877-8339
P: (202) 245-6800
F: (202) 245-8392
Email: OCR@ed.gov

HOW WILL THE UNIVERSITY RESPOND TO A REPORT OR FORMAL COMPLAINT ALLEGING A TITLE IX OR INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY VIOLATION?

RECEIPT OF A REPORT OR FORMAL COMPLAINT

If the Office of Equal Opportunity & Regulatory Compliance (EORC) receives a report or formal complaint alleging sex-based discrimination, sexual harassment, sexual misconduct or interpersonal violence, a staff member from that office will reach out to the complainant to discuss the availability of supportive measures, and inform the complainant of the availability of supportive measures with or without the filing of a formal complaint. A staff member from the EORC Office will also explain the process for filing a formal complaint.

FILING A FORMAL COMPLAINT

If an individual decides to file a formal complaint with the University's EORC Office, upon receipt of a formal complaint, the EORC Office will provide written notice to the parties of the allegations contained in the complaint, along with notice of the University's grievance procedures. The notice of allegations will include sufficient details about the allegations potentially constituting sexual harassment under University policy and will provide the parties sufficient time to prepare a response before any initial interview. These details will include, to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting a policy violation, and the date and location of the alleged incident.

THE INVESTIGATION

An EORC Investigator will then promptly begin an investigation into the allegations contained in the formal complaint. The Investigator will attempt to interview the complainant and the respondent of the alleged incident. Additionally, the Investigator will request from both parties any information and evidence that is directly related to the allegations under investigation, including the names of potential witnesses to interview. Both parties will also have the ability to discuss the allegations under investigation with the Investigator and to gather and present relevant evidence.

At the conclusion of the investigation, the Investigator will make an investigative report that fairly summarizes relevant evidence. The report will not contain findings of fact as to whether a University policy violation did or did not occur but will instead contain a summary of the investigation and all relevant documents submitted by the parties and potential witnesses.

RESOLUTION OF A FORMAL COMPLAINT

The parties to a Title IX or Interpersonal Violence and Sexual Misconduct case may be able to reach a resolution through an informal resolution process, called mediation. If the parties are unable reach an agreement through mediation, the matter will be resolved by the University's designated Independent Decision-Maker through a live hearing. After the live hearing, the Independent Decision-Maker will create a written determination regarding the respondent's responsibility.

Depending upon the facts and circumstances of a particular Title IX Policy or Interpersonal Violence and Sexual Misconduct Policy violation, sanctions resulting from a finding of responsibility may range from a verbal reprimand to expulsion from the University. Sanctions are enforced immediately upon determination of the violation.

More information about how the University will respond after receiving a report or formal complaint can be found in the University's Title IX Policy or the Interpersonal Violence and Sexual Misconduct Policy.

UMATTER: STUDENT SUPPORT & ADVOCACY

The U Matter: Student Support and Advocacy Office at the University of Mississippi is an on-campus resource that serves as the official office for finding resources and information on how students can care for themselves and their peers when in distress. The U Matter Office also provides confidential advocacy to assist respondents and those alleged to have committed sexual misconduct, and serves as a liaison between the University of Mississippi and local resource groups. The U Matter: Student Support and Advocacy Office operates under the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX or Interpersonal Violence and Sexual Misconduct grievance process.

Mandi Bloodworth
UMatter: Student Support & Advocacy
University of Mississippi
P.O. Box 1848
Student Union Suite 301
University, MS 38677-1848
P: (662) 915-7248
F: (662) 915-5735
umatter@olemiss.edu
tmnewsom@olemiss.edu

UNIVERSITY COUNSELING CENTER

The Counseling Center has a team of dedicated professionals who strive to offer the best care possible in an atmosphere of respect to individuals of the University community. Need assistance after hours? Call the University Police Department at (662) 915-7234 and ask to be connected to the counselor on call.

Counseling Center
University of Mississippi
P.O. Box 1848
320 Lester Hall
University, MS 38677-1848
P: (662) 915-3784
F: (662) 915-7831
counslg@olemiss.edu

UNIVERSITY PSYCHOLOGICAL SERVICES CENTER

The Psychological Services Center offers a unique and comprehensive approach to the educational, psychological, and spiritual well-being of our community. The initial appointment is \$25, and later appointments are billed on a sliding-fee scale.

Psychological Services Center
University of Mississippi
382 Kinard Hall
University, MS 38677-1848
P: (662) 915-7385
F: (662) 915-1396

UNIVERSITY POLICE DEPARTMENT AND OXFORD POLICE DEPARTMENT

It does not matter if you were drinking (even if under the legal drinking age) or using drugs; the police care about what happened to you.

If an incident occurred on campus, contact the University Police Department (UPD).

If an incident occurred off-campus and in the City of Oxford, contact the Oxford Police Department (OPD).

University Police Department
Kinard Hall, Wing C
University, Mississippi 38677
P: (662) 915-7234
F: (662) 915-5371
upd@olemiss.edu

Oxford Police Department
715 Molly Barr Road
Oxford, Mississippi 38655
P: (662) 232-2400

FREQUENTLY ASKED QUESTIONS

Q. Will I be in trouble with University?

A. The University has a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the grievance process. Depending upon the facts and circumstances of a particular Title IX Policy or Interpersonal Violence and Sexual Misconduct Policy violation, sanctions resulting from a finding of responsibility may range from a verbal reprimand to expulsion from the University. Sanctions are enforced immediately upon determination of the violation.

Q. What if I don't remember?

A. The EORC Investigator will investigate the allegations contained in a formal complaint and will collect evidence to enable the University's Independent Decision-Maker to reach a determination regarding responsibility. This may include speaking to witnesses and reviewing physical evidence, including text messages, videos, photos, etc.

Q. Who will find out that I have been accused?

A. The University respects the sensitive nature of incidents involving alleged sexual harassment, interpersonal violence, or sexual misconduct and takes particular care to protect the privacy of all parties involved in such an incident, to the extent possible by University policies and procedures

and the law. Because of the nature of an investigation, those individuals who are interviewed may learn about the allegations and the identities of the individuals involved. In addition, if an investigation results in a hearing, those individuals who are involved in the hearing (the Independent Decision-Maker, staff members, individuals selected as advisers by the complainant or the respondent, and witnesses) also may learn more about the incident. However, these individuals receive explicit instructions regarding confidentiality and know not to share information about an incident outside the University grievance process.

Q. How does the University’s Interpersonal Violence and Sexual Misconduct Policy differ from its Title IX Policy?

A. In addition to protecting members of the University community from sexual harassment, interpersonal violence, and sexual misconduct that does not occur within a University’s program or activity, the Interpersonal Violence and Sexual Misconduct Policy also protects individuals from sexual exploitation.

The University defines Sexual Exploitation to include the following behaviors that occur inside or outside a University program or activity, and includes but is not limited to:

- Non-consensual videotaping, audiotaping, or photographing of sexual activity even if the sexual act is consensual
- Non-consensual posting, publishing, sharing, or displaying photo, audio, or video of sexual activity even if the activity was originally recorded with effective consent
- Voyeurism, which is a form of sexual exploitation in which one individual engages in secretive observation or non-consensual video or audio taping of another for personal sexual pleasure
- Any disrobing of another or exposure to another without effective consent
- Any collecting, creating, viewing, and/or distributing of pornography/sexual images of those under the age of eighteen (18)

Q. Do I have to discuss what happened with the University?

A. No. If you get a phone call or email from a University employee and do not want to discuss your experience, please respond and let the employee know you do not want to discuss the incident.

Q. Will the school tell my parents?

A. In most cases, no. FERPA is a federal law that protects information about you and your access of University services.

Q. What do I do if I want University services and/or accommodations?

A. Depending on the circumstances, the University can provide numerous services, including academic accommodations, housing accommodations, counseling, health care services, parking services, police escorts, No Contact orders and other options. Either the Assistant Director of EORC/Title IX Coordinator, a VIP: Survivor Support advocate, or a U Matter: Student Support & Advocacy advocate, can help provide these accommodations. The University may also be able to recommend off-campus services.

Q. What do I do if I want to talk to a counselor?

A. The University has several options available for counseling services. The University Counseling Center is located on the Oxford campus and is available to University students and employees. The Counseling Center does not charge for its services. The University’s Psychological Services Center is located on the Oxford campus and is available to University

students and employees and the general public. The Psychological Services Center charges users for its services on a sliding scale. The University has a Student Health Center located on the Oxford campus that offers psychiatric services and general medical care. There is no charge to see a physician or nurse practitioner. Family Crisis Services offers free counseling services off-campus as space allows.

Q. Will I get expelled?

A. There is no predetermined sanction for a Title IX or Interpersonal Violence and Sexual Misconduct Policy violation. Expulsion is a possibility depending on the circumstances of an alleged incident.

Q. Do I have to tell the police?

A. No. As long as you are over the age of seventeen, it is your choice whether you want to go to the police. If someone else is concerned about your safety or believes you are in danger, that person may call the police. Generally, it is your option to press charges.

Q. Will I be in trouble with the police?

A. This depends on the circumstances. There are different avenues for reporting incidents of sexual harassment, and the criminal avenue is one that is available to complainants, in addition to filing a formal complaint with the University. The police may be notified about an incident of sexual harassment, interpersonal violence, or sexual misconduct, even if the University is not notified. If criminal charges are filed, the accused student is likely to be interviewed by the police, and a grand jury will determine whether enough information is present to proceed. In cases where a grand jury determines a court case is warranted, the accused student will be indicted.

Q. Should I get a lawyer?

A. Each student who is accused of sexual misconduct must determine for her/himself whether to retain an attorney. Both parties to either a Title IX case or an Interpersonal Violence and Sexual Misconduct case have the right to have an advisor of their choice, who may be, but is not required to be, an attorney, present throughout the entire grievance process. At any time during the grievance process, both parties may choose their own advisors or may request that the University provide them an advisor at no cost or fee.

Q. I received a No Contact order. What does that mean?

A. No Contact orders typically give specific instructions regarding who the student should not contact. Contact includes phone calls, emails, text messages, interaction through social media, in-person encounters, and communication through third parties. Having another individual contact the person named in the No Contact order also can be a violation of the order. Students who receive No Contact orders from the University must comply with the instructions in the order to avoid further action. A No Contact order does not necessarily mean that an investigation has commenced.

Q. What do I do if I am concerned about my immediate health or safety, or feel like I or someone else is in danger?

A. If you are concerned that you or someone else is in danger of imminent physical harm, contact law enforcement immediately. If you are on the Oxford campus, the University Police Department can be reached at (662) 915-4911 or (662) 915-7234. If you are in the Oxford city limits, you can reach the Oxford Police Department by calling 911 or (662) 232-2400. If you are in Lafayette County, the Lafayette County Sheriff's Office can be reached by calling 911 or (662) 234-6421. The hospital that serves the University, the city of Oxford, and Lafayette County, is Baptist

Memorial Hospital and can be reached by calling 911 or (662) 232-8100. The number 911 should only be used for emergencies.

Q. What do I do if I want to speak to someone about advocacy?

A. Advocates are individuals provided by the University who work with victim-survivors, or students accused, of interpersonal violence or sexual misconduct.

For victim-survivors, as well as individuals who are alleged to be the victim of conduct that could constitute sexual harassment (complainants), the University has a VIP: Survivor Support area located in Longstreet 309 on the Oxford campus. Please call (662) 816-5377 to speak to an advocate.

For individuals who have been reported to be the perpetrator of conduct that could constitute sexual harassment (respondents), the University has U Matter: Student Support & Advocacy. Please call (662) 915-7248 to speak to an advocate.

Q. What do I do if I want to keep my information private?

A. The Counseling Center, Student Health Center and Psychological Services are granted privilege by Mississippi law. Privilege means that in most circumstances employees in those offices are prohibited by law from sharing your information without your permission. Privilege applies to all individuals over the age of 18 but does not cover minors. In addition to employees with privilege, University policy allows workers in VIP: Survivor Support as well as in U Matter: Student Support & Advocacy to keep information private in most circumstances. Most other employees on campus are required to report all information about sex-based discrimination, sexual harassment, interpersonal violence, and other sexual misconduct to the Assistant Director of EORC/Title IX Coordinator.