



Name of Policy	TITLE IX PROHIBITING SEXUAL MISCONDUCT POLICY
Description of Policy	This policy informs faculty, staff, and students of their rights under Title IX and clearly and unequivocally states Alcorn State University's rules and responsibilities regarding Title IX and sexual misconduct. It is designed to ensure a safe and non-discriminatory educational and work environment.
The policy applies to	☒ University-wide ☐ Specific (<i>outline location, campus, organizational unit, etc.</i>)
	☐ Staff only ☐ Students only ☒ Staff and students
Policy status	☐ New policy ☒ Revision of existing policy

Approval authority	
Governing authority	
Responsible officer	The Title IX Coordinator shall be responsible for administering this policy across the Alcorn State University community.

Approval date	
Effective date	August 01, 2025, pursuant to federal guidelines
Approval date of last revision	
Effective date of last revision	
Date of policy review*	As a university-wide policy, this Policy is subject to an annual policy review cycle or as necessary to comply with legislative or regulatory changes. <i>Estimated date of review: August 2027</i>

**Unless otherwise indicated, this policy will still apply beyond the review date*

Related legislation, policies, procedures, guidelines, and local protocols	Alcorn's related procedure policy for responding to Title IX allegations; Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in the University's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex in employment; and Mississippi laws that prohibit discrimination based on sex, sexual orientation, and gender identity. <i>It does not preclude the application or enforcement of other policies of Alcorn State University.</i>
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Background

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

In May 2020, the U.S. Department of Education published its final regulations governing campus sexual assault under Title IX. The final regulations obligate Alcorn State University (“Alcorn”) to ***respond promptly and supportively*** to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims. The final regulations clarify the connection between Title IX, due process, and other laws. Under the final regulations, Alcorn is required to clearly designate a Title IX Coordinator to address sex discrimination, including sexual harassment, disseminate its non-discrimination policy, and provide contact information for the designated Title IX Coordinator.

Examples of discrimination covered under Title IX include:

- Sexual harassment/discrimination (student vs students, student vs employee or vice versa complaints only)
- Failure to provide equal opportunities in athletics based on sex
- Sex based discrimination in the admissions process
- Sexual discrimination in the awarding of scholarships
- Sex based discrimination issues related to campus safety
- Discrimination based on pregnancy, specifically concerning participation in educational programs or activities.

Purpose

Sexual misconduct violates an individual’s fundamental rights and personal dignity and will not be tolerated at Alcorn. The purpose of this policy is to establish a mechanism for determining when rights have been violated within an ***Alcorn education program or activity***. In considering allegations of sexual harassment, Alcorn is concerned with the rights of both the Complainant and the Respondent. This policy outlines the process for addressing and resolving all formal complaints of sexual misconduct against Alcorn students, faculty, staff, and non-affiliates.

Alcorn is committed to ensuring an environment free of discrimination based on sex and will take prompt action towards: (1) stopping prohibited conduct; (2) disciplining those who engage in prohibited conduct in violation of this policy; (3) preventing recurrence of prohibited conduct; and (4) producing equitable remedies. Moreover, Alcorn affirmatively promotes prevention, awareness, and training programs to encourage individuals to report concerns or complaints. Every member of the Alcorn community has a responsibility to help prevent and report acts of prohibited conduct.

Scope/Application

Title IX’s prohibition against sex discrimination and sexual harassment applies to institutions that receive federal financial assistance, including Alcorn. Sexual misconduct will not be tolerated and is a serious offense. This policy applies to all members of the Alcorn community, including students, faculty, staff, volunteers, organizations, and/or any other affiliate that participates in activities associated with Alcorn. Unequivocally, this policy relates to ***all of Alcorn’s programs and activities*** regardless of whether such programs or activities occur on-campus or off-campus and applies to all persons without regard to sexual orientation, gender identity, and/or gender expression.

To the extent a conflict exists between State or local law and Title IX, the obligation to comply with Title IX is not obviated or alleviated by any State or local law. To the extent that other Alcorn or campus-based policies may conflict with this policy, the provisions of this policy shall supersede and govern.

Jurisdiction

This policy covers conduct that occurs:

- In the course of Alcorn operations.
- On campus or any other Alcorn-owned, leased, controlled, or operated location.
- Within the bounds of the United States.
- At any Alcorn-sponsored event or organizational activity whether on or off campus, and/or
- Where Alcorn exercised substantial control over the Respondent in the context of where or how the alleged incident occurred.

Anyone subjected to sexual misconduct is encouraged to utilize available support measures and/or file a complaint with the Title IX office. Individuals who have experienced sexual misconduct are also advised to utilize supportive measures available through Alcorn, whether the person(s) who caused the harm is a member of the Alcorn community. Supportive measures are available whether a Formal Complaint is filed. *At the time of filing a formal complaint with Alcorn, a Complainant must be participating in or attempting to participate in the education program or activity of Alcorn.* A Formal Complaint may be filed with Alcorn’s Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information at www.alcorn.edu for the Title IX Coordinator.

Students are responsible for their conduct from notice of admission to Alcorn through the awarding of a degree or departure from Alcorn. Employees are covered by this policy when representing Alcorn (or deemed to be a representative of Alcorn), whether before, during, or after work. This policy also applies to any person who is both a student and an employee at Alcorn.

Title IX, Title VII, and Other University Conduct Processes: How They Differ

Sex-related concerns at Alcorn may fall under more than one process, depending on who is involved and the nature of the conduct. The table below is provided to help the Alcorn community quickly identify which process applies. When there is any doubt about which process governs a given situation, contact the Title IX Coordinator, who will coordinate with the Office of Human Resources Management (EEO Manager) and/or Student Affairs as needed.

	Title IX (This Policy)	Title VII / EEO (Employment Discrimination)	Other University Conduct Processes
Covers	Sex-based harassment, sexual assault, dating/domestic violence, and stalking occurring within an Alcorn education program or activity	Discrimination or harassment based on sex (or another protected class) in the terms, conditions, or privileges of employment	Non-sex-based misconduct, such as academic integrity violations, general student conduct, or employee performance/conduct issues
Who is covered	Students, employees, and third parties participating in an Alcorn program or activity	Employees and job applicants	Students and/or employees, depending on the process
Handled by	Title IX Coordinator / Title IX Office	EEO Manager, Office of Human Resources Management	Office of Student Affairs (Student Conduct) or the relevant supervisor/HR representative
Governing process	The Title IX Grievance Process described in this Policy (formal complaint, investigation, live hearing, determination, appeal)	EEO/HR investigation and internal grievance procedures	The applicable Student Code of Conduct or employee policy/procedure

When both may apply

An employee who alleges sex-based harassment by a supervisor may raise concerns that implicate both Title IX and Title VII at the same time. The Title IX Coordinator and the EEO Manager will coordinate to determine which process(es) apply and will avoid duplicative or conflicting proceedings where possible.

Freedom of Speech

This policy is not intended to infringe on any form of speech that is protected by the First Amendment of the United States Constitution, nor to regulate protected speech. Nothing in this policy is designed to deprive a person of any rights that would otherwise be protected from government action under the Due Process Clause of the Fifth and Fourteenth Amendments of the U.S. Constitution.

Policy Statement and Principles

In accordance with Title IX and other applicable state and federal laws, Alcorn is committed to ensuring a learning, working, and living environment that promotes integrity, dignity, and respect. Alcorn provides an environment free of unlawful discrimination based on sex and sexual misconduct, which includes sexual assault, sexual harassment, dating violence, domestic violence, stalking, and retaliation. This policy complies with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and state laws.

At Alcorn, Title IX violations will not be tolerated. Students, faculty, and staff who experience conduct prohibited by Title IX have access to criminal, civil, and university disciplinary processes. Alcorn is dedicated to prompt, effective, and fair procedures for investigating and adjudicating Title IX Complaints.

Notice of Non-Discrimination

Alcorn State University does not discriminate based on sex in its education programs or activities, including admissions and employment. Similarly, Alcorn does not discriminate based on race, pregnancy, sexual orientation, gender identity or expression, religion, citizenship, national origin, age, disability, veteran status, or genetic information. Both men and women are protected from sex discrimination and sex-based harassment. Inquiries about the application of Title IX and this part may be referred to Alcorn's Title IX Coordinator, to the Office of Civil Rights, or both. Contact information for both is below:

Title IX Coordinator
Email: titleix@alcorn.edu
Telephone: (601) 877-6124
Office of Student Affairs
1000 ASU Drive #206
Lorman, MS 39096

Office of Civil Rights for Mississippi
Office for Civil Rights, Dallas Office
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Telephone: (214) 661-9600
Facsimile: (214) 661-9587
Email: OCR.Dallas@ed.gov

Definition of Consent

Consent is central to determining whether alleged conduct violates this Policy. Because consent is so often misunderstood, Alcorn sets out its standard here as a standalone, easy-to-locate section, separate from the Glossary.

Consent means a knowing, voluntary, and affirmative agreement to engage in a specific sexual activity, communicated through clear words or actions.

In applying this Policy, Alcorn is guided by the following principles:

- **Affirmative.** Consent must be actively and clearly communicated. Silence, passivity, or the absence of resistance does not, by itself, constitute consent.
- **Voluntary.** Consent must be given free from coercion, force, threats, or intimidation. Consent obtained through physical force, threat, or coercion is not valid.
- **Specific and not open-ended.** Consent to one form of sexual activity does not imply consent to other forms of sexual activity, and consent on one occasion does not imply consent on any future occasion.
- **Ongoing and revocable.** Consent may be withdrawn by any party at any time, including after sexual activity has begun. Once consent is withdrawn, the sexual activity must stop immediately.
- **Requires capacity.** A person cannot give consent if they are asleep, unconscious, or otherwise incapacitated because of alcohol, drugs, or a temporary or permanent mental or physical condition; if they lack the capacity to consent because of age (see the statutory age-of-consent provisions under “Statutory Rape” in the Prohibited Conduct section below); or if they are unaware that the act is occurring.
- **Not implied by relationship status.** A current or previous dating, sexual, or marital relationship does not, by itself, imply consent to future sexual activity.
- **Incapacitation is more than impairment.** Incapacitation is a state beyond simple intoxication in which a person cannot understand the nature or consequences of the sexual activity, cannot appraise the situation, or cannot make a rational, reasonable decision. Whether a Respondent knew or reasonably should have known that a person was incapacitated will be evaluated based on objectively and reasonably apparent indicators.

This standard applies to Alcorn's evaluation of alleged violations of this Policy. It does not alter or supersede Mississippi's separate statutory age-of-consent laws, which are addressed in the definition of Statutory Rape below.

Prohibited Conduct

This section consolidates, in one place, every form of conduct prohibited under this Policy. These definitions are restated for quick reference in the Glossary of Terms/Definitions; the definitions below control for purposes of this Policy.

1. Sex Discrimination

Treating a person differently, or denying a person access to or the benefits of an Alcorn education program or activity, on the basis of sex.

2. Sexual Harassment

Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the university's educational program and/or activities; or

An employee of Alcorn State University conditioning the provision of an aid, benefit, or service of Alcorn on an individual's participation in unwelcome sexual conduct; or

Sexual assault (as defined below), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

3. Sexual Assault (Sex Offenses)

Any sexual act directed at another person without the consent of the victim, including instances where the victim is incapable of giving consent. This includes:

- **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. This offense includes both males and females.
- **Fondling:** The touching of the private parts of another person for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between people 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 age of consent. In Mississippi, per Miss. Code § 97-3-65, effective consent cannot be given by persons under the age of 14. People who are at least 17 years old cannot receive effective consent from anyone between the ages of 14 and 16, or younger by more than 36 months.

4. Sexual Exploitation

Taking non-consensual or abusive sexual advantage of another person for one's own benefit or the benefit of anyone other than the person being exploited, where that behavior does not otherwise constitute sexual harassment, sexual assault, dating violence, domestic violence, or stalking under this Policy. Examples include non-consensual photographing, video- or audio-recording, or distribution of images/recordings of another person's sexual activity or nudity; non-consensual voyeurism; and knowingly exposing another person to a sexually transmitted infection without disclosure.

5. Dating Violence

Violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship is determined based on a consideration of its length, type, and frequency of interaction between the persons involved. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; it does not include acts covered under the definition of domestic violence.

6. Domestic Violence

A felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person cohabiting with, or who has cohabited with, the victim as a spouse or intimate partner; a person similarly situated to a spouse under the domestic or family violence laws of the jurisdiction; or 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 where the crime occurred.

7. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

- **Course of conduct means:** Two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, 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 professional treatment or counseling.

8. Gender-Based Harassment

Unwelcome conduct based on a person's actual or perceived sex, including slurs, taunts, stereotypes, or name-calling, as well as gender-motivated physical threats, attacks, or other hateful conduct.

9. Retaliation

Intimidating, threatening, coercing, or discriminating against any individual to interfere with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated (or refused to participate) in any manner in an investigation, proceeding, or hearing under Title IX. Retaliation is strictly prohibited, even if the underlying conduct reported is ultimately not found to violate this Policy.

REPORTING MISCONDUCT

Alcorn offers several ways to report sexual misconduct and several types of resources for support. The quick-reference table and flowchart below are provided first, for accessibility; the full procedural detail follows in the sections after.

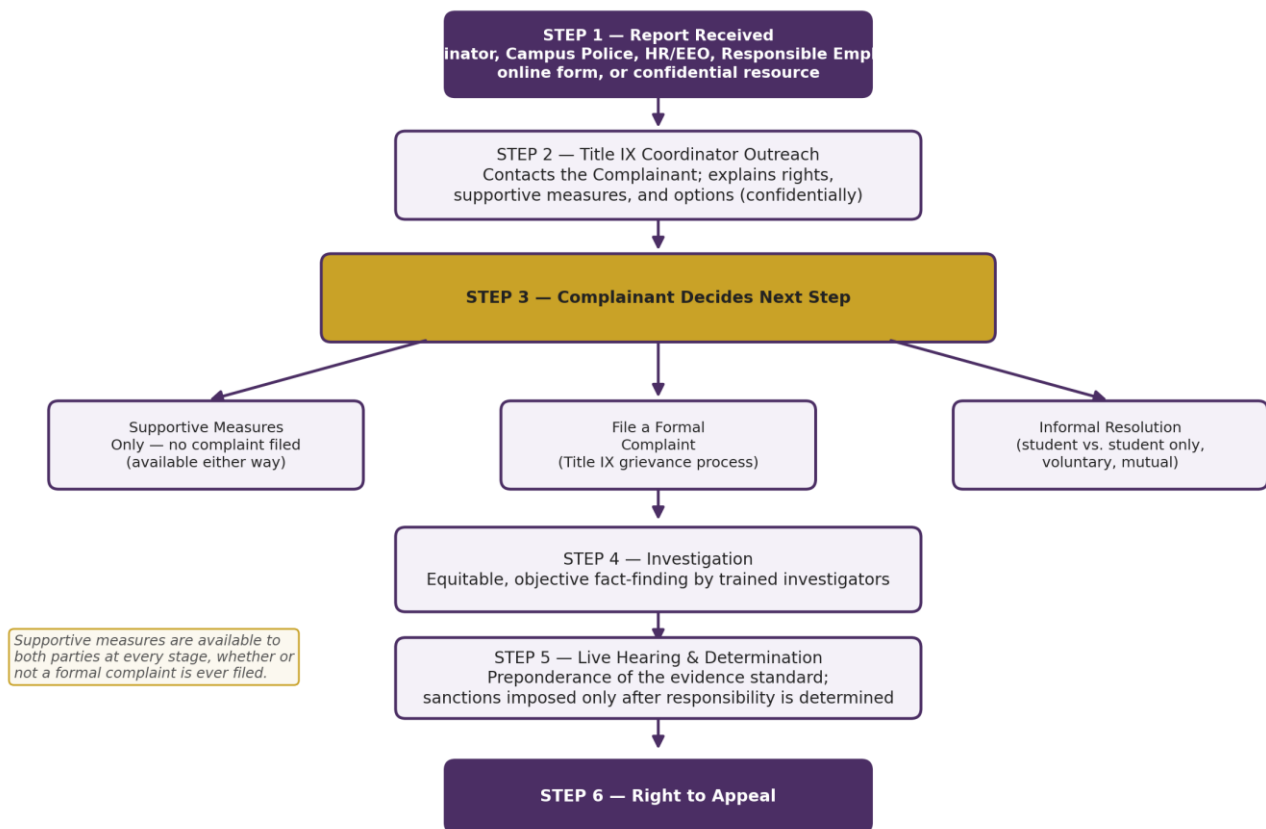
Reporting Options & Resources At-a-Glance

Where to Go	Best For	Confidential?	Contact
Title IX Coordinator	Formal complaints, questions about the process, supportive measures	No	titleix@alcorn.edu — (601) 877-6124 Office of Student Affairs, 1000 ASU Drive #206, Lorman, MS 39096
Campus Police Department	Emergency or immediate safety concern; criminal reporting	No	Call 911 in an emergency, or see Campus Police contact information at www.alcorn.edu (601-877-3000)
Office of Human Resources Management (EEO Manager)	Employment-related sex discrimination (Title VII) or employee-vs-employee complaints	No	hrm@alcorn.edu – (601)-877-6188
Any Responsible Employee	Any concern — most Alcorn faculty/staff must forward reports to the Title IX Coordinator	No	Any Alcorn faculty or staff member
Online Title IX Incident Report Form	Reporting at any time, including outside office hours	Varies	https://www.alcorn.edu/student-affairs/title-ix/incident-report-form/
Confidential Advisor	Guidance and emotional support without automatically triggering an investigation	Yes	Student Health and Wellbeing Advocate – (601)-877-6298
Counseling Center / Student Health Center staff (in that capacity)	Confidential counseling and medical care	Yes	Counseling Services – 601-877-6284
U.S. Dept. of Education, Office for Civil Rights (Dallas)	External complaint outside the university	No	OCR.Dallas@ed.gov — (214) 661-9600

What Happens After You Report

What Happens After You Report

A Simplified Overview of the Title IX Process at Alcorn State University



I. Reporting Misconduct

- A. Alcorn strongly encourages prompt reporting of sexual misconduct. Complaints may be reported to:
 1. Alcorn's Title IX Coordinator.
 2. Office of Human Resource Management.
 3. Campus Police Department.
 4. Confidential Support Services on campus.
 5. Any Responsible Employee; or
 6. Online Title IX Incident Report Form.
- B. An individual may also confidentially report to a Confidential Advisor, mental health counselors, or staff operating in the Alcorn student health center capacity.
- C. When Alcorn is made aware of the circumstances of a possible complaint, the Title IX Coordinator will promptly contact the person alleged to be the victim (referred to as the "Complainant") confidentially to discuss:
 1. Available supportive measures while also considering the Complainant's wishes concerning supportive measures.
 2. Supportive measures are available with or without the filing of a Formal Complaint; and
 3. Explain to the Complainant the process of filing a Formal Complaint.
- D. Any member or potential member of the Alcorn Community may request information or advice, including whether certain conduct violates policy; seek informal resolution; or file a formal complaint. Anyone with actual knowledge of sexual harassment is encouraged to bring their concerns to the Title IX Coordinator.
- E. Any person may report sex discrimination, including sexual harassment (whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment).

- F. Most Alcorn employees are considered “**Responsible Employees**” under the Clery Act, and for purposes of this policy, all Alcorn employees should assume that they are Responsible Employees absent specific instructions to the contrary from an official with authority.
- G. Responsible Employees are required to report instances of sexual misconduct to the Title IX Coordinator if they learn about sexual misconduct involving any member of the Alcorn community or any sexual misconduct on campus or in connection with any Alcorn program or activity. The following are exceptions to the Responsible Employee reporting requirement:
1. Information disclosed at public awareness events (*vigils, protests, speak-outs*) or other public forums where people may disclose incidents of prohibited conduct as part of educating others; and/or
 2. Disclosures made in the course of academic work are consistent with the assignment (creative writing assignment, teamwork, *public speaking course*).

II. Rights of Complainant and Respondent Following a Report

- A. Both parties have the following equal rights:
1. The right to be treated with dignity and respect.
 2. The right to receive written notice of a Complaint.
 3. The right to receive *advance notice, in writing*, whenever invited or expected to participate in an interview, meeting, or hearing.
 4. The right to have a meaningful opportunity to be heard by a neutral decision-maker.
 5. The right to present relevant evidence and/or have witnesses speak on their behalf.
 6. The right to due process and fairness.
 7. The right to have the university’s Student Advocate present during all Title IX meetings or select an Advisor of choice (who may be but is not required to be an attorney) and have their advisor present with them.
 8. The right to be informed of available supportive measures.
 9. The right to have adequate time to review relevant documents.
 10. The right to appeal the decision made or any sanctions imposed.
 11. The right to receive written notice of any outcome; and
 12. The right to report the incident to law enforcement at any time.
- B. The Complainant shall have the right to:
- At all times, decide if or when to file a Formal Complaint, report to law enforcement, and determine whether to proceed with a Formal Complaint, at the individual’s discretion.
- C. The Respondent shall have the right to:
- Be presumed not responsible for the alleged conduct until a determination regarding responsibility is made after the grievance process (Presumption of Innocence).

Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter sexual harassment and/or retaliation. Supportive measures are available to both complainants and respondents regardless of whether a formal complaint is filed.

The Title IX Office promptly make supportive measures available to the parties upon receiving notice. At the time that supportive measures are offered, the University will inform the complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already.

The Title IX Office work with the complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide supportive measures. The University will act to ensure as minimal an academic or employment impact on the parties as possible.

The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Assistance Program;
- Referral to community-based service providers;
- Student financial aid counseling;
- Altering campus housing assignment(s);
- Altering work arrangements for employees or student-employees;
- Safety planning;
- Providing transportation accommodations;
- Implementing contact limitations (no contact orders) between the parties;
- Academic support, extensions of deadlines, or other course/program-related adjustments;
- Class schedule modifications, withdrawals, or leaves of absence;
- Increased security and monitoring of certain areas of the campus; and
- Any other actions deemed appropriate by the Title IX Office.

Right to an Advisor

The parties may each have an advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they choose. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available.

Who Can Serve as an Advisor

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose advisors from inside or outside of the University community.

The Title IX Office will offer to assign a trained advisor for any party if the party chooses. If the parties choose an advisor from outside of those offered by the University, the advisor may not be familiar with the University's policies and procedures.

Parties have the right to choose not to have an advisor in the initial stages of the resolution process, prior to a hearing.

Advisor's Role in Meetings and Interviews

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

Advisors in Hearings/University-Appointed Advisor

Under Title IX regulations, questioning during the hearing must be conducted by the parties' advisors through indirect questioning. The parties are not permitted to directly question each other or any witnesses. If a party does not have an advisor for a hearing, the University will appoint a trained advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own advisor, but they may not proceed without an advisor. If the party's advisor does not conduct questioning, the University will appoint an advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the hearing committee during the hearing.

Pre-Interview Meetings

Advisors may request a meeting with the Title IX Office in advance of interviews or meetings. This pre-meeting allows advisors to clarify and understand their role and the University's policies and procedures.

Advisor Violations of University Policy

All advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to do so. The advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing officer except during cross-examination at a hearing. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process.

Although the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow private consultation.

Any advisor who oversteps their role as defined by this policy will be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the meeting will end, or other appropriate measures implemented. Subsequently, the Title IX Office will determine how to address the advisor's non-compliance and future role.

Sharing Information with the Advisor

The University expects that the parties may wish to have documentation and evidence related to the allegations shared with their advisors. Parties may share this information directly with their advisor or other individuals if they wish. The University also provides a consent form that authorizes the University to share such information directly with their advisor. The parties must either complete and submit this form to the Title IX Office or provide similar documentation demonstrating consent to the release of information to the advisor before the University is able to share records with an advisor.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University.

Expectations of an Advisor

The University generally expects an advisor to adjust their schedule to allow them to attend the University's meetings when planned but may change scheduled meetings to accommodate an advisor's inability to attend, if doing so does not cause an unreasonable delay. The University may also make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. The parties are expected to inform the Title IX Office of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Office if they change advisors at any time. It is assumed that if a party changes advisors, consent to share information with the previous advisor is terminated, and a release for the new advisor must be secured. Parties are expected to inform the Title IX Office of the identity of their hearing advisor at least two (2) business days before the hearing.

COMPLAINT AND INVESTIGATION

I. Initial Response to Complaints

The Title IX Coordinator will promptly contact the Complainant to discuss:

- The process of filing a Formal Complaint;
- The available supportive measures; and
- Consider the Complainant's wishes for filing a complaint or seeking supportive measures.

II. Formal Complaints

- A. Formal Complaints will be initially reviewed by the Title IX Coordinator and must include:
 1. Facts alleging conduct under this policy.
 2. A signature (electronic or handwritten) or other designation that the Complainant is the individual choosing to file a Formal Complaint.
 3. Some allegations or evidence that the conduct occurred in an environment covered by this policy; and
 4. A statement that the Complainant is a student or other person seeking to participate in a program or activity of Alcorn.
- B. If the facts stated in the Formal Complaint warrant dismissal, the Complainant will be notified in writing by the Title IX Coordinator within five (5) business days of the filing. Other reasons for dismissal may include:
 1. Withdrawal by Complainant.
 2. At the time of complaint, the Complainant is no longer participating or attempting to participate as part of the Alcorn community; or
 3. Respondent is no longer affiliated with Alcorn.
- C. If a Complaint is dismissed, it may be reinstated under the Alcorn student code of conduct or other relevant policy or procedure. (I.e. non-sex or gender-based misconduct.)

III. Title IX Coordinator Initiated Complaint

In very limited circumstances, Alcorn's Title IX Coordinator may pursue a complaint absent from a Complainant if it is determined that the allegations present a risk of substantial harm to community members. This may include the use of threats, weapons, violence, a continued pattern of behavior, and/or predatory behavior.

The Title IX Office has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Office may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Office's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Office must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Office executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

IV. Consolidation in the Title IX Process

Regulatory Authority

Under 34 CFR § 106.45(b)(4), recipients have the authority to consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

When Consolidation is Appropriate

Consolidation may be appropriate in the following circumstances:

1. Multiple Complainants Against One Respondent

When two or more complainants file separate formal complaints alleging sexual harassment by the same respondent, and the allegations arise from the same facts or circumstances (e.g., incidents at the same party, pattern of conduct occurring during the same time period, related series of events).

Example: Three students separately report that the same individual sexually harassed them at a fraternity party on the same evening.

2. One Complainant Against Multiple Respondents

When a single complainant alleges sexual harassment by multiple respondents arising from the same facts or circumstances (e.g., group sexual assault, collaborative harassment campaign).

Example: A student alleges that two respondents engaged in coordinated stalking behavior or jointly committed sexual assault.

3. Multiple Complainants Against Multiple Respondents

When allegations involve multiple complainants and multiple respondents, all arising from the same incident or related series of events.

Example: Multiple individuals report being harassed by several members of an athletic team during related hazing incidents.

4. Cross-Complaints Between Parties

When both parties file formal complaints against each other alleging sexual harassment arising from the same facts or circumstances.

Example: Two students each file complaints against the other stemming from the same encounter or ongoing relationship conflict.

Key Considerations for Consolidation Decisions

Same Facts or Circumstances Requirement

The regulations require that allegations arise from the "same facts or circumstances." This generally means:

- **Temporal proximity:** Incidents occurred at the same time or during a related time period
- **Location connection:** Events occurred at the same location or related locations
- **Factual overlap:** Allegations share common witnesses, evidence, or contextual facts
- **Pattern evidence:** Conduct demonstrates a related pattern or practice

Factors Weighing Against Consolidation

Even when allegations arise from the same facts or circumstances, consolidation may not be appropriate if:

- Consolidation would be unduly complex or confusing
- Privacy concerns significantly outweigh efficiency benefits
- Power imbalances between parties would be exacerbated
- The number of parties or allegations would make a fair hearing impractical
- Different stages of investigation would create procedural complications
- Consolidation would cause undue delay for any party

Notice Requirements for Consolidation

Written Notice to All Parties

When the Title IX Coordinator decides to consolidate formal complaints, the institution must provide **written notice** to all parties that includes:

1. **Statement of consolidation decision:** Clear indication that multiple complaints are being consolidated into one investigation and grievance process
2. **Identification of all parties:** Names of all complainants and all respondents involved in the consolidated matter
3. **Summary of allegations:** A description of each allegation being included in the consolidated process, including:
 - The identity of parties involved in each allegation

- The conduct allegedly constituting sexual harassment
- The date and location of each alleged incident (if known)
- 4. **Rationale for consolidation:** Explanation of why the allegations arise from the same facts or circumstances
- 5. **Statement of rights:** Reminder that all parties retain their rights under the grievance process, including:
 - Right to an advisor of choice
 - Right to inspect and review evidence
 - Right to present witnesses and evidence
 - Right to written determination
 - Right to appeal
- 6. **Procedural information:**
 - Timeline for the consolidated investigation
 - Identity of the investigator(s)
 - How the consolidated process will proceed
 - Any modifications to standard procedures due to consolidation

Timing of Notice

- Notice should be provided promptly after the consolidation decision is made
- All parties must receive notice simultaneously
- Notice should be provided before the investigation proceeds in a consolidated manner

Right to Object to Consolidation

Objection Process:

1. **Timeline for objection:** Parties have three business days from receipt of consolidation notice to submit written objections
2. **Grounds for objection:** Parties may object based on:
 - Allegations do not arise from the same facts or circumstances
 - Consolidation would prejudice their rights or ability to participate fairly
 - Undue complexity or confusion would result
 - Privacy concerns outweigh efficiency benefits
 - Specific procedural concerns unique to their case
3. **Review process:**
 - The Title IX Coordinator (or designee not involved in the initial consolidation decision) reviews the objection
 - May request additional information from the objecting party
 - Considers whether consolidation serves fairness, efficiency, and thoroughness
4. **Written determination:** The institution issues a written decision on the objection explaining:
 - Whether the objection is sustained or overruled
 - The reasoning for the decision
 - Any modifications to consolidation approach
 - How the process will proceed
5. **Notice to all parties:** All parties in the consolidated matter receive notice of the objection outcome

V. Notice of Investigation

A. When an investigation commences, the Respondent shall be sent written notice including the following:

1. The specific charge(s) alleged.
2. The date and location, if known, of the incident.
3. A summary of the allegation(s) with a reasonable amount of specificity; and

4. The policies and procedures applicable to the alleged violation.
- B. The investigator(s) will make every effort to conduct a thorough and prompt investigation based on the facts and circumstances of each complaint within thirty (30) days of the notice. Complicated or consolidated investigations may take longer.
- C. The investigation shall include meetings with the parties involved, including witnesses and any other parties the Investigator may deem appropriate.
 1. The Respondent and Complainant will be allowed to identify witnesses to be interviewed.
 2. The Investigator may seek and collect, and parties may submit, any documents or other relevant information, including, but not limited to, photographs and video or audio recordings.
 - c. Information from social media; and/or
 - d. Screenshots or other communications
 3. After the investigation, the Investigator shall prepare a draft investigative report summarizing the investigation and all relevant evidence obtained.
 4. The draft report shall be sent electronically to each party and, if identified, the party's Advisor.
 5. All evidence shall be included, even that which Alcorn does not intend to rely on in reaching a determination regarding responsibility, and shall include inculpatory and exculpatory evidence, whether obtained from a party or other source.
- D. The parties shall have five (5) business days from the date a draft report is submitted to review and submit a written response. The Investigator will review the comments and prepare a final report.
- E. The final investigative report shall:
 1. Include a timeline of events.
 2. Include the facts and circumstances surrounding the Complaint.
 3. Summarize relevant evidence.
 4. Credibility Assessment.
 5. Recommendations, findings, and final determination.
 6. Be sent electronically, along with all evidence, to both parties and each party's Advisor, if identified, at least 10 business days before a hearing.
 7. After all parties have received and acknowledged the investigation report, a copy is sent to the Title IX Hearing Committee.

The Notice of Hearing (NOH) is sent to the parties within seven (7) days after the Hearing Committee has determined a hearing date. The NOH includes: a summary of the allegations, the names of hearing committee members, the respondent(s), the complainant(s), advisors, and any identified witnesses.

VI. Hearing Procedure

- A live hearing is required in the formal adjudication process, which may be conducted with all parties physically present, or, at the school's discretion, participants may appear virtually, with technology enabling them to see and hear each other;
- Each party's advisor may cross-examine the other party and any witnesses in the live hearing directly, orally, and in real time; cross-examination is conducted by the party's advisor and never by the party personally;
- If a party does not have an advisor to conduct cross-examination; the institution provides an advisor to each party, free of charge.

- The live hearing **may** occur with the parties located in separate rooms, with technology enabling the adjudicator and parties to simultaneously see and hear the party or the witness answering questions;
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the alleged conduct, or concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
- Only relevant cross-examination and other questions may be asked of a party or witness; the adjudicator must determine whether a question is relevant, and explain any decision to exclude a question as not relevant, before a party **or** witness answers a cross-examination or other question;
- If a party or witness does not submit to cross-examination at the live hearing, the adjudicator must not rely on any statement of that party or witness in reaching a determination regarding responsibility (however, the adjudicator cannot draw an inference about the determination regarding responsibility based solely on a party's or witness absence from the live hearing or refusal to answer cross-examination or other questions); and
- Available audio or audiovisual recording, or a transcript of live hearings will be made available to the parties for inspection and review.

Determination Regarding Responsibility

The decision-maker(s) are members of the Title IX Hearing Committee. The IX Hearing Committee must issue a written determination regarding responsibility. To reach this determination, the committee must apply the preponderance of the evidence standard.

The written determination will be provided to the parties simultaneously and will include:

- An identification of the allegations of sexual harassment;
- A recitation of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the school's sexual misconduct policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school's education program or activity will be provided by the school to the complainant; and
- Procedures and permissible bases for appeal.

VII. Appeals Overview

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Office within five (5) business days of the delivery of the Notice of Outcome.

The Executive Director of UOC, or designee will review the appeal request. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Executive Director of UOC or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing). The Executive Director of UOC, or designee will have five (5) business days to review for standing after receiving the appeal.

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed. General dissatisfaction with the outcome of the proceeding is not a basis for appeal.

NOTE: All evidence shall be included, even those which Alcorn does not intend to rely on in reaching a determination regarding responsibility, and shall include inculpatory and exculpatory evidence, whether obtained from a party or other source.

A. Grounds for Appeal

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter.
2. New evidence that was not reasonably available at the time determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Office, Investigators, or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, the request will be denied by the Executive Director of UOC or designee. The parties and their Advisors will be notified in writing of the denial and the rationale.

Appeals Process (Step by Step Guidance)

Written Notice of Appeal shall be forwarded to the Title IX Coordinator within five (5) business days of email notification of the final determination (Address: Title IX Office 1000 ASU Drive # 239 Lorman, MS 39096 or email: titleix@alcorn.edu).

1. The Notice of Appeal shall contain the following information:
 - a. Name of the Complainant and Respondent.
 - b. A copy of the outcome report.
 - c. Ground(s) for appeal and if the appeal is based upon the discovery of new information, a description/documentation of the new information, and reason(s) it was not discoverable prior to or during the investigation.
2. Upon receipt of the Notice of Appeal, the Title IX Coordinator, within three (3) business days of receipt of the Notice of Appeal, shall:
 - a. Confirm receipt of the Notice of Appeal to the appealing party.
 - b. Notify the other party of the appeal; and
 - c. Contact the Executive Director for the Office of University Compliance (“OUC”) (if the appeal went to a Title IX Coordinator).
3. The Executive Director of UOC, or designee, shall, within five (5) business days of notice, review the Notice of Appeal and determine if grounds for appeal exist. If no grounds for

appeal exist, the Executive Director of OUC, or designee shall notify the parties and Advisors and close the file. If grounds for appeal exist, the Executive Director of OUC, or designee shall determine the scope of review.

4. Within five (5) business days of receipt of the record, the Executive Director of OUC, or designee shall consider the appellate record, render a written decision including finding and rationale, and forward it to the Title IX Coordinator. The Executive Director of OUC, or designee may:

- a. Uphold the outcome; or
- b. Modify the outcome for responsibility and/or sanctions; or
- c. Overturn the outcome and remand for an investigation.

5. The Executive Director of OUC, or designee shall notify the Title IX Coordinator who shall then notify the parties and Advisors within two (2) business days of receipt of the decision.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' University-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are on hold during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Resolution Timeline

The University will make a good faith effort to complete the resolution process within sixty-to-ninety (60-90) business days, including appeals. This timeframe may be extended as necessary for appropriate cause by the Title IX Office. For any extensions or delays, the Title IX Office will provide written notice and rationale to the parties, as well as an estimate of how much additional time will be needed to complete the process.

B. Long-Term Remedies/Other Actions

Following the conclusion of the formal grievance process, and in addition to any sanctions implemented, the Title IX Office may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Environmental Assessment
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Policy modification and/or training
- Provision of transportation accommodation
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of Title IX Office, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Office will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

Alcorn State University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Hearing Officer (including the Executive Director of UOC or designee).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Office.

INTERIM MEASURES

Interim Measures

- A. Interim measures are remedial measures to help de-escalate and offer a short-term or temporary resolution during an investigation's pendency.
- B. Alcorn's Title IX Coordinator, or designee, may recommend interim measures such as a "no contact" order or suspend a Respondent from participating in the education program or activity on an emergency basis.
- C. **The following procedure applies to an emergency removal or limitation:**

The Title IX Coordinator must determine that the Respondent presents an immediate threat to the physical health or safety of any other individual arising from the allegations of sexual misconduct.

An immediate threat to the physical health or safety of any other individual arising from allegations of sexual misconduct typically includes:

Physical Violence or Threats:

- Direct physical assault or battery
- Explicit threats of violence or harm
- Stalking behavior that poses immediate danger
- Pattern of escalating aggressive behavior

Situations Indicating Imminent Danger:

- Evidence suggesting the respondent may retaliate violently against the complainant or witnesses
- Ongoing physical abuse or pattern of violence
- Possession of weapons combined with threatening behavior
- Demonstrated intent and capability to cause immediate physical harm

Predatory or Repetitive Conduct:

- Multiple allegations suggesting a pattern of dangerous sexual violence
- Behavior indicating active planning of sexual assault
- Evidence of drugging or incapacitating others

Important Context:

This "immediate threat" standard is what allows institutions to implement emergency removal of a respondent from campus before the formal adjudication process is complete. However, institutions must:

- Conduct an individualized safety and risk analysis
- Determine that an immediate threat exists based on objective evidence

- Provide the respondent with notice and an opportunity to challenge the removal decision immediately following the removal
1. Written notice must be provided to the Respondent through the institutional email address of the reason for the interim measure.
 2. The Respondent shall have the right to notify the Title IX Coordinator in writing of any request to challenge the suspension or limitation.
 3. The Title IX Coordinator shall provide an opportunity to meet (virtually or in person, at the discretion of the Title IX Coordinator) within 48 hours of receipt of notice.
 4. The Title IX Coordinator shall send an institutional email with written notice of the decision within 48 hours after the meeting. ***This decision is appealable immediately following the removal or limitation.***
 5. The interim action shall be in effect while the request for review and the review is pending.

Title IX Dismissal Requirements under 34 CFR § 106.45(b)(3)

Mandatory Dismissal

Under 34 CFR § 106.45(b)(3)(i), a recipient **must** dismiss a formal complaint with regard to Title IX sexual harassment if:

1. **The conduct alleged would not constitute sexual harassment as defined in § 106.30** even if proved. This means the alleged conduct does not meet the regulatory definition of sexual harassment, which includes:
 - Quid pro quo harassment by an employee
 - Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies equal access to education
 - Sexual assault, dating violence, domestic violence, or stalking as defined in the Clery Act
2. **The conduct did not occur in the recipient's education program or activity.** The alleged incident must have occurred within the institution's program or activity to fall under Title IX jurisdiction.
3. **The conduct did not occur against a person in the United States.** Title IX's geographic scope is limited to incidents occurring within U.S. territory.

Discretionary Dismissal

Under 34 CFR § 106.45(b)(3)(ii), a recipient **may** dismiss a formal complaint or any allegations therein if at any time during the investigation or hearing:

1. **The complainant notifies the Title IX Coordinator in writing** that they would like to withdraw the formal complaint or any allegations within it.
2. **The respondent is no longer enrolled or employed** by the recipient institution.
3. **Specific circumstances prevent the recipient from gathering evidence** sufficient to reach a determination as to the formal complaint or allegations therein.

When mandatory and discretionary dismissal occurs, the recipient must promptly send written notice of the dismissal and the reasons for it simultaneously to both parties. Dismissal under Title IX does not preclude the recipient from acting under another provision of its code of conduct.

INFORMAL RESOLUTION

A. Informal resolution is a process whereby the parties work with a qualified and neutral individual to resolve the Complaint without formal hearing. This process is entirely voluntary and requires the written consent of both the complainant and the respondent. ***At any time, a party may terminate the informal resolution process.***

B. The Title IX Coordinator must determine that the circumstances and parties are appropriate for informal resolution. Complaints involving violence resulting in significant harm to others are not appropriate for informal resolution.

C. Informal resolution ***will never***:

1. Be required as a condition of enrollment or continuing enrollment, employment or continuing employment or enjoyment of any other right.
2. Require a waiver of the right to an investigation and adjudication under the Formal Resolution process.
3. Be offered as a process ***unless a Formal Complaint is filed***.
4. Be utilized to resolve a ***student's complaint against a Respondent employee***.

D. Informal Resolution Agreements

1. If a Complaint is resolved through informal resolution, a written agreement, including any terms, obligations, and/or outcomes, shall be issued.
2. Agreements must have the approval of the Complainant and Respondent.
3. The Title IX Coordinator must electronically share the agreement with the parties within five (5) business days of resolution.
4. Alcorn shall maintain the privacy of informal resolution processes, and these records shall not be utilized or admissible in the Formal Hearing procedures.
5. No facilitator of an informal process may be called as a witness in any procedure under this policy.
6. If neither party agrees to the terms, the informal process is terminated, and the complaint will be adjudicated under the formal resolution process by the Title IX Hearing Officer and/or Committee.

MISCELLANEOUS PROVISIONS

I. Prohibition of Retaliation

No person may intimidate, threaten, coerce or discriminate against any individual to interfere with any right or privilege secured by Title IX or this policy or because the individual has made or responded to a report or Complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this policy. This also includes serving as an Investigator or as a member of the Title IX Committee, or a decision-maker(s). Alcorn strictly prohibits retaliation or attempted retaliation. Retaliation or attempted retaliation will be subject to severe sanctions up to and including termination or dismissal from Alcorn.

Alcorn will take steps to prevent recurrence and remedy the effects of any violation of this policy. Further, Alcorn is committed to protecting its community from sexual harassment and from retaliation as a result of participating in a Title IX process.

Charging an individual with disciplinary actions outside this policy for making materially false statements in bad faith during a grievance proceeding does not constitute retaliation. The finding of responsibility against a Respondent alone is insufficient to conclude that any party made a materially false statement in bad faith.

II. Title IX Coordinator

The Title IX Coordinator shall oversee the implementation, enforcement, and coordination of Title IX on all Alcorn campuses. Specifically, the Title IX Coordinator manages Alcorn's efforts to comply with its responsibilities under Title IX, which include overseeing all Title IX complaints, monitoring complaint outcomes, identifying patterns, and assessing impacts on the university climate. Furthermore, the Title IX Coordinator manages support measures, conducts training and seminars, and disseminates Title IX information.

In consultation with the Athletic Division, the Title IX Coordinator will monitor sports equity, including offerings, participation, and scholarships, for Title IX compliance. Complaints, supportive measures, or other concerns related to sexual misconduct involving student athletes or Athletics personnel (other than those involving sports equity) shall be addressed in accordance with this policy.

Any member or potential member of the Alcorn community may request information or advice, including whether certain conduct violates policy; seek an informal resolution; or file a Formal Complaint. Anyone with knowledge of sexual harassment is encouraged to bring their concerns to the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information below for Alcorn's Title IX Coordinator.

Title IX Coordinator

titleix@alcorn.edu (601) 877-6124

Office of Student Affairs 1000 ASU Drive #239 Lorman, MS 39096

III. Amnesty Policy

Alcorn encourages reporting and seeks to remove barriers to reporting Sexual Misconduct. A Complainant or witness who, in good faith, reports sexual misconduct shall not be sanctioned for nonviolent student conduct violations, such as underage drinking, provided such violation did not place the health and safety of any other person at significant risk of harm. The Title IX Coordinator will grant amnesty.

IV. Confidentiality

Alcorn shall maintain the confidentiality, as permitted by FERPA, required by law, or to carry out the purposes of any proceeding arising under this policy, of any individual under this policy who:

- Has made a report or complaint
- Has been named as Respondent or
- Has been named as a witness

Alcorn may be required to disclose information on a need-to-know basis to address a Complaint properly, when there is a threat to others, pursuant to a subpoena, or other court or administrative order, or as may be required by applicable law. Violations of confidentiality or privacy by any other person involved in the resolution, investigation, or administration of the Complaint, including any employee, faculty, staff, or student, may result in disciplinary or corrective action.

V. Cooperation with Law Enforcement

Alcorn will comply with law enforcement requests for cooperation, and such cooperation may require Alcorn to temporarily suspend, at the direction of the Title IX Coordinator, the fact-finding aspect of an investigation while the law enforcement agency is gathering evidence. Alcorn will promptly resume its investigation as soon as law enforcement is notified that it has completed the initial evidence-gathering process. Alcorn may provide up to 10 calendar days for the law enforcement agency's criminal process/investigation to unfold before resuming the investigation's fact-finding aspect.

Alcorn will implement appropriate interim measures and remedies during the law enforcement agency's investigation to ensure the safety of the parties to the case and the campus community and avoid any instance of retaliation. Law enforcement investigations shall not substitute for Title IX investigations. Law enforcement officials shall not conduct Title IX investigations on behalf of any Alcorn campus unless the Title IX Coordinator has requested law enforcement investigation assistance in writing.

VI. Task Force

The Title IX office shall establish a task force to discuss sexual misconduct. This task force shall invite student members to be represented through their respective student government bodies or other student organizations. The Title IX Coordinator shall chair the Task Force.

VII. Record Keeping

Records created or received under this policy will be maintained for seven (7) years from the date each case is closed. The following shall be kept as a part of the record:

- Each investigation, including any determination regarding responsibility.
- Any audio or audio-visual recording or transcript of a hearing.
- Any disciplinary sanctions imposed on the Respondent.
- Any remedies provided to the Complainant are designed to restore or preserve equal access to Alcorn's education program or activity; Any appeal and result therefrom.
- Any informal resolution and result therefrom.
- All materials used to train the Title IX Coordinator, Investigators, decision-makers, and any person who facilitates an informal resolution process; and
- Records any actions, including supportive measures, taken in response to a report or Formal Complaint.

VIII. Campus Climate Survey

The Title IX office will administer a Campus Climate Survey annually to assess the knowledge, perceptions, and behaviors of its students, faculty, and staff regarding sexual misconduct. The survey will be supplemented with additional information and material to assist in preventing sexual misconduct and strategies to deal with sexual misconduct. This annual Campus Climate Survey shall be submitted to the Executive Director of the Office of University Compliance by June 1 of each year. Thereafter, the Campus Climate Survey will be forwarded to the President no later than July 1.

IX. Training, Educational, and Prevention Programs

Overview

Educational institutions must provide comprehensive Title IX training to ensure compliance with federal regulations and create a campus environment free from sex discrimination. Training requirements vary based on role and responsibility under Title IX.

A. Title IX Personnel Training Requirements

1. Title IX Coordinator, Investigators, Decision-Makers, and Facilitators of Informal Resolution

Under 34 CFR § 106.45(b)(1)(iii), institutions must ensure that these individuals receive training on:

- The definition of sexual harassment under § 106.30
- The scope of the recipient's education program or activity
- How to investigate, the grievance process, including hearings, appeals, and informal resolution processes (as applicable)
- How to serve impartially, including avoiding prejudgment of facts, conflicts of interest, and bias
- Issues of relevance, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant
- How to create an investigative report that fairly summarizes relevant evidence
- Relevant evidence and questions (for decision-makers)
- Technology to be used at live hearings and procedures for assessing credibility (for decision-makers conducting hearings)

Training Materials: All materials used to train Title IX Coordinators, investigators, decision-makers, and facilitators of informal resolution must not rely on sex stereotypes and must promote impartial investigations and adjudications. These materials must be publicly available on the institution's website.

Frequency: Initial training upon appointment and regular updates when regulations, policies, or best practices change.

2. Mandatory Reporters and Responsible Employees

Who They Are: Faculty, staff, coaches, advisors, and other employees designated by institutional policy as having reporting obligations when they learn of potential Title IX violations.

Required Training Topics:

- How to recognize conduct that constitutes sexual harassment under Title IX
- Reporting obligations and procedures
- How to respond supportively to individuals who disclose incidents
- Confidentiality parameters and privacy protections
- Distinction between responsible employees and confidential resources
- How to refer students to appropriate resources
- Retaliation prohibition

Frequency: Initial training upon hire or designation, with annual refresher training recommended to maintain current knowledge.

Certification: Many institutions require mandatory reporters to complete a certification or acknowledgment confirming they understand their reporting obligations.

3. Hearing Panel Members and Appellate Decision-Makers

Required Training Topics:

- All training required for decision-makers (listed in Section 1 above)
- Specific procedures for conducting live hearings
- Rules of decorum and hearing management
- Cross-examination protocols and relevance determinations
- Weighing evidence and applying the appropriate standard of evidence
- Writing clear and thorough written determinations
- Appeals processes and grounds for appeal (for appellate reviewers)

Frequency: Prior to service on any hearing panel, with periodic updates.

B. Campus-Wide Educational Programs

1. Student Training and Education

Incoming Student Orientation (Annual) All new students must receive Title IX education covering:

- Title IX rights and protections
- Definition of sexual harassment, sexual assault, dating violence, domestic violence, and stalking
- Consent education and healthy relationships
- Bystander intervention strategies
- Campus and community resources (confidential and non-confidential)
- How to report incidents
- Overview of the grievance process
- Retaliation prohibition

Ongoing Education (Semi-Annual or More Frequent)

- Campus climate campaigns addressing sexual misconduct prevention
- Bystander intervention workshops
- Consent and healthy relationship programming
- Targeted programming for high-risk groups (athletic teams, Greek organizations, etc.)
- Awareness months and events (Sexual Assault Awareness Month in April, Domestic Violence Awareness Month in October)

2. Employee Training

All Employees (Annual)

- Title IX overview and rights
- Reporting options and resources
- Recognizing and responding to sexual harassment
- Creating a respectful workplace/classroom environment
- Retaliation prevention

Supervisors and Administrators (Annual)

- Enhanced training on institutional response obligations
- How to support employees who report misconduct
- Interim measures and accommodations
- Non-retaliation requirements

3. Specialized Population Training

Student Athletes and Coaches (Semi-Annual Recommended)

- Power dynamics in athletic settings
- Hazing and sexual misconduct prevention
- Reporting obligations specific to athletic contexts

Resident Assistants and Student Leaders (Semi-Annual)

- Peer support and referral skills
- Trauma-informed response
- Community accountability

C. Prevention and Awareness Programs

Primary Prevention Programs

- Evidence-based programming delivered to all incoming students
- Focus on risk reduction, bystander intervention, and consent education
- Delivered during new student orientation

Ongoing Prevention and Awareness Campaigns

- Regular communications throughout the academic year
- Programming during awareness months
- Social norming campaigns
- Environmental strategies to reduce risk

D. Training Documentation and Compliance

Record-Keeping Requirements

- Attendance records for all training sessions
- Completion certificates for online training modules
- Assessment data measuring training effectiveness
- Annual reports on training completion rates

Training Materials Accessibility

- All training materials for Title IX personnel must be posted publicly on the institution's website
- Training content should be accessible to individuals with disabilities
- Materials available in multiple formats as needed

Evaluation and Assessment

- Regular assessment of training effectiveness through surveys and feedback
- Review and update training content annually
- Track campus climate data to inform training improvements
- Benchmark against peer institutions and best practices

E. Certification Programs

Many institutions implement certification requirements for:

- Mandatory reporters (annual certification of understanding reporting obligations)
- Title IX personnel (completion of required training hours)
- Student leaders in high-risk populations (completion of prevention training)
- New employees (completion of Title IX training within first 30-90 days of employment)

X. Policy Related Information and Resources

United States Department of Education, Office of Civil Rights
Title IX Regulations Addressing Sexual Harassment (Unofficial Copy)
<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf> Title IX Regulations Addressing Sexual Harassment (Unofficial Copy) <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

Title IX: Fact Sheet: Final Title IX Regulations <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-fact-sheet.pdf>

Title IX: Summary of Major Provisions of the Department of Education’s Title IX Final Rule <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>

Title IX: Summary of Major Provisions of the Department of Education’s Title IX Final Rule and Comparison to the NPRM <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-comparison.pdf>

Review

This existing policy has been modified pursuant to federal guidance and regulations, amended on August 1, 2025. As a university policy, it is subject to an annual policy review cycle or as necessary, to comply with legislative or regulatory changes.

Revision made to this Policy

Date	Major, Minor, or Editorial Revision	Description of Revision(s)
	Application of Title IX — <i>jurisdiction, timing of complaints, notice of non-discrimination (free-speech), actual knowledge, formal complaint, dismissals, informal resolution</i>	-Title IX’s application (scope & jurisdiction) is limited under this policy. -Actual knowledge is defined to determine when Alcorn must respond under Title IX. -The timeframe in which a formal complaint may be brought is now limited. -Informal resolution must be voluntary & require written consent. Informal resolution is not allowed when an employee is accused of sexual harassment against a student. -A formal complaint initiates an investigation and cannot be anonymous. - Grounds for mandatory dismissal
	Definitions —defines sexual harassment, Title IX Coordinator role & responsibility.	The Final regulations require Alcorn to modify its definitions under Title IX. The Title IX Coordinator is clearly identified in this policy, and contact information is easily accessible. -The role of the Title IX Coordinator is defined.
	Fairness & Due Process principles, Supportive measures	-This Policy incorporates universal principles of fairness and due process. Written notice of allegations and an opportunity to defend and cross-examine. Defined and listed available supportive measures for the parties.

Determinations regarding responsibility	-Single Investigation model is barred under this policy; decision-makers cannot be Title IX Coordinator and/or investigators. Sanctions can only be imposed after a determination of responsibility has been made. -Presumption of Innocence
Evidentiary Standard (Preponderance of Evidence) & Sanctions	-Sanctions may only be imposed after the grievance process, and this policy lists the range of possible sanctions and/or remedies.
Investigation — <i>Notice of allegation, investigative process, burden of gathering evidence is on Alcorn, presentation of witnesses,</i>	-Investigation & entire grievance process treats both parties equitably and equally. Objective evaluation of evidence and training for all involved in the Title IX adjudicatory process. Training materials are available on Alcorn’s website.
Hearings — <i>live hearings, recording or transcribed, advisor, cross-examination, 10-day period to review relevant evidence, Appeal process, and grounds for appeal</i>	-This policy provides for live hearings, an advisor for complainants & respondents. -Grievance process that is clearly defined.
Record keeping —7 years	-This policy requires Alcorn to keep all records related to Title IX investigations, complaints, hearings, etc., for at least 7 years.

Further Assistance

For more information about the Final Regulations and Title IX, please review:

- U.S. Department of Education Title IX Final Rule Overview
- Summary of Major Provisions of the Department of Education’s Title IX Final Rule

Glossary of Terms/Definitions*

For the forms of conduct prohibited under this Policy (Sexual Harassment, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Gender-Based Harassment, and Retaliation) and the standalone definition of Consent, see the Definition of Consent and Prohibited Conduct sections earlier in this Policy. The entries below restate those terms alongside additional procedural definitions.

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Actual knowledge: Notice of sexual harassment or allegations of sexual harassment to Alcorn’s Title IX Coordinator or any other Alcorn official who has the authority to institute corrective measures on behalf of Alcorn.

Deliberate indifference: Standard used to evaluate Alcorn’s selection of supportive measures and remedies, and responding to sexual harassment in a manner that is “clearly unreasonable in light of the known circumstances.”

Retaliation: Intimidating, threatening, coercing, or discriminating against any individual to interfere with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under regulations implementing Title IX.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Student Advocate: Student Advocates provide support to victims and witnesses of crime, helping them navigate the financial, legal, medical, and emotional challenges they face because of their experiences. They collaborate closely with campus law enforcement, Title IX personnel, investigators, and other experts to guarantee that university policies and federal laws effectively safeguard those they are meant to serve.

Advisor: Under the conditions outlined in the applicable procedures, the parties in a Title IX grievance process each may be entitled to designate an “advisor” to support him or her during the investigation process. Advisors are individuals who provide support to the advisee throughout the Title IX investigation. An advisor should be someone who can assist the party without conflict and thus may not have any other involvement in the process. The advisor may be present when their advisee is being interviewed and can give feedback to their advisee in private. They may not speak for their advisee during the interview or hearing. The Advisor is not required to be an attorney.

Responsible Employee: Designated people within the Alcorn community who must report incidents of sexual assault or sexual harassment to the Title IX Coordinator. Most faculty and staff at Alcorn State University are considered “responsible employees” and thus must report. Some employees are considered “Confidential Employees”, who do not need to share information.

Grievance Procedure: The process by which Alcorn investigates and adjudicates sexual harassment under Title IX.

Alcorn uses this process and procedure to respond to Formal Complaints of sexual harassment.

Title IX Committee: A group of five (5) individuals from the Alcorn faculty and staff. The purpose and mission of this committee is to assist with investigations pursuant to Title IX. In addition, the committee is an integral component of developing and implementing Alcorn’s sexual harassment policy.

Preponderance of Evidence: the standard of proof that requires the party bearing the burden of proof to present evidence that is more credible and convincing than that presented by the other party or that shows that the fact to be proven is more probable than not.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the school investigate the allegation of sexual harassment. The only Alcorn official who is authorized to initiate a grievance process against a respondent is the Title IX Coordinator (by signing a formal complaint). At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of Alcorn State University (the school with which the Formal Complaint is filed).

Document filed by Complainant: a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by Alcorn) that contains the complainant’s physical or digital signature or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or party during the grievance process and must comply with requirements for Title IX personnel to be free from conflicts or bias.

Title VII of the Civil Rights Act of 1964: Title VII is a federal employment law that prohibits discrimination based on specific protected characteristics in various employment settings. These prohibitions apply to government organizations, educational institutions, and private employers with 15 or more employees. Title VII regulates employment practices, addressing issues related to hiring, firing, promotions, wages, and workplace conditions. Enforcement of Title VII is managed by the Equal Employment Opportunity Manager within Human Resources Management.

Title IX Informal Resolution

In lieu of resolving a complaint through Alcorn State University's Title IX grievance procedures, the parties may instead choose to participate in an informal resolution process for student vs. student complaints only.

Alcorn State University does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, State, or local law.

I, _____ hereby elect to utilize the university's informal resolution procedure for the Title IX complaint.

I understand that:

- This process is voluntary and requires the mutual agreement of both parties to proceed
- Either party may withdraw from the informal resolution process at any time before an agreement is reached and resume the formal grievance process
- This process does not include a hearing procedure
- The informal resolution will be facilitated by a trained facilitator who will assist the parties in reaching a mutually agreeable resolution
- Any resolution must be based on the voluntary, written agreement of both parties
- If the parties reach a mutual agreement, the terms will be documented in writing and signed by both parties
- The agreement, once signed by both parties, is final and binding, and the allegations addressed in the agreement cannot be subject to further investigation, adjudication, or appeal under the university's Title IX grievance procedures
- If the parties do not reach a mutual agreement, the matter may proceed through the formal Title IX grievance process
- The Title IX Coordinator will review any proposed resolution to ensure it complies with Title IX requirements before the agreement becomes final
- Participation in informal resolution does not extend any timelines under the formal grievance process unless both parties and the university agree to such extensions

The terms of any agreement reached through this process remain in effect during and after my enrollment with Alcorn State University.

Student's Name & Identification number

Date

Title IX Coordinator

Date

Family Education Rights and Privacy Act (FERPA) Release Form

Title IX Office

STUDENT INFORMATION

(A copy of your ID must be attached to this form.) Form Must be Typed or Printed Legibly:

Last Name First Name

Student ID Number

Phone Number & Email Address

DISCLOSURE:

The Family Educational Rights and Privacy Act of 1974 (FERPA) protect student educational records. Alcorn State University may neither disclose certain educational information concerning students nor permit inspection of student academic records without the written permission of the student unless such actions are covered by certain exceptions as stipulated by FERPA.

This request complies with the Family Education Rights and Privacy Act (20 U.S.C.A. Sec. 1232G).

This release/disclosure is hereby authorized for the following individual(s).

Name Relationship to student

Name Relationship to student

Check (✓)
Types of
Information to
Release:

Name

Description

- | | | |
|--------------------------|---------------------------|---|
| ☐ | Title IX/ Student Affairs | Release information on the student and their role only in pending or open cases. |
| ☐ | Title IX/ Student Affairs | Release information regarding supportive measures received through the Title IX Office. |
| ☐ | Title IX/Student Affairs | Release the hearing or proceeding dates that may result from the complaint. |
| ☐ | Title IX/ Student Affairs | Release the hearing conclusion as it relates to the student identified in this form only. |
| ☐ | Title IX/ Student Affairs | I <u>do not</u> wish to release any information. |

Student Signature

Date