

HOW DOES TOUGALOO COLLEGE ENSURE COMPLIANCE WITH TITLE IX?

The university is committed to maintaining an educational environment free from sex discrimination, sexual violence, or sexual misconduct of any type. The Title IX Coordinator oversees TC's efforts to prevent discrimination and misconduct, and to respond effectively when they occur.

The college strongly encourages reporting all forms of sexual misconduct. TC's policy is to investigate reports promptly, thoroughly and fairly, to ensure the safety of students, employees, and others who participate in our programs. Retaliation against those who report misconduct is not tolerated.

All members of the university community should take time to familiarize themselves with the Sexual Misconduct Policy, which can be found at tougalo.edu/title-iv

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 is a law that forbids exclusion or discrimination based on sex in any education program or activity receiving federal financial assistance. This includes conventional forms of discrimination, such as differential treatment in academic programs. It also includes discrimination in the form of sexual harassment or violence.



TITLE IV FAQs GENERAL QUESTIONS

WHO IS THE COLLEGE TITLE IX PERSONNEL?

The College Title IX Coordinator and Deputy are:

Mr. Moses K. DuPre'

500 West County Line Road
Tougaloo, Mississippi 39174
Office: 601-977-7899

mkdupre@tougalo.edu

Dr. Latoya Haymer

500 West County Line Road
Tougaloo, Mississippi 39174
Office: 601-977-7904

lhaymer@tougalo.edu

The Title IX Coordinator is responsible for overseeing the college's efforts to prevent sexual misconduct, and to respond effectively when it occurs. This includes overseeing training and awareness efforts, investigations, disciplinary proceedings, and other matters. If you have questions about university policy or other matters relating to Title IX, please feel free to contact the Title IX Compliance Office

Email: titleix@tougalo.edu

DOES TITLE IX APPLY TO EMPLOYEES AS WELL AS STUDENTS? MEN AS WELL AS WOMEN?

YES, AND YES.

Title IX prohibits sex discrimination in "any education program or activity." TC's Sexual Misconduct Policy therefore applies to all members of the university community, including students, faculty and staff. It also applies to independent contractors, visitors on campus, and those participating in university programs such as summer camps and conferences. It applies regardless of a person's sex, sexual orientation, or gender identity.

Sexual Assault

refers to rape or other physical sexual acts perpetrated against a person without their consent. Sexual assault includes sexual penetration or intercourse or any other physical contact of a sexual nature that occurs without consent.

Sexual Exploitation

is taking sexual advantage of another person in a way that deliberately infringes on their reasonable expectation of privacy and/or security but does not involve actual or attempted physical contact. An example of sexual exploitation would be recording images, video or audio of 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.

WHAT IS SEXUAL MISCONDUCT?

For purposes of university policy, the term "sexual misconduct" refers to unwelcome behavior of a sexual nature committed without effective consent. This includes but is not limited to the following:

Sexual Harassment

is unwelcome conduct of a sexual nature that is severe, pervasive, or persistent enough to impair a person's ability to participate in university programs or activities. It can include verbal or non-verbal communication or physical conduct. Examples of prohibited sexual harassment include, but are not limited to

- repeated sexual solicitations toward a person who has not indicated they are welcome;
- conditioning favorable treatment in connection with any university program upon sexual favors;
- threats of a sexual nature that do not rise to the level of sexual assault or domestic violence; and
- severe, pervasive, or persistent insults or derisive comments related to sex, gender, or sexual orientation directed at a specific individual

The college's Sexual Misconduct Policy is interpreted in accordance with the rights to free expression held by members of the university community. Thus, the mere expression of opinions, ideas, words or symbols that another person finds objectionable will not, without more, constitute sexual misconduct.

Stalking

means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or suffer substantial emotional distress. Examples of stalking include but are not limited to physically pursuing a person against their wishes, or sending repeated, unwanted messages by electronic or other means.

Domestic/Dating Violence

refers to acts of physical violence, or threats of physical violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The violent act itself may or may not be sexual in nature.

WHAT IS CONSENT TO SEXUAL ACTIVITY?

Consent refers to words or actions that clearly show an active, knowing and voluntary agreement to engage in a particular sexual activity. Consent is determined objectively. This means that an individual is deemed to have given consent when a reasonable person, under the circumstances of the encounter, would understand the individual's words and/or actions as indicating the required agreement.

Consent may be withdrawn at any time by words and/or actions that clearly show the individual no longer wishes to participate. Silence and/or the absence of resistance by themselves are not consent. Consent to engage in sexual activity in the past by itself is not consent to future sexual activity. Consent to engage in sexual activity with one person is not consent to engage in sexual activity with another person.

OTHER FACTORS THAT MAY PRECLUDE CONSENT ARE:

Force or coercion.

There is no consent when a person submits to sexual activity due to physical force, the threat of physical force, or coercion. Coercion refers to threatening an adverse consequence that would prevent a reasonable person from exercising free will in the decision whether to consent. Coercion is not merely words of persuasion one might reasonably use to seek voluntary consent.

Incapacity or impairment

There is no consent if a person is mentally or physically incapacitated or impaired such that they cannot understand the fact, nature, or extent of the sexual situation. This includes impairment or incapacitation due to alcohol or drug consumption if it prevents the person from having such an understanding, as well as being asleep or unconscious. It also includes instances in which a person lacks the required understanding due to medical conditions, or cognitive or other disabilities.

Age

There is no consent for purposes of university policy where a person is too young to give effective consent under applicable law. Under Mississippi law, people under fourteen cannot give effective consent to sexual activity with any person who is more than twenty-four months older. People between fourteen and sixteen cannot give consent to anyone who is more than thirty-six months older.

WHAT WILL HAPPEN WHEN I REPORT SEXUAL MISCONDUCT TO THE COLLEGE?

The Title IX Coordinator or a designee will contact you to learn more about what you have reported. They will inform you of your options for seeking supportive measures, such as interim housing accommodation, or changes to class or work schedules. They will provide you with information on TC's policies and procedures, including how to submit a formal complaint.

The college may also take other interim steps, such as entering a no-contact order between the reporting person and the accused person. The person who contacts you also will explain the investigation and adjudication process.

Under normal circumstances, the university will strive to complete a full investigation within sixty days of a report of sexual misconduct. Depending on the results of the investigation, the university may hold a disciplinary hearing. If at the hearing the respondent is found to have committed an offense, disciplinary action will be taken.

ANONYMOUS REPORTING

Anonymous complaints of discrimination, sexual misconduct, or other unethical or unlawful behavior can be made by emailing or visiting the Title IX Office (Title III Building). In addition, you can dial (601-977-7899).

If your situation involves any immediate threat, call 911 or the Tougaloo College Public Safety Office.

Also, please note that the Ethics Line is not equivalent to reporting sexual misconduct to the Title IX coordinator. While the college will take appropriate steps to address threats to safety or other ongoing problems identified by anonymous disclosures, its ability to respond, impose discipline, and/or assist the complainant normally will be significantly limited. Members of the community are therefore strongly encouraged to consider the other options for reporting.

REPORTING TO LAW ENFORCEMENT

Sexual misconduct may involve violations of criminal laws. Members of the university community always retain the right to report sexual misconduct to the police but are not required to do so. Reporting to law enforcement is separate and independent from reporting to the university. If requested, the university can assist you in contacting law enforcement to file a report.

In an emergency, the TC Public Safety and Jackson Police Departments can be reached by calling 911. Non-emergency contact information for these agencies is as follows:

TC Police Department	601-977-7857
Jackson Police Department	601-960-1234
Hinds County Sheriff's Office	601-974-2900
U.S. Dept. of Education Office of Civil Rights	800-421-3481

Reporting to the TC Police Department will constitute a report on the college and will result in a response by the Title IX Coordinator. Reporting to other law enforcement agencies will not trigger these responses unless and until that agency or the complainant elects to share that information with the university.

WHAT IF SOMEONE ATTEMPTS TO RETALIATE AGAINST ME FOR REPORTING SEXUAL MISCONDUCT?

Retaliation against those who report sex discrimination or sexual misconduct, or who cooperate with an investigation of alleged discrimination or misconduct, whether conducted by the university or any law enforcement agency, is strictly prohibited.

Retaliation is an independent basis for disciplinary action, regardless of the outcome of the underlying complaint. Retaliation includes any adverse action that would deter a reasonable person from reporting, testifying, or otherwise cooperating with an investigation or proceeding. Any such retaliation should be reported immediately to the Title IX Coordinator or the Dean of Students.

WHAT SHOULD I DO IF I HAVE EXPERIENCED SEXUAL ASSAULT OR OTHER SEXUAL MISCONDUCT?

First, you need to ensure your physical safety. Go to a safe place. If you are in danger or need emergency assistance, call 911. Once you are not in danger, you can either report the matter to TC or contact a confidential advisor. Regardless of which option you choose—or if you choose neither—you are always free to report the matter to law enforcement.

FORMAL REPORTING

To report the matter to TC, contact the Title IX Coordinator at 601-977-7899 or at mkdupre@tougaloo.edu and/or titleix@tougaloo.edu

The coordinator or their designee will assist you in obtaining supportive measures and will provide you with information on how to proceed under university policies, including submitting a formal complaint.

<https://www.tougaloo.edu/title-ix>

CONFIDENTIAL ASSISTANCE

Alternatively, to seek confidential assistance, you have multiple options to contact. Tougaloo Student Counseling Service (601-977-7818), Owens Health and Wellness Center (601-977-6160)) and Tamar Counseling (769-251-5303). You will have immediate access to a trained counselor, who will assist you in getting the help you need, including seeking advocacy, counseling, and/or medical care.

Conversations with the available Campus and off-campus Counseling Services, they are confidential and do not constitute a report to TC. In either case, you are not required to submit a formal report to the university, although both can provide information on how to report if you choose to do so. Even after you have reported to TC and/or to law enforcement, you are still free to make use of these confidential resources at any time.

IS THERE ANYTHING I CAN DO TO PRESERVE EVIDENCE OF A SEXUAL ASSAULT?

In many cases, yes. The following steps will help to preserve evidence of a rape or other sexual assault:

- Do not shower or douche.
- Try not to urinate. Urinating may reduce the ability to detect “date rape” drugs.
- If there is oral contact, do not smoke, eat, or brush your teeth.
- Do not change clothes. If you have already changed your clothes, place them in a paper bag, as plastic may destroy evidence. If you haven’t changed, keep the original clothes on and bring an extra set to wear home.
- If there is written or electronic evidence—such as text messages, social media, messages, or emails—in which the incident is discussed, do not delete them. Both the complainant and respondent should consider taking screenshots of any correspondence with the other party around the time of the incident. This may be important to questions concerning consent.

WHAT SANCTIONS MAY BE IMPOSED IF A PERSON IS FOUND RESPONSIBLE FOR SEXUAL MISCONDUCT?

Sanctions for violations of the Sexual Misconduct Policy must be determined based on the facts of each individual case. Sanctions are distinct from non-punitive interventions—such as no-contact orders or changes in housing assignments—which the university may impose to ensure the safety of community members.

Sanctions may include, but are not limited to, expulsion, suspension, conduct probation, loss of campus housing, community service, restrictions on privileges, termination of employment, reassignment of employment, restitution, educational requirements, or a formal warning.

WHAT TYPES OF ASSISTANCE CAN THE COLLEGE PROVIDE IF I REPORT SEXUAL MISCONDUCT?

The university will take steps to assist and protect individuals who report sexual misconduct or seek confidential assistance. The Title IX Coordinator, or Deputy, will discuss potential assistance during an initial meeting with the complaining party. Persons who wish to remain confidential should contact Student Counseling Services, which can refer them to a Sexual Assault Advocate, who can help obtain assistance without triggering a formal investigation.

- Modifying class or work schedules as necessary;
- Making alternate housing or workplace arrangements;
- Addressing other academic or workplace concerns (e.g. assignments, leaves of absence, and withdrawal); and
- Providing additional and/or targeted educational programming and training.

The college may also issue orders prohibiting contact between the complainant, the accused, and/or any other member of the college community. While these accommodations are most provided to complainants, the university may also make accommodations for the accused or any other person, where it deems them necessary for a prompt, fair, and impartial resolution.

WILL THE INFORMATION I CONVEY TO THE COLLEGE REMAIN CONFIDENTIAL?

The college will strive to keep reported information about sexual misconduct private to the greatest extent possible but cannot guarantee that all information will be kept confidential. Once a report is submitted to a Mandatory Reporter, the college has a duty to investigate the matter and ensure the safety of all members of the community. In some instances, this means that certain information must be provided to individuals involved in an investigation.

If a complainant makes a report of sexual misconduct to TC but then declines to submit a formal complaint, the university generally will not pursue further investigation. However, there may be instances in which the Title IX Coordinator determines that the factual circumstances require the university to investigate further and/or initiate disciplinary proceedings on its own initiative.

In cases where a complainant expressly asks that no information be shared with an accused person, disciplinary action is not possible. The college will consider whether that request can be granted while still maintaining the safety of the institution and in either case will provide supportive measures to the complainant as appropriate.

OTHER RESOURCES

There are other people at MSU who can provide confidential assistance that may be helpful to individuals who have experienced sexual assault or harassment. However, these are not considered primary responders. Reporting to them will not put the university on notice of sexual assault and will not result in an investigation. Consequently, the university strongly recommends that initial reports be submitted to the Title IX Coordinator or via the confidential resources listed above first. Once that has occurred, other resources include

- Student Counseling Services (601-977-7818) allows students to meet confidentially with mental health counselors. Additionally, Counseling Services can provide a Sexual Assault Advocate, who can offer confidential assistance, including (1) explaining reporting options; (2) providing accompaniment and assistance in seeking medical care or police protection; and (3) seeking other assistance without disclosing the victim’s identity.
- Owens Health and Wellness Center (601-977-6160) provides medical care, including emergency care, to members of the college community. Health Center staff also can perform a Physical Evidence Recovery Kit (PERK) in cases of rape or sexual assault. Information shared with Health Center staff, including information pertaining to sexual assault or other misconduct, is confidential.
- The Employee Assistance Program (601-977-7725) provides confidential assistance to employees covering a wide range of family, marital, and other issues. The EAP offers telephone counseling and can refer employees for in-person counseling sessions.

WHAT WILL HAPPEN IF THE COLLEGE GOES FORWARD WITH DISCIPLINARY PROCEEDINGS?

All investigations and disciplinary proceedings concerning alleged sexual misconduct or sex discrimination will be conducted in a prompt, fair, and impartial manner by individuals who have received appropriate training on domestic violence, sexual assault and related issues. Procedures for investigation and adjudication are included in the Sexual Misconduct Policy link [HERE](#).

Briefly, the Title IX Coordinator will select an appropriately trained person or person to investigate. The parties will be advised of the nature of the charges, their rights, and the procedures to be followed at any hearing. The parties will have equal rights throughout the resolution process and will have an equal opportunity to inspect evidence, present relevant witnesses and other evidence if a hearing is necessary.

Parties may be assisted by an advisor of their choice throughout the process, who may be but is not required to be an attorney. If a party does not have an advisor, the college will appoint one upon request at no charge.

Hearings will be conducted by appropriately trained adjudicators. The standard of proof for adjudicating any sexual misconduct charge is a preponderance of the evidence standard. In other words, the evidence must show that it is more likely than not that the alleged sexual misconduct occurred. Unless and until that standard is met, respondents are presumed not responsible for alleged misconduct.

Both the complainant and the respondent will be informed simultaneously and in writing of the outcome of any disciplinary proceeding and the procedures to appeal.

WHAT STEPS DOES THE UNIVERSITY TAKE TO IMPROVE AWARENESS OF SEXUAL MISCONDUCT AND RELATED ISSUES?

The college's policy is to provide ongoing training and education to all students and employees on the provisions of this policy and their duties under the same. Training and education programs will include, without limitation:

- A clear statement of the university's prohibition of sexual misconduct, including sexual assault, dating violence, and stalking.
- Information designed to enhance awareness of rape, acquaintance rape, domestic violence, dating violence, and stalking.
- Information on the definition of consent.
- Information on bystander intervention strategies to safely prevent harm where a threat of sexual misconduct exists.
- Information on risk reduction, recognizing signs of abusive behavior, and avoiding potential attacks.

The Title IX Coordinator oversees and monitors the college's training and education efforts to ensure their adequacy for these purposes and their compliance with applicable laws. For information on training, education, and awareness programs available at TC, please contact the Title IX Coordinator.

WHAT INFORMATION ABOUT TITLE IX SHOULD THE COURSE SYLLABI CONTAIN?

All course syllabi should contain the university's standardized statement on Title IX and sexual misconduct. The statement is: Tougaloo College is committed to complying with Title IX, a federal law that prohibits discrimination, including violence and harassment, based on sex. This means that TC's educational programs and activities must be free from sex discrimination, sexual harassment, and other forms of sexual misconduct. If you or someone you know has experienced sex discrimination, sexual violence and/or harassment by any member of the college community, you are encouraged to report the conduct to TC's Director of Title IX Compliance at 601-977-7899 or by e-mail to mkdupre@tougaloo.edu and titleix@tougaloo.edu.

Additional resources are available on the TC Title IX Website.

WHAT HAPPENS IF A DELIBERATELY FALSE REPORT OF SEXUAL MISCONDUCT IS SUBMITTED?

Submitting a deliberately false report or providing false information in bad faith is prohibited and is grounds for disciplinary action. A report is made in bad faith when the person making it knows it was false or made it with reckless disregard for the truth. A report is not made in bad faith merely because the facts asserted later turn out not to be accurate.

CAN A COMPLAINT OF SEXUAL MISCONDUCT BE RESOLVED BY INFORMAL AGREEMENT?

It depends on the nature of the misconduct. Informal resolution is appropriate only where all parties to a sexual misconduct matter request it. Even when a request is made, the college may determine that other alleged violations are sufficiently serious that informal resolution would be inappropriate. In such cases, the matter will be resolved through formal adjudication.

If the complainant and respondent both request informal resolution when it is appropriate, the college will make reasonable efforts to facilitate it.

Informal resolution is strictly voluntary. No one, whether complainant or accused, will be compelled to participate in any mediation or other informal resolution. Further, informal resolution efforts always will be supervised by a properly-trained person with no conflict of interest—that is, not by an investigator or potential formal adjudicator.

WHO ARE TC'S MANDATORY REPORTERS?

Most TC employees are considered Mandatory Reporters for all matters involving sexual assault, harassment, or other forms of sexual misconduct.

If you are employed by TC in any capacity—full time or part time—you should assume that reporting is mandatory for you unless you fall into one of the exceptions listed in TC's Sexual Misconduct Policy (e.g., counselors and medical staff) or have been explicitly informed by your supervisor that you are not required to report.

If you are a student employee such as a Resident Assistant or Grad Assistant, your Mandatory Reporting duties apply to the extent you are performing your job duties. For example, a Resident Assistant would be required to report sexual harassment they learned about from a resident, but not necessarily from a non-resident friend during a private conversation. This limitation does not apply to full-time faculty or staff.

WHAT ABOUT EMPLOYEES WITH JOBS INVOLVING CONFIDENTIALITY, LIKE COUNSELORS?

Certain employees are specifically exempted from Responsible Employee status. These include (1) licensed counselors, such as those at Student Counseling Services, and their staff members; and (2) health care providers and staff, such as those at the Owens Health and Wellness Student Health Center.

College policy does not require these employees to relay any information about sexual misconduct that is reported to them. Conferring with these employees is not considered a report to the college and will not put the university on notice of alleged sexual misconduct or trigger any university investigation or disciplinary proceedings.

WHAT ARE MY REPORTING OBLIGATIONS AS A MANDATORY REPORTER?

Mandatory Reporters are required to notify the university's Title IX Coordinator when they learn of (1) sexual misconduct involving any member of the university community, or (2) any other sexual misconduct on campus or involving any TC program or activity. To that end, Mandatory Reporters should keep the following in mind:

- Reporting should be prompt. A Mandatory Reporter should report an incident of sexual misconduct to the Title IX Coordinator as soon as is practical under the circumstances.
- Reporting is not discretionary. The obligation to report sexual misconduct is not discretionary. A Mandatory Reporter may not, for example, decide that a matter is not sufficiently serious to report. That is a decision for the Title IX Coordinator and appropriate university officials to make.
- Mandatory reporting is not limited to matters involving students. Mandatory Reporters who learn of alleged sexual harassment or other sexual misconduct involving employees—regardless of where they occur—as well as incidents involving guests and other non-student/non-employees if they occur on campus or in connection with an TC activity.
- Independent responses are prohibited. Under no circumstances may any employee, department, organization, or division of the university attempt to resolve unilaterally a complaint of sexual misconduct that is required to be reported under university policy. The Mandatory Reporter must always notify the Title IX Coordinator, who will determine the correct response after consultation with appropriate officials.
- Inform students of your obligations. Many Mandatory Reporters can reasonably anticipate students reporting sexual misconduct to them. The university encourages these employees to inform students of their reporting obligations in advance. When sexual misconduct is actually reported, the employee should tell the reporting person as early in the conversation as possible that any information provided will have to be relayed to the Title IX Coordinator, and that if the reporting person prefers to keep the information confidential, the university has resources such as the Student Counseling Center and Longest Health Center that can provide confidential assistance.
- Tell the reporting person what will happen next. A Mandatory Reporter should tell the person reporting sexual misconduct (1) that they will be informing the Title IX Coordinator of the incident; (2) why they are sharing this information, that is, they have an obligation to inform those on campus in a position to respond; and (3) that the university will contact them to provide additional information and support.
- Do not share the information with others. Once you have informed the Title IX Coordinator, your reporting duties are complete. You may not share the information with anyone else. If your supervisor expects to be notified of such reports, you may inform them that you have relayed a complaint to the Title IX Coordinator, and that they may contact the coordinator directly with questions or concerns.