



**THE UNIVERSITY of  
MISSISSIPPI**

## **ANNUAL SECURITY REPORT**

**AND**

## **ANNUAL FIRE SAFETY REPORT 2016**

This report is available online on the website of the University of Mississippi Police Department at <http://upd.olemiss.edu>. For any additional information relating to campus safety and security concerns, please contact The University of Mississippi Police Department in Kinard Hall-Wing C, Call (662)915-7234, fax (662)915-5371, or e-mail [upd@olemiss.edu](mailto:upd@olemiss.edu)

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# 2016 Annual Security Report

On November 8, 1990, President George H. W. Bush signed the "Student Right to Know and Campus Security Act of 1990." The Act applies to every institution of higher education that receives federal financial aid. Title II of the Act was called the "Campus Crime Awareness and Campus Security Act of 1990." It requires institutions of higher education to distribute to all current students and employees, and applicants for enrollment or employment, two types of information: (1) Descriptions of policies related to campus security, and (2) Statistics concerning specific types of crimes. Amendments enacted in 1998 renamed Title II, and it is now known as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act." The amendments require the disclosure of crimes that are reported to police and campus officials other than police, along with a breakdown of locations of criminal activity to be specified as on-campus, non-campus, residence hall or public property.

Prior to the passage of this Act, approximately 350 institutions of higher education voluntarily reported crime statistics to the FBI Uniform Crime Report (UCR). The University of Mississippi Police Department has voluntarily reported to the UCR since the early 1970's. While students pursue their academic goals here on this campus, the University of Mississippi serves as their home and the University wants to make the environment as comfortable and crime free as possible.

The University Police and Campus Safety Department (UPD) and the other departments within the Division of Student Affairs are prepared to provide the kind of safe environment that promotes interaction and goodwill among the University community. There is genuine concern today about personal safety in a college setting. The University of Mississippi strives to offer a myriad of services and prevention programs to continuously improve the safety of the University community. Ultimately, each individual is responsible for his/her own personal safety, but the learning and practicing of preventive measures can serve to substantially reduce the probability of someone becoming a victim. UPD offers a variety of workshops and presentations on crime prevention; students are encouraged to attend these events, and it is always a good idea to simply be aware and be careful.

The University Police and Campus Safety Department publishes this report to inform the University of Mississippi community about campus security policies, initiatives to prevent and respond to crime and emergencies, and the occurrence of crime on campus.

## Preparation of the Annual Security Report and Disclosure of Crime Statistics

This report complies with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act and uses information maintained by the University Police, information provided by other University offices such as Student Affairs, Residence Life, Office of Student Conduct, Campus Security Authorities, and information provided by local law enforcement agencies surrounding campus. Each of these offices provides updated policy information and crime data. This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased, or controlled by University of Mississippi. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

The University distributes a notice of the availability of this Annual Security and Fire Safety Report on or before October 1 of each year to every member of the University Community. Anyone, including

prospective students and employees, may obtain a paper copy of this report by contacting the University Police Department at 662-915-7234 or by visiting our webpage at <http://upd.olemiss.edu>.

For any additional information relating to campus safety and security concerns, please contact The University of Mississippi Police Department in Kinard Hall-Wing C, Call (662)915-7234, fax (662)915-5371, or e-mail [upd@olemiss.edu](mailto:upd@olemiss.edu).

## **University Department of Police and Campus Safety**

### **Role and Authority**

The safety and security of all students, faculty, staff, and visitors are of great concern to the University of Mississippi. UPD, a full service law enforcement agency operating twenty-four hours a day, seven days a week, is responsible for campus police and security related matters.

UPD officers, who are certified by the state of Mississippi, have arrest powers and are armed, conduct vehicle, bicycle, motorcycle, and foot patrols on campus and enforce state laws as well as University policies and regulations.

### **Working Relationship with Local, State, and Federal Law Enforcement Agencies**

UPD works closely with other community law enforcement agencies such as the Oxford Police Department and the Lafayette County Sheriff's Department in investigations of shared concern. Sheriff's Department to receive reports of criminal activity of shared concern. UPD has formal agreements with the Oxford Police Department and the Lafayette County Sheriff's Department to receive reports of criminal activity at off-campus student organization events whose participants are university students. Off campus student organizations are those recognized by the university, including student organizations with off-campus housing facilities.

### **Reporting Crimes and Other Emergencies**

The University community is encouraged to report to UPD for investigation all criminal activity occurring on campus.

The University community is encouraged to report to UPD for investigation all criminal activity occurring on campus. To report on-campus emergency situations from on-campus telephones:

Phone System	University Phone System, 915 prefix.	Non-University Phone System
Police, Emergency	4-911	915-4911
Police, Non-Emergency	7234	915-7234
Fire	9-911	911
Ambulance	9-911	911

If a crime occurs **off-campus**, it should be reported to the law enforcement agency having legal jurisdiction of that area.

Oxford Police (if in the city)	
Emergency	911
Non-Emergency	232-2400
Lafayette County Sheriff (if in the county)	
Emergency	911
Non-Emergency	234-6421

If you are unsure which department has legal jurisdiction, please call UPD for assistance.

### **Emergency Phones**

The University has installed emergency phones throughout the campus. Phones are located in public areas of buildings including residence halls, academic/administration buildings, and numerous outdoor locations. Emergency phones provide direct voice communications to the University Police Communication Center.

### **Campus and Community Notification of Criminal Activity**

If there are crimes occurring on The University of Mississippi campus or surrounding area that will endanger or affect the campus community, public safety bulletins (crime alerts) will be published and posted on bulletin boards across the campus. The bulletins allow members of the campus community to know what is currently happening so they can better protect themselves. Public safety bulletins are also available on the web page maintained by UPD. Information about the department, services provided, and related resources concerning safety and security can be found there. The webpage address is [upd.olemiss.edu](http://upd.olemiss.edu).

The University Police Department maintains a daily log of all department activity; the log is available for viewing at the Police Department in Kinard Hall - Wing C. Summaries of campus crime incidents may be published in University newspapers and/or newsletters, and in local, state or national newspapers at the discretion of the news organizations. Other media such as radio and television may broadcast summaries of incidents at their discretion.

### **Mississippi Sex Offender Registry**

In connection with the federal Campus Sex Crimes Prevention Act, effective October 28, 2002, the University of Mississippi Department of Police and Campus Safety announces to the University community that law enforcement information provided by the State of Mississippi related to registered convicted sex offenders in the state may be obtained through the Mississippi Department of Public

Safety, Sex Offender Registry, Post Office Box 958, Jackson, Mississippi 39205, [601] 368-1740, e-mail at [msor@mdps.state.ms.us](mailto:msor@mdps.state.ms.us), or Web site <http://www.sor.mdps.state.ms.us>.

The essence of this Act requires that convicted sex offenders, who are required to register under Mississippi state law, provide notice of enrollment or employment at any institution of higher education in Mississippi where the offender resides, along with notice of any change of enrollment or employment status at an institution of higher education in the state. The Mississippi Department of Public Safety, Sex Offender Registry, maintains and regulates this information in Mississippi. The Registry in turn will notify the local law enforcement agency that has jurisdiction where the institution of higher education is located. In our case, this means the Registry will contact the Lafayette County Sheriff and UPD in the event a registered offender notifies the Registry of enrollment or employment, or any change in such status, at the University of Mississippi in Oxford, Mississippi. The format for the Mississippi Sex Offender Registries is set up on a "county" search basis whereby individual registered offenders are listed. To request information regarding registered sex offenders, including those whom UPD has been notified by the Mississippi Sex Offender Registry are enrolled and/or employed at the University of Mississippi's Oxford Campus, call UPD at (662)915-7234; write UPD, Kinard Hall Wing-C, University, MS 38677; or e-mail UPD at [upd@olemiss.edu](mailto:upd@olemiss.edu).

## **Crime Alerts**

The University may, in some circumstances, issue Crime Alert advisories. When a situation is not an emergency or does not pose an immediate threat to the campus community, but is of significant interest to campus, the University may issue an informational message in the form of a Crime Alert. The intent is to make the campus community aware by providing information about a situation such as a crime or series of crimes that has been committed on or off campus, the potential for inclement weather, flooding, or a major utility disruption. For incidents involving off-campus crimes, the University may issue a Crime Alert if the crime occurred in a location used and frequented by the University population. In these situations, the University communicates by sending a campus-wide email message to students, staff, and faculty to keep the University community informed.

The Chief of University Police or his designee will make the determination if a timely warning or crime alert is required or needed.

Anyone with information regarding criminal activity or information that could warrant a Crime Alert warning should report the circumstances to the University Police immediately by phone at 662-915-4911.

## **Timely Warnings**

The University of Mississippi Police Department is responsible for issuing timely warnings in compliance with the Jeanne Clery Act, 20 U.S.C. 1092(f). Timely warnings will be issued in response to reported crimes committed either on campus or, in some cases, off campus that, in the judgment of the University, constitute an ongoing or continuing threat to students and staff and faculty. These crimes are mainly those which are in compliance to the "Clery Act" but other crimes can be included.



When a situation arises, either on or off campus, that, in the judgment of the Chief of the University of Mississippi Police Department or his designee, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through a campus wide e-mail to all faculty, staff and students, as well as through local media outlets.

The decision to issue a timely warning shall be made on a case-by-case basis after consideration of the available facts, including factors such as the nature of the crime, the continuing danger or risk to the campus community, and the possible risk of compromising law enforcement efforts.

Timely warnings are considered for the following classifications of reported crimes: criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson. Timely warnings may also be issued for other reported crimes as deemed appropriate under the circumstances. The decision will be made in compliance with the Clery Act and in an effort to prevent similar crimes from occurring.

## **Procedure**

When a determination is made that a timely warning should be issued, the Police Department will take one or more appropriate steps to ensure timely notification of the campus community.

*Options for notification include, but are not necessarily limited to:*

Mechanisms to communicate with the faculty, staff, students, and others in one or more of the following ways:

- Announcement made on campus and commercial radio and television stations
- Ole Miss Homepage banner ([www.olemiss.edu](http://www.olemiss.edu))
- UPD’s Website ([upd.olemiss.edu](http://upd.olemiss.edu) or [www.olemiss.edu/emergency](http://www.olemiss.edu/emergency))
- iOS App alerts
- Twitter (@RebAlert)
- UM Today Posting
- Email (sent via UM Today)
- Text Messaging via 2SMS (RebAlert)
- Emergency sirens with public address capability

Other Capabilities to be used as needed:

- Information by calling 915-1040
- Channel 99 (Campus Cable Television System)
- Emergency Alert System (EAS) – all televisions on campus interrupted for announcements
- Voice Mail Broadcast
- Code Blue Emergency Telephones
- Loudspeakers on University Police vehicles

The warnings will include some or all of the following information:

- Date, time and location of the reported crime,
- Summary of the incident,
- Description of the suspect and/or vehicle, if available,
- Any other special instructions or incident specific safety tips.

Anyone with information about an emergency situation or other situation warranting a timely warning should contact the University of Mississippi Police Department immediately at 662-915-7234 or 662-915-4911.

## **Security of and Access to University Facilities**

The Facilities Management Department and Landscaping Services Department maintain the University buildings and grounds with a concern for safety and security. UPD routinely makes reports to the Facilities Management Department and Landscaping Services of potential safety and security hazards noted on our campus. Faculty, staff, and students are encouraged to make such reports as well.

Residents of on-campus housing should always keep the doors and windows of their residence locked to ensure a greater degree of safety for person and property. In addition to regular police patrols, UPD provides extra coverage to all residence halls from 10:00 p.m. - 6:00 a.m. by the assignment of campus safety officers.

The residence halls have 24 hour security of perimeter doors by way of a card access system (except Minor Hall), which houses the administrative offices of the Department of Student Housing and is open from 8:00 a.m.-5:00 p.m. weekdays. Residents gain access to their hall by use of their assigned magnetic card, while visitors must use a telephone posted on the outside of the building to contact the hall resident with whom they wish to visit. A visitor's sign-in policy is enforced. Both on-campus and off-campus visitors to all female and male residence halls must be escorted through the residence halls by a resident.

## **Personal Responsibility**

All students, faculty, and staff members must assume responsibility for their own personal safety and security of their personal property by practicing caution and common sense. The cooperation and involvement of the University community in a campus safety program is essential to its success.

## **Crime Prevention Program/Other Educational Programming and Timely Reports**

UPD has an active crime prevention program that strives to minimize or eliminate criminal opportunities when possible, and encourages faculty, staff, and students to be responsible for their own security and the security of others. Crime prevention presentations are routinely scheduled for campus residents, as well as faculty and staff groups.

## **Description of Programs**

*Active Shooter Response* is a personal safety program taught to all faculty, staff and students. Its purpose is to outline the nationally recognized principles for responding to an armed intruder on campus. This program is led by UPD Active Shooter Certified Instructors.

**Active Shooter Risk Assessment** is a crime prevention program taught to faculty and staff sections in their work environments. The purpose of the program is to identify physical and procedural improvements that would limit the opportunity for a violent intruder to enter the work environment.

**Mock Stop** is an alcohol and drug awareness program taught to incoming freshmen and high school juniors and seniors. The purpose of the program is to persuade participants to make better decisions concerning alcohol and drugs. This program incorporates the VT Touch Driving Simulator and Beer Goggles into an exercise that demonstrates the obvious effects of alcohol and drugs on one's ability to operate a motor vehicle. It is team taught with Health Promotions in order to accomplish an Alcohol Education review.

**Beer Goggle Duel** is an alcohol and drug awareness program. It is an activity that involves participants using beer goggles and nerf guns in a duel. Its purpose is to demonstrate the effects of alcohol on balance, focus, fine and gross motor skills and coordinated movements.

**.400** is an alcohol and drug awareness program. It uses several sport related activities to demonstrate the effects of alcohol on balance, focus, fine and gross motor skills and coordinated movements. Participants negotiate the course without beer goggles before attempting the same course with beer goggles.

**Campus Safety** outlines general safety tips for life on campus. This program has several versions to include Resident Life Safety and Camper Safety for summer camps.

**Risk Management for House Parties** is a risk management program taught to residential greek organization leaders. Its purpose is to outline effective planning procedures and safe practices for hosting social events on campus. UM Policies on alcohol and sexual misconduct are key elements of this program. Domestic Violence, Stalking and Sexual Assault are also covered in this program. Versions of this program are presented to the general membership minus the planning tools.

**Social Event Safety** is considered a personal safety, alcohol and drug awareness and a violence prevention program. Its purposes are to (1) outline general safety tips for attending social events, (2) outline the UM Alcohol Policy and the UM Sexual Misconduct Policy (3) teach students to recognize and respond to behavior caused by the abuse of alcohol and drugs that places them at risk.

**Dating Violence** is taught to the general Ole Miss community. UM Policies on alcohol and sexual misconduct are key elements of this program. Domestic Violence, Stalking and Sexual Assault Laws are also covered in this program. This program is team taught with OPD.

**Responsible Rebel** is presented to all incoming freshmen at Orientation. It is team taught with the DOS Conduct Office and the Violence Prevention Office. UPD and OPD cover general expectations for student conduct.

For more information or to schedule programs, please call UPD at 915-7234 during regular business hours.

**Other educational programs to promote awareness** of rape, acquaintance rape, and other sexual offenses are routinely provided by other University departments such as the University Counseling Center, Department of Student Housing, Office of the Dean of Students, The Office of Violence

Prevention, and Health Promotion, as well as, the off-campus Family Crisis Services of Northwest Mississippi, Inc. at 234-9929.

The Crime Prevention Program of UPD coordinates the Rebel Patrol Student Escort Service. Rebel Patrol escorts offer on-campus walk-along escorts for anyone concerned about walking alone on campus. UPD officers are available to provide on-campus escorts when Rebel Patrol escorts are not on duty. For an escort, call UPD at 915-7234.

The University has an emergency telephone system known as “Code Blue” that provides strategically located emergency telephones on campus. By depressing the button on the emergency telephone unit pole, you will immediately be in contact with UPD for assistance. The locations of the Code Blue phone units are shown on the campus parking map.

A daily police activity report is provided to the Oxford newspaper (*The Oxford Eagle*). When a particular crime trend is noted or a significant criminal matter occurs, a crime prevention alert sheet is posted in a timely manner and is provided to campus media and posted on UPD's web page and sent to faculty/staff/students via e-mail list serves.

## **Drug and Alcohol Policy**

### **University of Mississippi Drug-Free Workplace and Workforce**

Summary/Purpose: The University of Mississippi is committed to maintaining a drug-free workplace and workforce in conformity with federal laws as set forth in the Drug-Free Workplace Act of 1988 and the Department of Defense (DOD) Drug-Free Workforce Rule of 1988.

The University of Mississippi is committed to maintaining a drug-free workplace and workforce in conformity with federal laws as set forth in the Drug-Free Workplace Act of 1988 (41U.S.C.A. Section 8101 *et seq.*), as amended, and the Department of Defense (DOD) Drug-Free Workforce Rule of 1988. In the interest of a health workforce, and as a result of the law, the University of Mississippi is a drug-free workplace. Faculty and staff members are specifically prohibited from possessing, using, manufacturing, selling, distributing, or in any other way involving themselves with controlled substances both on and off campus, except as permitted in the relevant legislation.

For purposes of this policy, the terms "faculty and staff members" shall specifically include all personnel employed by the University, whether full-time or part-time. The terms "controlled substances" shall mean those drugs and substances set forth in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 C.F.R. 1300.11 Through 1300.15. The term “workplace” is any location where a faculty or staff member is functioning within his or her job capacity.

## **Workplace and Health Risks**

The University is committed to providing a safe work environment and a workplace free from the use of controlled substances and misuse of prescribed medications; therefore, such activities are prohibited. Employees must refrain from the use of controlled substances while on duty, which

includes on call assignments and University business conducted at off-site locations. Substance abuse may affect the workplace as well as impose harm to the individual. Impairments may affect job performance, increase absenteeism, cause serious accidents, and result in decreased morale. The use of controlled substances may cause health risks; such as, stroke, cardiovascular and lung disease, seizures, miscarriage, and birth defects.

## **Notification of Convictions**

Any faculty or staff member who has been convicted of a criminal drug statute violation occurring in the workplace must notify the Department of Human Resources no later than five (5) days after the conviction.

1. Upon notification of such a conviction, the University will initiate appropriate personnel action within thirty (30) days of such notification.
2. Upon notification of such a conviction, the University is required by law to notify the applicable funding agency(s) within ten (10) days if the faculty or staff member is working in a position that is funded by federal monies.

## **Sanctions**

1. Depending upon the facts relating to any drug conviction or use, the employee may be: suspended pending further investigation; required to participate satisfactorily in a drug abuse assistance or rehabilitation program; issued a formal warning; or terminated. For disciplinary actions, up to and including termination, the applicable procedure will apply, based upon the status of the employee (i.e. faculty/staff, within probationary period/outside probationary period, temporary/permanent, level of responsibility, etc.). Any action will be initiated within thirty (30) days after the facts have become known by the University.

When made aware of illegal activity, the University may be obligated to notify the appropriate University, municipal, state, and/or federal law enforcement agency. Employees convicted of violations of federal or state criminal drug statutes may be subject to fines and/or imprisonment.

2. If a faculty or staff member fails to notify the Department of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days after such conviction, he/she will be suspended pending investigation with termination possible.
3. For purposes of this policy, "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

## **Drug-Free Awareness Program**

The University has established a Drug-Free Awareness Program which is administered through the University Counseling Center and the Department of Human Resources. This program provides

supervisory training programs in the identification of illegal drug use, drug counseling for any student or employee, and confidential referrals to rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

The Employee Assistance Program provides short-term, inpatient services to faculty and staff for work-related conflicts, marital conflicts, divorce issues, child-rearing issues, alcohol/drug issues, stress reduction, grief/loss issues, depression, and anxiety. Employees who may need long-term consultation or other services to achieve the goals of their treatment plan may be referred to other counseling, treatment, rehabilitation services available in Oxford and surrounding communities. Information about the Employee Assistance Program is disseminated to employees at new hire orientation and during the annual University Health Fair and University Benefits Fair. Additional information about the Employee Assistance Program is available on the University of Mississippi Counseling Center website and in the Employee Assistance Program policy which can be accessed on the University's policy website. Faculty and staff who seek services through the Employee Assistance Program shall be protected from abuse and retaliatory action. The University respects the rights of its employees and will protect the confidentiality of medical information to the fullest extent possible.

To ensure compliance with the Drug-Free Workplace Act of 1988 notification requirement, this policy will be distributed to faculty and staff on an annual basis. All newly employed faculty and staff, whether exempt or non-exempt, temporary or permanent, will receive a copy of this policy during in-hire processing.

## **Higher Education Opportunity Act Information**

The University of Mississippi is committed to maintain a drug-free workplace and workforce in conformity with federal laws (see University of Mississippi Drug-Free Workplace and Workforce policy code HRO.FR.200.020). Also, in compliance with the federal Drug-Free Schools and Communities Act Amendments of 1989, The University of Mississippi has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on school premises or as a part of any of its activities and declares such possession, use or distribution a violation of university policy.

The policy applies to all students (both full-time and part-time) and each faculty and staff member (whether full-time or part-time). It is the personal responsibility of each student, faculty member or staff member to adhere to this policy.

This information has been prepared to ensure that each member of the University of Mississippi community understands the rationale behind its provisions and his or her responsibilities under the university's policy and the laws of the state of Mississippi. Because the university's foremost concern is the health and well-being of its students and employees, this publication also details resources that are available on campus for counseling and education about use, misuse and abuse of alcohol and other drugs.

## **Health Risks**

The use and abuse of alcohol and other drugs can lead to behaviors or problems for individuals that affect all aspects of wellness: social health, environmental health, physical health, emotional/mental health, spiritual health, and intellectual health. Alcohol, especially in high doses, when rapidly consumed, or in combination with other drugs can lead to illegal and/or violent behaviors and actions, drinking and driving, injury, or medical emergencies. Research has shown that the use of alcohol and/or drugs negatively affects academic performance, relationships, communication, well-being, and risk of dependence.

In the case of an overdose emergency, immediately dial x4911 (662-915-4911) on campus, and 911 if off campus. For more information, please contact the Office of Health Promotion to speak with a health educator (662-915-6543).

## **Policies**

Search for the following policies on the University of Mississippi Policy Directory:

**<https://secure4.olemiss.edu/umpolicyopen/index.jsp>**

- University of Mississippi Drug-Free Workplace and Workforce (HRO.FR.200.020)
- Drug and Alcohol Testing (HRO.FR.200.040)
- Commercial Driver's License Drug Testing (HRO.FR.200.010)
- Employee Assistance Program (HRO.BE.600.290)
- Convicted of Possession/Sale of Drugs (DSA.FA.600.130)
- Minimum Sanctions for Alcohol and Drug Violations (DSA.DS.300.025)
- Alcohol (CHA.AM.100.101)
- Student Housing- Alcohol (DSA.SH.400.003)
- Hazing (DSA.SC.200.035)
- Alcohol Service (CHA.AM.100.103)

## **Alcohol**

As is true on most college and university campuses, many of the offenses committed against people and property at Ole Miss are a direct result of alcohol misuse/abuse. Such behavior interferes with the University's educational mission and shows a lack of respect for one's self, for others within the

University community, and for the community at large. Thus, the University of Mississippi prohibits the abusive or unlawful sale, manufacture, possession, distribution, or consumption of alcohol.

Students, recognized student organizations, or others found in violation of this policy will be subject to campus disciplinary action, as well as potential civil liability and/or criminal prosecution (See “Minimum Sanctions Policy” DSA.DS.300.035 describing minimum campus sanctions for alcohol and other drug violations).

Visitors to the University campus who violate this policy may be subject to civil liability and/or criminal prosecution as well as other consequences in the discretion of the University. Such consequences may include, but are not limited to, limiting one’s access to campus or campus events and losing season ticket privileges.

**The following acts by individuals are prohibited by this policy:**

1. It is unlawful, and therefore violates this policy, for any person under the age of twenty one to possess or consume alcohol.
2. The University of Mississippi prohibits unlawful driving under the influence of alcohol.
3. The University of Mississippi prohibits inappropriate behavior that is a direct result of alcohol consumption. Any student or other person publicly intoxicated will be found in violation of this policy.
4. The distribution of alcohol without a permit is unlawful and thus a violation of University policy. Any possession of alcohol in plain view or unattended and unsecured alcohol shall be considered distribution in violation of this policy. Alcohol left unattended and unsecured or in plain view may be confiscated. The University prohibits the possession of items that provide for common distribution of alcohol on or in University property and buildings located on the University’s campus. Examples include, but are not limited to, kegs, pony kegs, party balls, and other forms of common supply. Such items may be confiscated by the University.
5. Beer and light wines, as defined by Mississippi Code Annotated §67-3-3 (those alcoholic beverages commonly available for sale at grocery and convenience stores), are illegal in the portion of Lafayette County that lies outside the City of Oxford. Because most of the University’s campus lies outside the City, distribution, possession, and consumption of beer and light wines are illegal on most of the University’s campus.



6. Drinking games and rapid consumption techniques and devices (e.g., funnels, shots, etc.) by their nature promote abusive consumption of alcohol and thus violate this policy.
7. The University prohibits the possession and consumption of alcohol within administrative and academic buildings, except and unless when served under a lawfully issued permit.
8. It is unlawful, and thus violates this policy, to sell or consume alcoholic beverages 5% or greater alcohol by weight (alcohol that can only be purchased at package stores permitted by the state) within University athletics venues during intercollegiate athletics events.

## **Drugs and Drug Paraphernalia**

Drug use, including the misuse of prescription drugs, is a prevalent problem at college and university campuses, and The University of Mississippi has not been spared. The university unequivocally prohibits the use and possession of drugs on its campus. The specifics of the drug policy are outlined below:

### **I. Possession, Use, and Sale of Drugs and Drug Paraphernalia**

1. The University of Mississippi prohibits the use, possession, distribution, sale, manufacture, and delivery of illicit drugs including the misuse of prescription medications, by members of its community. Illegal drugs, including prescription drugs for which the person does not have a valid prescription, are subject to confiscation.
2. The University of Mississippi also prohibits the possession, sale, and distribution of drug paraphernalia (including, but not limited to, pipes, bong, roach clips, rolling papers, etc.). These items are strictly prohibited and are subject to confiscation.

Violation of this policy will result in disciplinary action and students may also be subject to criminal prosecution and/or civil liability.

### **II. The University of Mississippi also prohibits behavior that is a direct result of drug consumption, use, or abuse.**

Any student found to be visibly overcome by the use of drugs will be found in violation of University policy.

### **III. Information regarding a student's violation of the University's drug policy may be released to that student's parents, if the student is under 21 years of age.**

Drug violations are included in the University of Mississippi's Minimum Sanctions Policy. Students

who are convicted of drug-related crimes may lose financial aid (Convicted of Possession/Sale of Drugs DSA.FA.600.130) and may also face criminal prosecution under state, federal and local laws. Penalties for criminal convictions may include fines and/or imprisonment.

### **Minimum Sanctions for Alcohol and Drug Violations (Two Strike Policy)**

Any student or student organization found in violation, through the University's conduct process, of a University policy concerning or involving the use of alcohol or other drugs will receive the following minimum sanctions:

***Student's or student organization's first offense*** – Required alcohol/drug education program and related fees or fines, community service, and probation for the remainder of current semester and the following two semesters (Fall or Spring) enrolled at the University. Probation extends through any intervening summer terms, inter-sessions, and/or any institutional breaks.

***Student's second offense while on probation*** – Suspension from institution. The University Judicial Council may elect for the suspension to take effect immediately or to take effect upon completion of the current semester or term. The student shall be suspended for at least one complete Fall or Spring semester following the suspension's effective date, including any intervening summer terms or inter-sessions.

***Student organization's second offense while on probation*** – Suspension of organization's social activities to take effect immediately and to remain in effect for at least one complete Fall or Spring semester following the suspension's effective date, including Summer terms or intersessions.

These are minimum sanctions. The findings of fact, aggravating circumstances, and prior record of the student or student organization will be factors considered when determining any appropriate additional sanctions on either the first or second offense. Though the underlying finding of responsibility is appealable, the minimum sanction prescribed by this policy is not.

Any sanction beyond the minimum sanction, however, is appealable using the University's published student conduct process.

### **Tobacco Use Policy**

Smoking is prohibited at all times, and at all locations of The University of Mississippi Oxford campus, including University-owned facilities, properties, and grounds. This includes but is not limited to the following:

- The interior of all University-owned buildings;

- All outside property or grounds of the Oxford campus, including sidewalks, parking lots, recreational areas and partially enclosed areas such as walkways, breezeways, patios, porches, gazebos, tents and bus shelters;
- Within any University of Mississippi-owned vehicles, including buses, vans, shuttles, golf carts and all other University vehicles; and
- All indoor and outdoor athletics venues and facilities. This policy applies to all faculty, staff, students, visitors, and contractors.

For purposes of this policy, “smoking” means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lit tobacco products, including electronic cigarettes that emit smoke.

The University also prohibits littering the campus with remains of any tobacco products.

Additionally, the University-controlled advertising, sale, or free sampling of tobacco products is prohibited on campus, regardless of the vendor. Organizers and attendees at public events, such as conferences, meetings, public lectures, social events, cultural events, and athletic events using University-owned facilities, grounds, and properties are required to abide by University of Mississippi policy. Therefore, organizers of such events are responsible for communicating to attendees the policies of the University and for enforcing this policy.

### **Smoking Cessation Programs:**

The Health Center and Counseling Center offer a range of smoking cessation and support programs for any member of the University community who desires to quit smoking. The University’s employee health insurance plan covers the full cost for three months of cessation medications. To learn more about smoking cessation programs available to students and employees, please go to [www.olemiss.edu/smokefree](http://www.olemiss.edu/smokefree).

## **Missing Student Notification**

### **Policy Summary/Purpose:**

To establish a set of procedures for the University of Mississippi regarding the reporting, investigating, and required emergency notification when a student is reported missing.

### **Definitions**

**A. Student:** For purposes of this policy, a student is any person currently enrolled on the Oxford campus.

**B. Residential Student:** a student who resides in on-campus housing under a housing contract/lease and is currently enrolled at the University.

**C. Greek Residential Student:** a student who resides in an on-campus Greek house.

**D. Missing:** A student may be considered missing if she or he is overdue in reaching home, campus or another specific location past the expected arrival, additional factors lead University staff to believe she or he is missing, and a check of the student's residence supports that determination.

## **Notification to Students**

Students will be given an opportunity during the fall term matriculation process to designate an individual to be contacted by the University if the student is determined to be missing. Returning and transfer students will be given an opportunity to provide this information during the fall term. The designation will remain in effect until changed or revoked by the student.

The form provided for designation will state the circumstances in which the designated individual will be contacted and will include a statement that the University is required by law to also notify the student's custodial parent or guardian if the student is under 18, and not an emancipated individual, at the time he or she is discovered to be missing. If a student is 18 years of age or older and has not designated an individual to be contacted in the event the student is missing, the University will contact the individual that the student listed as an "emergency contact" at the time of enrollment. When a student is missing and the student failed to designate an individual to be contacted under those circumstances, university officials, in their sole discretion, may contact any person who they believe may have information about the student's whereabouts.

## **Procedures for Reporting and for Investigating Missing Students**

### **A. Confirmed as a Student:**

Any University employee or student who receives information that a student is missing, and believes she or he is a student, must immediately report the information or evidence to the University of Mississippi Police Department (UPD).

### **B. If the Person is a Student:**

UPD will conduct a preliminary investigation to verify the situation and to determine the circumstances that exist relating to the reported missing student. If UPD determines that the student should be considered missing, an officer will contact the Office of the Dean of Students, the appropriate outside law enforcement agencies, and, if necessary, the Department of Student Housing to provide the relevant information. The Office of the Dean of Students will relay pertinent information to the Office of the Vice Chancellor for Student Affairs.

All pertinent law enforcement agencies, including, if known, those operating in the student's normal routes of travel or hometown, will be notified and requested to render assistance; all law enforcement agencies involved will receive routine investigation status reports during the course of the investigation. If UPD determines that the student should be

considered missing, the person making the initial report will be encouraged to make an official missing person report to local police.

**C. If the student is a “residential student” or a “Greek residential student,”** The Department of Student Housing or the Office of the Dean of Students (Greek residential student) will conduct a preliminary investigation to verify the situation and to determine the circumstances which exist relating to the reported missing student.

1. A staff member will attempt to contact the student via her or his telephone by using the number(s) provided.
2. If the student cannot be reached by telephone, a staff member will attempt to visit the on-campus room of the student in question to verify the student’s whereabouts and/or wellness, and, in some cases, deliver a message to contact a parent or family member who is searching for the student.
3. If the student is not at the room, but the room is occupied, an attempt will be made to gain information on the student’s whereabouts and/or wellness from the occupants.
4. If there is no response to a knock on the door of the residence hall room or there are occupants who do not know of the student’s whereabouts, a staff member will enter into the room in question, by key if necessary, to perform a health and safety inspection. The staff member will take note of the condition of the room and look for visible personal property (wallet, keys, cell phone, clothing, etc.) which might provide clues as to whether the student has taken an extended trip or leave from the residence hall.
5. If the student is not found in the residence hall room or Greek house, an attempt will be made to gain information on the student’s whereabouts from roommates, other members of the residential community, or other friends.
6. Staff members, at any step in the process, will report immediately any suspicious findings to UPD.
7. If these steps provide an opportunity to speak with the missing student, verification of the student’s state of health and intention of returning to campus should be made. A referral, if needed, may be made to the University Counseling Center or other medical agency. Once the student is found, UPD will be contacted to apprise them of the student’s state of health and well-being.

If all of these steps do not provide an opportunity to speak with the missing student or to learn her or his whereabouts, UPD will contact, within 24 hours of the student being reported missing, the designated contact person as outlined above.

# **The Campus Sexual Violence Elimination (SaVE) Act**

The Campus Sexual Violence Elimination (SaVE) Act increases transparency on campus about incidents of sexual violence guarantees victims enhanced rights, sets standards for disciplinary proceedings, and requires campus-wide prevention education programs. The Campus SaVE Act amends the Clery Act, which addresses campus sexual assault policies within the Higher Education Act of 1965. President Barack Obama signed SaVE into law on March 7, 2013, as part of the Violence Against Women Act (VAWA) Reauthorization.

The Campus SaVE Act amends the Clery Act, which requires campuses to provide annual statistics on incidents of campus crimes, including sexual assaults occurring on campus and reported to campus authorities or local police. The Act broadens this requirement to mandate fuller reporting of sexual violence to include incidents of domestic violence, dating violence, and stalking.

## **Sexual Misconduct**

### **INTRODUCTION**

The University of Mississippi strives to create a respectful, safe, and non-threatening environment for its students. This policy describes prohibited conduct and establishes procedures for responding to sexual misconduct incidents, where the respondent (the accused) is a student. The investigation and resolution of complaints involving a respondent accused of sexual misconduct are governed by this policy, while complaints of sexual misconduct by University employees are governed by Policy Number ACA.EO.100.010.

These incidents include sexual assault, sexual harassment and other unwelcome behaviors as explained below. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities; the University's Title IX Coordinator oversees policies and procedures that apply to complaints alleging sex discrimination (including sexual harassment, sexual assault, and sexual violence) by employees, students or third parties.

The Title IX Coordinator investigates sexual misconduct by students. Responsibilities performed in this policy by "the Title IX Coordinator" may be performed by the Title IX Coordinator, or by another University employee trained by, and acting under the supervision of, the Title IX Coordinator.

Community members who believe that they have experienced potential sexual misconduct from a student may submit a complaint against the respondent in writing or in person to the Title IX Coordinator, 270 D Martindale Hall (915-7045). Any University faculty or staff member, except those who work or volunteer in the on campus Violence Prevention Office and those with statutory privilege, including but not limited to those providing counseling or health care services through the University Counseling Center, Student Health Services, and/or Psychological Services Center, who is notified by a student of an incident of sexual misconduct by another student is to report the incident immediately (but not later than three calendar days) to the Title IX Coordinator. Individuals who work or volunteer in the on campus Violence Prevention Office, including front desk staff and students, can generally talk to a complainant without revealing any personally identifying information about an incident to the University. A complainant can seek assistance and support from these individuals without triggering a University investigation that could reveal the complainant's identity or that the complainant has disclosed the incident.

While maintaining a complainant's confidentiality, the Violence Prevention Office must report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the complainant – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the complainant to ensure that no personally identifying details are shared with the Title IX Coordinator.

### **VIOLENCE PREVENTION OFFICE**

Lindsey Bartlett Mosvick  
Violence Prevention Coordinator  
662-915-1059  
Lester Hall

A complainant who is requesting confidentiality or privacy must understand that, if the complainant wants to maintain confidentiality or privacy, the University will be unable to conduct an investigation into the particular incident or pursue conduct action against the respondent. Even so, the Violence Prevention Coordinator will still assist the complainant in receiving other necessary protection and support, including, but not limited to, academic accommodations; “no contact” letters; changes in course schedules and changes in housing assignments; and disability, health, and/or mental health services.

A complainant who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated.

While the Violence Prevention Office may maintain a complainant's privacy within the University, it may have reporting or other obligations under state law including an obligation to respond to lawfully issued subpoenas.

If the Violence Prevention Coordinator determines that the Respondent(s) pose(s) a serious and immediate threat to the University community, the University Police Department may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the complainant.

Students also are encouraged to immediately contact the University Police Department (662-915-4911) if they have been sexually assaulted and to seek immediate medical attention. Students should seek medical attention even if they do not wish to pursue criminal charges or otherwise pursue a complaint against a respondent.

## **Relationship between Student Conduct Adjudication and the University's Title IX Responsibilities**

The adjudication of complaints of sexual misconduct is only a part of the University's responsibilities under Title IX when a student has experienced sexual harassment by another student. While a hearing board may have a hearing and pronounce sanctions for a student who violates the sexual misconduct policy, the University has a broader responsibility to respond to the needs of student complainants.

Therefore, regardless of whether a charge is brought against a student through the student conduct process, the Title IX Coordinator will evaluate each case to determine whether the overall response of the University (including resources provided or offered to the complainant and interim steps taken to protect the complainant and others) satisfies the requirements of Title IX.

Additionally, the Title IX Coordinator does not look only at individual cases of discrimination, but also at the University environment as a whole to evaluate the campus climate for gender equality.

## **Privacy**

When a student is the complainant of sexual misconduct, the Title IX Coordinator first will request that the complainant cooperate during an investigation. If a complainant requests confidentiality or asks that the complaint not be pursued, the Title IX Coordinator will take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request; however, the Title IX Coordinator may determine that the circumstances of the sexual misconduct incident are so severe or that the circumstances otherwise indicate there is an on-going danger to the complainant and/or members of the University community such that action must be taken on the part of the University beyond the action requested by the complainant. When determining whether to proceed without cooperation from the complainant, the Title IX Coordinator will weigh a number of factors. Examples of factors the Title IX coordinator will consider are the following: the risk of the respondent committing additional acts; if the respondent has threatened to commit additional acts; if other complaints have been reported about the same respondent; if the complaint involves multiple respondents; the respondent's history of arrests or other conduct records; the involvement of a weapon; the ages of the complainant and respondent; and the University's ability to move forward with the investigation without the complainant.

If the Title IX Coordinator moves forward with the investigation, with or without the complainant's participation, information will only be shared with those individuals who are responsible for handling the school's response to the complaint and those necessary to the investigation. The Title IX Coordinator will inform the complainant, to the extent possible, of individuals with whom information about the complaint will be shared.

Public awareness events such as "Take Back the Night," "the Clothesline Project," candlelight vigils, protests, "survivor speak outs," or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

## **Policy Statement**

The University prohibits sexual misconduct in any form, including sexual assault or sexual abuse, sexual harassment, and other forms of nonconsensual sexual conduct. Students should be able to live, study, and work in an environment free from sexual misconduct.

It is the position of the University that sexual misconduct in any form will not be excused or tolerated. Criminal, civil and University disciplinary processes are available to a student with a complaint. The University is committed to prompt, effective and fair procedures to investigate and adjudicate reports of sexual misconduct and to the education of the University community about the importance of responding to all forms of sexual misconduct. Special emphasis is placed on the rights, needs, and privacy of the student with the complaint, as well as the needs and privacy of the respondent. At the same time, the University adheres to all federal, state, and local requirements for intervention and crime reporting related to sexual misconduct.

## **Interim Steps**

The investigation into an incident of sexual misconduct is only one part of the University's prompt and effective response on behalf of the complainant. For a listing of the resources available to sexual assault



and sexual misconduct complainants, please visit the Violence Prevention Office website <http://violenceprevention.olemiss.edu>.

The Title IX Coordinator may recommend immediate implementation of additional steps to provide for the safety of the complainant or others, to avoid possible retaliation, or to prevent further occurrence of any discrimination or discriminatory effects. These steps may include, but are not limited to academic accommodations; “no contact” letters; changes in course schedules and changes in housing assignments; and disability, health, and/or mental health services. Any such interim step taken by the Title IX Coordinator is not appealable, but such steps may be modified by the Title IX Coordinator at any time.

### **EFFECTIVE CONSENT IS:**

*Effective consent is the basis of this policy because effective consent maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual activity.*

Sexual intimacy requires that all participants consent to the activity. Consent between two or more people is defined as an affirmative agreement – through clear actions or words – to engage in sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of his or her actions when giving the consent.

Lack of protest or resistance does not constitute consent, nor does silence mean consent has been given. Relying solely on non-verbal communication can lead to misunderstanding. Persons who want to engage in sexual activity are responsible for obtaining consent – it should never be assumed.

A prior relationship or prior sexual activity is not sufficient to demonstrate consent.

Consent must be present throughout the sexual activity – at any time, a participant can communicate that he or she no longer consents to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

### **EFFECTIVE CONSENT IS NOT:**

Effective consent cannot result from force, or threat of force, coercion, fraud or intimidation. In addition, an incapacitated person is not able to give consent. The use of force to obtain sexual access or to induce consent violates this policy whether the force is physical in nature, violent, or involves threats, intimidation or coercion.

- **Physical force** includes but is not limited to: hitting, kicking, and restraining. Physical force means someone is physically exerting control of another person through violence.
- **Threatening** someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which he or she otherwise would not have consented.
- **Intimidation** is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though there may not be any threat made explicitly or physical force. Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.
- **Incapacitation:** It is a violation of this policy if the initiator has sex with someone the initiator knows, or reasonably should know, to be incapacitated by alcohol, drugs, sleep or illness. A person who is unconscious, unaware, or otherwise physically helpless cannot give effective consent to sexual activity. Someone is incapacitated when he or she cannot understand who, what, when, where, why, or how, with respect to the sexual interaction.

- **Age of Consent:** According to Mississippi Code §97-3-65, effective consent can never be given by persons under the age of 14. Students who are at least 17 years old cannot receive effective consent from anyone between the ages of 14 and 16, if they are younger by more than 36 months.

## **PROHIBITED CONDUCT:**

Sexual misconduct is a broad term encompassing any sexual behavior that was committed without effective consent. Sexual misconduct may vary in its severity and consists of a range of behaviors. The requirements of this policy apply regardless of the sexual orientation and/ or sexual identity of individuals engaging in sexual activity.

The use of alcohol or other drugs never excuses behavior that violates this policy.

The following descriptions represent sexual behaviors that violate the University of Mississippi's community standards and values of respect, civility, and personal integrity.

These behaviors are serious violations and represent a threat to the safety of the University community.

**1. Sexual Penetration:** Sexual intercourse, or sexual penetration, however slight, with any object or body part without effective consent.

**2. Sexual Touching:** Any intentional touching of intimate body parts without effective consent. Sexual touching includes bodily contact or contact made with an object.

**3. Sexual Harassment:** Harassment of a sexual nature that is so objectively offensive, pervasive, or severe that it effectively denies the complainant access to the University's resources and opportunities, unreasonably interferes with the complainant's work or living environment, or deprives the complainant of some other protected right.

**4 Sexual Exploitation:** Sexual exploitation occurs when a student takes non-consensual, unfair, or abusive advantage of another sexually for his or her own advantage or benefit, even though that behavior does not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to:

- Non-consensual videotaping, audio taping, or photographing of sexual activity even if the sexual act is consensual.
- Non-consensual posting, publishing, sharing, or displaying photo, audio, or video of sexual activity even if the activity was originally recorded with effective consent.
- **Voyeurism:** is a form of sexual exploitation in which one individual engages in secretive observation or non-consensual video or audio taping of another for personal sexual pleasure.
  - Any disrobing of another or exposure to another without effective consent.

**5. Stalking:** Stalking is sexual misconduct when the content of the messages or the nature of the physical stalking is of a sexual nature.

**6. Attempted Act/Accomplice to Sexual Misconduct:** Attempts to commit sexual misconduct also are prohibited under this policy, as is aiding in the commission of sexual misconduct as an accomplice.

**7. Use of Drugs and/or Alcohol to Induce Incapacity:** This policy also prohibits sexual activity or attempted sexual activity with someone whose incapacity results from the taking of a drug or alcohol. Possession, use, and/or distribution of any **“date-rape” drug or licit or illicit substances** are prohibited, and administering or attempting to administer any of these drugs or substances, including alcohol, to someone else for the purpose of inducing incapacity is a violation of this policy. A student may be charged with a violation of this policy even if no sexual activity took place.

**8. Retaliation:** Retaliation against an individual who initiates a sexual misconduct complaint, participates in an investigation, or pursues legal action, is prohibited. The University defines retaliation as any adverse action (including intimidation) taken against an individual who has participated in any manner in an investigation, proceeding, or hearing under these policies and procedures.

Independent action may be taken against anyone engaging in retaliation including individuals who are acting on behalf of the respondent or complainant, with or without the knowledge of the respondent. Retaliation may occur in person or electronically.

In an effort to avoid retaliation, prevent recurrence of any discrimination or discriminatory effects, and provide for the safety of the all parties, the University will implement all necessary remedies during an investigation period and/or at the conclusion of an investigation. These remedies may include, but are not limited to: academic accommodations, “no contact” letters, changes in course schedules, and changes in housing assignments.

## **SANCTIONS**

A wide range of sexual misconduct is prohibited by this policy. As such, dependent upon the facts unique to each case, sanctions may range from a verbal reprimand to expulsion from the University. For a non exhaustive list of sanctions and their definitions please reference University of Mississippi policy DSA.SC.300.020, Disciplinary Sanctions.

## **AMNESTY**

The use of alcohol or drugs by either party in conjunction with a sexual assault does not alleviate responsibility on the part of the respondent or diminish the serious nature of the offense. When alcohol or drugs are involved, neither party will be found responsible for voluntary, personal alcohol or voluntary, personal drug use and should not let his or her use of alcohol or drugs be a deterrent to reporting or responding to the incident.

## **PREVENTION AND EDUCATION**

- The University is committed to an environment where members utilize bystander intervention to prevent and end violence on campus and in the community.
- The University presents programming on prevention of sexual misconduct, relationship violence and stalking to all students, staff and faculty at orientation and throughout the year.
- The University also educates all its members on awareness and intervention related to sexual misconduct, relationship violence and stalking. Education includes University policy, state criminal laws, Title

IX and federal laws, the impact of trauma, how to recognize and respond to incidents and the importance of reporting incidents.

- To request an educational program, contact the Violence Prevention Office at 915- 1059.
- The University mandates training for all incoming students to increase awareness and foster prevention. The University mandates training for all staff and faculty.

For a listing of resources available to students, please visit the Violence Prevention Office website <http://violenceprevention.olemiss.edu/>

### **Sexual Misconduct Student Conduct Adjudication Process:**

Complaints of sexual misconduct by a student against another student are governed by Title IX and are, therefore, investigated by the Title IX Coordinator. The adjudication of sexual misconduct cases shall follow the process outlined in DSA.SC.300.001 through DSA. SC.300.015, Student Conduct Process, unless otherwise outlined below. The standard of proof for all cases involving sexual misconduct will be based upon the University's established standard of preponderance of the evidence.

The time frames indicated below are maximums. All days are "business" days, unless otherwise noted. Especially in cases of sexual assault, the University will make every effort to move the case promptly through the process so long as such speed does not interfere with the quality of the investigation or the hearing.

1. In the Student Conduct process, cases of sexual misconduct generally will be adjudicated within 60 days of the date that the Title IX Coordinator is notified of the complaint, unless there are extenuating circumstances (i.e. uncooperative witnesses, break periods and periods when the University is closed). The Title IX Coordinator will comply with law enforcement requests for cooperation and such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of the investigation while law enforcement is in the process of gathering evidence. The University promptly will resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the University's investigation will be longer in certain instances.

**a. Information Gathering and Determination of Charge/s:** The Title IX Coordinator will investigate a complaint of sexual misconduct generally within 40 days of receiving the complaint. The degree to which a complainant of sexual misconduct participates in the investigation and subsequent hearing will be up to the complainant to decide; however, when a complainant does not wish to be a part of the investigation, wishes to remain anonymous, or refuses to provide information to the Title IX Coordinator, the Title IX Coordinator may be prevented from doing a full investigation. The Title IX Coordinator will compile all evidence, including the testimony of various witnesses, into a report. The report will not contain findings of fact as to whether a violation of the sexual misconduct policy actually occurred; however, the Title IX Coordinator will decide whether there is sufficient evidence of sexual misconduct such that the complaint needs to be forwarded to the Office of Conflict Resolution and Student Conduct for a hearing. If the Title IX Coordinator does not find there is sufficient evidence to proceed with the hearing, the complainant may still request a hearing before the hearing board.

**b. Intake Meetings:** Generally, within 45 days, the University will conduct individual intake meetings for the complainant and the respondent student(s). During the intake meeting, parties will be informed of their rights and the hearing process. Sanctions may be given to the respondent during the intake phase, but only if the Title IX Coordinator, the complainant and the respondent all agree on appropriate sanctions. If all three parties agree on appropriate sanctions, this decision is not appealable.

**c. Hearing Decision:** Generally, within 60 days, the University will render a hearing decision to include findings of “responsible” or “not responsible” of each charge and any appropriate sanctions. The University will attempt to notify, simultaneously, both the complainant and respondent, in writing, within 24 hours of this decision.

**d. Appeal:** The complainant and/or the respondent may appeal the findings and/or the sanctions of the hearing board. The process for appeal is outlined within University of Mississippi policy DSA.SC.300.010, Student Conduct Process. For cases involving sexual misconduct, both the complainant and respondent will be notified in writing of the appellate decision generally within 12 days of the Vice Chancellor for Student Affairs receiving the appeal.

2. During the investigation phase, but no later than 30 after learning of the complaint, the Title IX Coordinator may decide that the case is suitable for informal resolution, or mediation, between the parties; however, mediation will not be used in cases where sexual assault or other violence is alleged, or in cases where the Title IX Coordinator believes there to be an inequity of power between the parties. The Title IX Coordinator, the complainant and the respondent must all agree to engage in mediation. The Title IX Coordinator will appoint a mediator, and the mediation will be conducted generally within 10 days of the parties’ agreement to mediate. If the parties reach an agreement during mediation, that agreement will be put in writing and will be binding upon the parties. Violation of the written agreement will result in the student being charged with Disregard for University Authority, DSA. SC.200.010 and may result in a reinstatement of the charge for sexual misconduct.

If the parties are unable to reach an agreement, the case will be turned back over to the Title IX Coordinator to complete the investigation.

3. During the proceeding, complainants are responsible for supporting their complaints, and respondents are responsible for responding to the complaint. All parties have the right to have an advisor attend the hearing; however, advisors are not permitted to speak or participate directly in the hearing and are limited to speaking only to the party they are advising. The parties may request to have one additional advisor at the hearing. This request must be submitted in writing to the Office of Conflict Resolution and Student Conduct at least 72 hours before the proceeding.

4. The complainant and the respondent will have individual intake meetings to discuss their rights, the student conduct charges and the hearing process. The respondent will not have the opportunity to agree to sanctions during the intake meetings (and thus avoid a hearing before the hearing board) unless both the Title IX Coordinator and the complainant already have agreed that the suggested sanctions are appropriate. If the sanctions are then agreed to by the respondent, then neither party may appeal.

5. A trained three-member hearing board will be selected, based on availability, by the Office of Conflict Resolution and Student Conduct. Before the proceeding, the complainant and respondent will have an

opportunity to see a list of board members who will be serving as fact-finders and request recusal of any they have reason to believe are biased.

6. A University employee of the three-member hearing board will preside over the hearing as chair. At the beginning of the hearing, the chair will explain the process of the hearing.
7. Students must submit all witness names, evidence, and other information they want considered by the hearing board **72 hours** prior to the start of the hearing. Each student will have the opportunity to review the case file before the hearing, if that is reasonably possible under the circumstances.
8. During the course of the hearing, the chair will make all procedural and evidentiary determinations, which are final.
9. Generally, all relevant information, (information used to prove or disprove that sexual misconduct has occurred), will be considered during the proceeding.
10. The complainant may choose to be present throughout the entire hearing.
11. The complainant may choose to participate in the hearing through the means of technology from an off-site location or at the hearing location separated from the respondent by a barrier.
12. A party's refusal to be present or participate in the hearing will not prevent the hearing from proceeding as long as there is other evidence of the sexual misconduct.
13. The Title IX Coordinator may be called as a witness and may present evidence found during the course of the investigation, including the testimony of individuals interviewed during the investigation. Because the hearing board is the finder-of-fact, the Title IX Coordinator will not be asked whether the respondent acted in violation of this policy, but the Title IX Coordinator may comment on inconsistencies found during the investigation and on the credibility of witnesses interviewed.
14. All questions must be relevant, and all questions will be directed to the University employee chair.
15. Both parties may give closing statements.
16. The complainant may submit an impact statement that will be taken into consideration only if there is a finding of "responsible" for any sexual misconduct charge.
17. The decision of the hearing board and sanctions will be determined within 48 hours of the hearing completion.
18. The complainant and respondent will be notified of the hearing board's finding concurrently. Additionally, the complainant and respondent will receive formal notification of the outcome in writing. The same notification process will be followed for all cases under appeal.

The complainant and the respondent both have the right to appeal the decision of the hearing board as outlined in part six of University of Mississippi policy, DSA.SC.300.010, Student Conduct Process, as modified by this policy.

# **Violence Prevention**

## **INTRODUCTION**

The University of Mississippi strives to create a respectful, safe, and non-threatening environment for its students. The information in this report mirrors closely the Sexual Misconduct policy at the University of Mississippi. It describes prohibited conduct and establishes procedures for responding to sexual misconduct incidents, where the respondent (the accused) is a student. The investigation and resolution of complaints involving a respondent accused of sexual misconduct are governed by this policy, while complaints of sexual misconduct by University employees are governed by Policy Number ACA.EO.100.010. These incidents include sexual assault, sexual harassment and other unwelcome behaviors as explained below. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities; the University's Title IX Coordinator oversees policies and procedures that apply to complaints alleging sex discrimination (including sexual harassment, sexual assault, and sexual violence) by employees, students or third parties.

## **POLICY STATEMENT**

The University prohibits sexual misconduct in any form, including sexual assault or sexual abuse, sexual harassment, and other forms of nonconsensual sexual conduct. Students should be able to live, study, and work in an environment free from sexual misconduct. It is the position of the University that sexual misconduct in any form will not be excused or tolerated. Criminal, civil, and University disciplinary processes are available to a student with a complaint. The University is committed to prompt, effective and fair procedures to investigate and adjudicate reports of sexual misconduct and to the education of the University community about the importance of responding to all forms of sexual misconduct. Special emphasis is placed on the rights, needs, and privacy of the student with the complaint, as well as the needs and privacy of the respondent. At the same time, the University adheres to all federal, state, and local requirements for intervention and crime reporting related to sexual misconduct.

## **PREVENTION AND EDUCATION**

The University is committed to an environment where all members utilize bystander intervention to prevent and end violence on campus and in the community. The University presents programming on prevention of sexual misconduct, relationship violence and stalking to all students, staff, and faculty at orientation and throughout the year. For students, this programming begins when first-year students come to campus. At their orientation activities, the "Green Dot" program is introduced to each student. For faculty and staff, there is required training in relation to sexual misconduct in the workplace.

The University also educates all its members on awareness and intervention related to sexual misconduct, relationship violence and stalking. Education includes University policy, state criminal laws, Title IX and federal laws, the impact of trauma, how to recognize and respond to incidents and the importance of reporting incidents.

To request an educational program, contact the Violence Prevention Office at 915-1059. The University mandates training for all incoming students to increase awareness and foster prevention. The University mandates training for all staff and faculty.

For a list of resources available to students, please visit the Violence Prevention Office website <http://violenceprevention.olemiss.edu>.

## **AMNESTY**

The use of alcohol or drugs by either party in conjunction with a sexual assault does not alleviate responsibility on the part of the respondent or diminish the serious nature of the offense. When alcohol or drugs are involved, neither party will be found responsible for voluntary, personal alcohol or voluntary, personal drug use and should not let his or her use of alcohol or drugs be a deterrent to reporting or responding to the incident.

## **WARNING SIGNS OF ABUSIVE BEHAVIOR**

If one or more of these are true, please reach out to the Counseling Center (662-915-3784) or Violence Prevention Office (662-915-1059) for support.

- Checking your cell phone, computer, or accounts without permission
- Constantly putting you down and calling you names
- Extreme jealousy or insecurity
- Isolating you from family, friends, activities you enjoy
- Physically hurting you in any way or threatening to do so
- Possessiveness
- Telling you what to do or controlling what you wear
- Pressuring or forcing you to have sex

## **SAFETY TIPS**

- When going to a social gathering, go with a group of friends and have a plan as to how you will all get home.
- Trust your instincts about situations and listen to them.
- Do not leave a drink unattended, and do not accept a drink from someone you do not know or trust.
- Be aware of your surroundings
- Know you can call a cab, take Safe Ride, or call the police if you do not have a safe way to get home at night.

## **OPTIONS FOR BYSTANDER INTERVENTION: GREEN DOTS**

As a community, the University of Mississippi encourages our members to engage in bystander intervention to prevent power-based personal violence before it happens. As a collective, we can change the culture of our community to one where violence is never accepted.

There are three types of Green Dots we can do to act as bystanders:

- Direct
  - Check in with a person who looks like he or she needs assistance.
  - Call a friend in a new relationship when you have not heard from him or her in a while.



- If you see someone who has had too much to drink, get her or him safely home using a designated driver or call a cab.
- Distract
  - Spill a drink or call attention to yourself.
  - Tell the person his or her car is getting ticketed or towed.
  - Ask one or both of the people to go somewhere else with you safely.
- Delegate
  - If you fear for your safety or someone else's, call the University Police Department or the Oxford Police Department.
  - Have security at the bar or party check in on someone you do not know when you are concerned.
  - In a residence hall, call your Community Assistant to intervene.

Find out more about Green Dot at: <http://violenceprevention.olemiss.edu>.

## **EFFECTIVE CONSENT IS:**

Effective consent is the basis of this policy because effective consent maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual activity.

Sexual intimacy requires that all participants consent to the activity. Consent between two or more people is defined as an affirmative agreement – through clear actions or words – to engage in sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of his or her actions when giving the consent.

Lack of protest or resistance does not constitute consent, nor does silence mean consent has been given. Relying solely on non-verbal communication can lead to misunderstanding. Persons who want to engage in sexual activity are responsible for obtaining consent – it should never be assumed.

A prior relationship or prior sexual activity is not sufficient to demonstrate consent. Consent must be present throughout the sexual activity – at any time, a participant can communicate that he or she no longer consents to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

## **EFFECTIVE CONSENT IS NOT:**

Effective consent cannot result from force, or threat of force, coercion, fraud or intimidation. In addition, an incapacitated person is not able to give consent. The use of force to obtain sexual access or to induce consent violates this policy whether the force is physical in nature, violent, or involves threats, intimidation or coercion.

- Physical force includes but is not limited to: hitting, kicking, and restraining. Physical force means someone is physically exerting control of another person through violence.
- Threatening someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which he or she otherwise would not have consented.
- Intimidation is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though there may not be any threat made explicitly or physical force.

Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.

- **Incapacitation**: It is a violation of this policy if the initiator has sex with someone the initiator knows, or reasonably should know, to be incapacitated by alcohol, drugs, sleep or illness. A person who is unconscious, unaware, or otherwise physically helpless cannot give effective consent to sexual activity. Someone is incapacitated when he or she cannot understand who, what, when, where, why, or how, with respect to the sexual interaction.
- **Age of Consent**: According to Mississippi Code §97-3-65, effective consent can never be given by persons under the age of 14. Students who are at least 17 years old cannot receive effective consent from anyone between the ages of 14 and 16, if they are younger by more than 36 months.

## **PROHIBITED CONDUCT**

Sexual misconduct is a broad term encompassing any sexual behavior that was committed without effective consent. Sexual misconduct may vary in its severity and consists of a range of behaviors. The requirements of this policy apply regardless of the sexual orientation and/or sexual identity of individuals engaging in sexual activity.

The use of alcohol or other drugs never excuses behavior that violates this policy.

The following descriptions represent sexual behaviors that violate the University of Mississippi's community standards and values of respect, civility, and personal integrity. These behaviors are serious violations and represent a threat to the safety of the University community.

1. **Sexual Penetration:**  
Sexual intercourse, or sexual penetration, however slight, with any object or body part without effective consent.
2. **Sexual Touching:**  
Any intentional touching of intimate body parts without effective consent. Sexual touching includes bodily contact or contact made with an object.
3. **Sexual Harassment:**  
Harassment of a sexual nature that is so objectively offensive, pervasive, or severe that it effectively denies the complainant access to the University's resources and opportunities, unreasonably interferes with the complainant's work or living environment, or deprives the complainant of some other protected right.
4. **Sexual Exploitation:**  
Sexual exploitation occurs when a student takes non-consensual, unfair, or abusive advantage of another sexually for his or her own advantage or benefit, even though that behavior does not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to:
  - Non-consensual videotaping, audiotaping, or photographing of sexual activity even if the sexual act is consensual.
  - Non-consensual posting, publishing, sharing, or displaying photo, audio, or video of sexual activity even if the activity was originally recorded with effective consent.
  - Voyeurism is a form of sexual exploitation in which one individual engages in secretive observation or non-consensual video or audio taping of another for personal sexual pleasure.
  - Any disrobing of another or exposure to another without effective consent.

5. **Stalking**  
Stalking is sexual misconduct when the content of the messages or the nature of the physical stalking is of a sexual nature.
6. **Attempted Act/Accessory to Sexual Misconduct:**  
Attempts to commit sexual misconduct are also prohibited under this policy, as is aiding in the commission of sexual misconduct as an accomplice.
7. **Use of Drugs and/or Alcohol to Induce Incapacity:**  
This policy also prohibits sexual activity or attempted sexual activity with someone whose incapacity results from the taking of a drug or alcohol. Possession, use, and/or distribution of any “date-rape” drug or licit or illicit substances are prohibited, and administering or attempting to administer any of these drugs or substances, including alcohol, to someone else for the purpose of inducing incapacity is a violation of this policy. A student may be charged with a violation of this policy even if no sexual activity took place.
8. **Retaliation:**  
Retaliation against an individual who initiates a sexual misconduct complaint, participates in an investigation, or pursues legal action, is prohibited. The University defines retaliation as any adverse action (including intimidation) taken against an individual who has participated in any manner in an investigation, proceeding, or hearing under these policies and procedures.

Independent action may be taken against anyone engaging in retaliation including individuals who are acting on behalf of the respondent or complainant, with or without the knowledge of the respondent. Retaliation may occur in person or electronically.

In an effort to avoid retaliation, prevent recurrence of any discrimination or discriminatory effects, and provide for the safety of the all parties, the University will implement all necessary remedies during an investigation period and/or at the conclusion of an investigation. These remedies may include, but are not limited to: academic accommodations, “no contact” letters, changes in course schedules, and changes in housing assignments.

## **MISSISSIPPI STATE LAW RELATED TO PROHIBITED CONDUCT**

### **Rape:** M.S. Code §93-7-91

Every person who shall be convicted of an assault with intent to forcibly ravish any female of previous chaste character shall be punished by imprisonment in the penitentiary for life, or for such shorter time as may be fixed by the jury, or by the court upon the entry of a plea of guilty.

### **Sexual Battery:** M.S. Code §93-7-95

- (1) A person is guilty of sexual battery if he or she engages in sexual penetration with:
  - (a) Another person without his or her consent;
  - (b) A mentally defective, mentally incapacitated or physically helpless person;
  - (c) A child at least fourteen (14) but under sixteen (16) years of age, if the person is thirty-six (36) or more months older than the child; or
  - (d) A child under the age of fourteen (14) years of age, if the person is twenty-four (24) or more months older than the child.

**Consent:** M.S. Code §93-7-97(c)-(d)

(c) A "mentally incapacitated person" is one rendered incapable of knowing or controlling his or her conduct, or incapable of resisting an act due to the influence of any drug, narcotic, anesthetic, or other substance administered to that person without his or her consent.

(d) A "physically helpless person" is one who is unconscious or one who for any other reason is physically incapable of communicating an unwillingness to engage in an act.

**Domestic violence simple assault:** M.S. Code § 97-3-7(3)

(3) (a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of simple domestic violence who:

- (i) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;
- (ii) Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or
- (iii) Attempts by physical menace to put another in fear of imminent serious bodily harm.

Upon conviction, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$ 500.00) or by imprisonment in the county jail for not more than six (6) months, or both.

(b) *Simple domestic violence: third.* A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction, the defendant shall be sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years.

**Aggravated domestic violence:** M.S. Code §97-3-7(4)

(4) (a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of aggravated domestic violence who:

- (i) Attempts to cause serious bodily injury to another, or causes such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;
- (ii) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or
- (iii) Strangles, or attempts to strangle another.

Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) nor more than twenty (20) years.

(b) *Aggravated domestic violence; third.* A person is guilty of aggravated domestic violence third who, at the time of the commission of that offense, commits aggravated domestic violence as defined in this subsection (4) and who has two (2) prior convictions within the past seven (7) years, whether against the same or another victim, for any combination of aggravated domestic violence under this subsection (4) or simple domestic violence third as defined in subsection (3) of this section, or substantially similar

offenses under the laws of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction for aggravated domestic violence third, the defendant shall be sentenced to a term of imprisonment of not less than ten (10) nor more than twenty (20) years.

(5) *Sentencing for fourth or subsequent domestic violence offense.* Any person who commits an offense defined in subsection (3) or (4) of this section, and who, at the time of the commission of that offense, has at least three (3) previous convictions, whether against the same or different victims, for any combination of offenses defined in subsections (3) and (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe, shall, upon conviction, be sentenced to imprisonment for not less than fifteen (15) years nor more than twenty (20) years.

(6) In sentencing under subsections (3), (4) and (5) of this section, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.

**Stalking:** M.S. Code §97-3-107

(1) (a) Any person who purposefully engages in a course of conduct directed at a specific person, or who makes a credible threat, and who knows or should know that the conduct would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property, is guilty of the crime of stalking.

(b) A person who is convicted of the crime of stalking under this section shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$ 1,000.00), or by both such fine and imprisonment.

(c) Any person who is convicted of a violation of this section when there is in effect at the time of the commission of the offense a valid temporary restraining order, ex parte protective order, protective order after hearing, court approved consent agreement, or an injunction issued by a municipal, justice, county, circuit or chancery court, federal or tribal court or by a foreign court of competent jurisdiction prohibiting the behavior described in this section against the same party, shall be punished by imprisonment in the county jail for not more than one (1) year and by a fine of not more than One Thousand Five Hundred Dollars (\$ 1,500.00).

(2) (a) A person who commits acts that would constitute the crime of stalking as defined in this section is guilty of the crime of aggravated stalking if any of the following circumstances exist:

(i) At least one (1) of the actions constituting the offense involved the use or display of a deadly weapon with the intent to place the victim of the stalking in reasonable fear of death or great bodily injury to self or a third person;

(ii) Within the past seven (7) years, the perpetrator has been previously convicted of stalking or aggravated stalking under this section or a substantially similar law of another state, political subdivision of another state, of the United States, or of a federally recognized Indian tribe, whether against the same or another victim;  
or

(iii) At the time of the offense, the perpetrator was a person required to register as a sex offender pursuant to state, federal, military or tribal law and the victim was under the age of eighteen (18) years.

(b) Aggravated stalking is a felony punishable as follows:

(i) Except as provided in subparagraph (ii), by imprisonment in the custody of the Department of Corrections for not more than five (5) years and a fine of not more than Three Thousand Dollars (\$ 3,000.00).

(ii) If, at the time of the offense, the perpetrator was required to register as a sex offender pursuant to state, federal, military or tribal law, and the victim was under the age of eighteen (18) years, by imprisonment for not more than six (6) years in the custody of the Department of Corrections and a fine of Four Thousand dollars (\$4,000.00).

(3) Upon conviction, the sentencing court shall consider issuance of an order prohibiting the perpetrator from any contact with the victim. The duration of any order prohibiting contact with the victim shall be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim or another person.

(4) Every conviction of stalking or aggravated stalking may require as a condition of any suspended sentence or sentence of probation that the defendant, at his own expense, submit to psychiatric or psychological counseling or other such treatment or behavioral modification program deemed appropriate by the court.

(5) In any prosecution under this section, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted or that the perpetrator did not intend to cause the victim fear.

(6) When investigating allegations of a violation of this section, law enforcement officers shall utilize the Uniform Offense Report prescribed by the Office of the Attorney General in consultation with the sheriffs' and police chiefs' associations. However, failure of law enforcement to utilize the Uniform Offense Report shall in no way invalidate the crime charged under this section.

(7) For purposes of venue, any violation of this section shall be considered to have been committed in any county in which any single act was performed in furtherance of a violation of this section. An electronic communication shall be deemed to have been committed in any county from which the electronic communication is generated or in which it is received.

(8) For the purposes of this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of two (2) or more acts over a period of time, however short, evidencing a continuity of purpose and that would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property. Such acts may include, but are not limited to, the following or any combination thereof, whether done directly or indirectly: (i) following or confronting the other person in a public place or on private property against the other person's will; (ii) contacting the other person by telephone or mail, or by electronic mail or communication as defined in Section 97-45-1; or (iii) threatening or causing harm to the other person or a third party.

(b) "Credible threat" means a verbal or written threat to cause harm to a specific person or to cause damage to property that would cause a reasonable person to fear for the safety of that person or damage to the property.

(c) "Reasonable person" means a reasonable person in the victim's circumstances.

(9) The incarceration of a person at the time the threat is made shall not be a bar to prosecution under this section. Constitutionally protected activity is not prohibited by this section.

## **REPORTING**

Community members who believe that they have experienced potential sexual misconduct from a student may submit a complaint against the respondent in writing or in person to the Title IX Coordinator, 270 D Martindale Hall (915-7045). Any University faculty or staff member, except those who work or volunteer in the on campus Violence Prevention Office and those with statutory privilege, including but not limited to those providing counseling or health care services through the University Counseling Center, Student Health Services, and/or Psychological Services Center, who is notified by a student of an incident of sexual misconduct by another student is to report the incident immediately (but not later than three calendar days) to the Title IX Coordinator.

Students also are encouraged to immediately contact the University Police Department (662-915-4911) if they have been sexually assaulted and to seek immediate medical attention, although such notification is not required. Students should seek medical attention even if they do not wish to pursue criminal charges or otherwise pursue a complaint against a respondent. Students also can contact the Oxford Police

Department if the incident occurred off campus (662-232-2400). Students can utilize the Violence Prevention Office as a resource if they need support in reporting to law enforcement.

In the aftermath of an assault of any kind, the preservation of evidence is important. Once students are safe, they can consider ways to keep evidence in case it is necessary for later proceedings. In order to have evidence collected post-sexual assault, a SANE exam can be done from 8 a.m. to 5 p.m. Monday through Friday in the Student Health Center. Outside of those hours, evidence collection can be done at Baptist Memorial Hospital. Students should take photos of any injuries, preserve any electronic messages and keep a record of any other relevant information, as doing so will support further action from law enforcement or other authorities.

## **PRIVACY**

Individuals who work or volunteer in the on campus Violence Prevention Office, including front desk staff and students, can generally talk to a complainant without revealing any personally identifying information about an incident to the University. A complainant can seek assistance and support from these individuals without triggering a University investigation that could reveal the complainant's identity or that the complainant has disclosed the incident.

While maintaining a complainant's confidentiality, the Violence Prevention Office must report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the complainant – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the complainant to ensure that no personally identifying details are shared with the Title IX Coordinator.

### **VIOLENCE PREVENTION OFFICE**

Lindsey Bartlett Mosvick  
Violence Prevention Coordinator  
662-915-1059  
Lester Hall

A complainant who is requesting confidentiality or privacy must understand that, if the complainant wants to maintain confidentiality or privacy, the University will be unable to conduct an investigation into the particular incident or pursue conduct action against the respondent. Even so, the Violence Prevention Coordinator will still assist the complainant in receiving other necessary protection and support, including, but are not limited to, academic accommodations; “no contact” letters; changes in course schedules and changes in housing assignments; and disability, health, and/or mental health services.

A complainant who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated.

While the Violence Prevention Office may maintain a complainant's privacy within the University, it may have reporting or other obligations under state law including an obligation to respond to lawfully issued subpoenas.

If the Violence Prevention Coordinator determines that the respondent(s) pose(s) a serious and immediate threat to the University community, the University Police Department may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the complainant.

When a student is the complainant of sexual misconduct, the Title IX Coordinator first will request that the complainant cooperate during an investigation. If a complainant requests confidentiality or asks that the complaint not be pursued, the Title IX Coordinator will take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request; however, the Title IX Coordinator may determine that the circumstances of the sexual misconduct incident are so severe or that the circumstances otherwise indicate there is an on-going danger to the complainant and/or members of the University community such that action must be taken on the part of the University beyond the action requested by the complainant. When determining whether to proceed without cooperation from the complainant, the Title IX Coordinator will weigh a number of factors. Examples of factors the Title IX coordinator will consider are the following: the risk of the respondent committing additional acts; if the respondent has threatened to commit additional acts; if other complaints have been reported about the same respondent; if the complaint involves multiple respondents; the respondent's history of arrests or other conduct records; the involvement of a weapon; the ages of the complainant and respondent; and the University's ability to move forward with the investigation without the complainant.

If the Title IX Coordinator moves forward with the investigation, with or without the complainant's participation, information will only be shared with those individuals who are responsible for handling the school's response to the complaint and those necessary to the investigation. The Title IX Coordinator will inform the complainant, to the extent possible, of individuals with whom information about the complaint will be shared.

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

## **INVESTIGATION**

The Title IX Coordinator investigates sexual misconduct by students. Responsibilities performed in this policy by "the Title IX Coordinator" may be performed by the Title IX Coordinator, or by another University employee trained by, and acting under the supervision of, the Title IX Coordinator.

The adjudication of complaints of sexual misconduct is only a part of the University's responsibilities under Title IX when a student has experienced sexual harassment by another student. While a hearing board may have a hearing and pronounce sanctions for a student who violates the sexual misconduct policy, the University has a broader responsibility to respond to the needs of student complainants. Therefore, regardless of whether a charge is brought against a student through the student conduct process, the Title IX Coordinator will evaluate each case to determine whether the overall response of the University (including resources provided or offered to the complainant and interim steps taken to protect the complainant and others) satisfies the requirements of Title IX. Additionally, the Title



IX Coordinator does not look only at individual cases of discrimination, but also at the University environment as a whole to evaluate the campus climate for gender equality.

## **INTERIM STEPS**

The investigation into an incident of sexual misconduct is only one part of the University's prompt and effective response on behalf of the complainant. For a listing of the resources available to sexual assault and sexual misconduct complainants, please visit the Violence Prevention Office website <http://violenceprevention.olemiss.edu>.

The Title IX Coordinator may recommend immediate implementation of additional steps to provide for the safety of the complainant or others, to avoid possible retaliation, or to prevent further occurrence of any discrimination or discriminatory effects. These steps may include, but are not limited to academic accommodations; "no contact" letters; changes in course schedules and changes in housing assignments; and disability, health, and/or mental health services. Any such interim step taken by the Title IX Coordinator is not appealable, but such steps may be modified by the Title IX Coordinator at any time.

"No contact" letters enjoin students from contacting each other by any means, including electronic communication. If a no contact letter is violated on or off campus, the student may face educational measures from the office of Conflict Resolution Office and Student Conduct. Students also may be eligible for Protection from Abuse orders through the state's criminal justice system. Students can contact the Violence Prevention Office to assess potential eligibility. The Violence Prevention Office can accompany students to obtain the orders, but does not provide legal services.

## **CONDUCT PROCESS**

Complaints of sexual misconduct by a student against another student are governed by Title IX and are, therefore, investigated by the Title IX Coordinator. The adjudication of sexual misconduct cases shall follow the process outlined in DSA.SC.300.001 through DSA.SC.300.015, Student Conduct Process, unless otherwise outlined below. The standard of proof for all cases involving sexual misconduct will be based upon the University's established standard of preponderance of the evidence. These proceedings shall be prompt, fair, and shall result in an impartial investigation and resolution.

The time frames indicated below are maximums. All days are "business" days, unless otherwise noted. Especially in cases of sexual assault, the University will make every effort to move the case promptly through the process so long as such speed does not interfere with the quality of the investigation or the hearing.

1. In the Student Conduct process, cases of sexual misconduct generally will be adjudicated within 60 days of the date that the Title IX Coordinator is notified of the complaint, unless there are extenuating circumstances (i.e. uncooperative witnesses, break periods and periods when the University is closed). The Title IX Coordinator will comply with law enforcement requests for cooperation and such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of the investigation while law enforcement is in the process of gathering evidence. The University promptly will resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the University's investigation will be longer in certain instances.
  - a. Information Gathering and Determination of Charge/s: The Title IX Coordinator will investigate a complaint of sexual misconduct generally within 40 days of receiving the

complaint. The degree to which a complainant of sexual misconduct participates in the investigation and subsequent hearing will be up to the complainant to decide; however, when a complainant does not wish to be a part of the investigation, wishes to remain anonymous, or refuses to provide information to the Title IX Coordinator, the Title IX Coordinator may be prevented from doing a full investigation. The Title IX Coordinator will compile all evidence, including the testimony of various witnesses, into a report. The report will not contain findings of fact as to whether a violation of the sexual misconduct policy actually occurred; however, the Title IX Coordinator will decide whether there is sufficient evidence of sexual misconduct such that the complaint needs to be forwarded to the Office of Conflict Resolution and Student Conduct for a hearing. If the Title IX Coordinator does not find there is sufficient evidence to proceed with the hearing, the complainant may still request a hearing before the hearing board.

- b. Intake Meetings: Generally, within 45 days, the University will conduct individual intake meetings for the complainant and the respondent student(s). During the intake meeting, parties will be informed of their rights and the hearing process. Sanctions may be given to the respondent during the intake phase, but only if the Title IX Coordinator, the complainant and the respondent all agree on appropriate sanctions. If all three parties agree on appropriate sanctions, this decision is not appealable.
  - c. Hearing Decision: Generally, within 60 days, the University will render a hearing decision to include findings of “responsible” or “not responsible” of each charge and any appropriate sanctions. The University will attempt to notify, simultaneously, both the complainant and respondent, in writing, within 24 hours of this decision.
  - d. Appeal: The complainant and/or the respondent may appeal the findings and/or the sanctions of the hearing board. The process for appeal is outlined within University of Mississippi policy DSA.SC.300.010, Student Conduct Process. For cases involving sexual misconduct, both the complainant and respondent will be notified in writing of the appellate decision generally within 12 days of the Vice Chancellor for Student Affairs receiving the appeal.
2. During the investigation phase, but generally no later than 30 days after learning of the complaint, the Title IX Coordinator may decide that the case is suitable for informal resolution, or mediation, between the parties; however, mediation will not be used in cases where sexual assault or other violence is alleged, or in cases where the Title IX Coordinator believes there to be an inequity of power between the parties. The Title IX Coordinator, the complainant and the respondent must all agree to engage in mediation. The Title IX Coordinator will appoint a mediator, and the mediation will be conducted generally within 10 days of the parties’ agreement to mediate. If the parties reach an agreement during mediation, that agreement will be put in writing and will be binding upon the parties. Violation of the written agreement will result in the student being charged with Disregard for University Authority, DSA.SC.200.010 and may result in a reinstatement of the charge for sexual misconduct. If the parties are unable to reach an agreement, the case will be turned back over to the Title IX Coordinator to complete the investigation.
  3. During the proceeding, complainants are responsible for supporting their complaints, and respondents are responsible for responding to the complaint. All parties have the right to have an advisor attend the hearing; however, advisors are not permitted to speak or participate directly in the hearing and are limited to speaking only to the party they are advising. The parties may request to have one additional advisor at the hearing. This request must be submitted in writing to the Office of Conflict Resolution and Student Conduct at least 72 hours before the proceeding.
  4. The complainant and the respondent will have individual intake meetings to discuss their rights, the student conduct charges and the hearing process. The respondent will not have the opportunity to agree to sanctions during the intake meetings (and thus avoid a hearing before the

hearing board) unless both the Title IX Coordinator and the complainant already have agreed that the suggested sanctions are appropriate. If the sanctions are then agreed to by the respondent, then neither party may appeal.

5. A trained three-member hearing board will be selected, based on availability, by the Office of Conflict Resolution and Student Conduct. Before the proceeding, the complainant and respondent will have an opportunity to see a list of board members who will be serving as fact-finders and request recusal of any they have reason to believe are biased.
6. A University employee of the three-member hearing board will preside over the hearing as chair. At the beginning of the hearing, the chair will explain the process of the hearing.
7. Students must submit all witness names, evidence, and other information they want considered by the hearing board 72 hours prior to the start of the hearing. Each student will have the opportunity to review the case file before the hearing, if that is reasonably possible under the circumstances.
8. During the course of the hearing, the chair will make all procedural and evidentiary determinations, which are final.
9. Generally, all relevant information, (information used to prove or disprove that sexual misconduct has occurred), will be considered during the proceeding.
10. The complainant may choose to be present throughout the entire hearing.
11. The complainant may choose to participate in the hearing through the means of technology from an off-site location or at the hearing location separated from the respondent by a barrier.
12. A party's refusal to be present or participate in the hearing will not prevent the hearing from proceeding as long as there is other evidence of the sexual misconduct.
13. The Title IX Coordinator may be called as a witness and may present evidence found during the course of the investigation, including the testimony of individuals interviewed during the investigation. Because the hearing board is the finder-of-fact, the Title IX Coordinator will not be asked whether the respondent acted in violation of this policy, but the Title IX Coordinator may comment on inconsistencies found during the investigation and on the credibility of witnesses interviewed.
14. All questions must be relevant, and all questions will be directed to the University employee chair.
15. Both parties may give closing statements.
16. The complainant may submit an impact statement that will be taken into consideration only if there is a finding of "responsible" for any sexual misconduct charge.
17. The decision of the hearing board and sanctions will be determined within 48 hours of the hearing completion.
18. The complainant and respondent will be notified of the hearing board's finding concurrently. Additionally, the complainant and respondent will receive formal notification of the outcome in writing. The same notification process will be followed for all cases under appeal.

The complainant and the respondent both have the right to appeal the decision of the hearing board as outlined in part six of University of Mississippi policy, DSA.SC.300.010, Student Conduct Process, as modified by this policy.

## **SANCTIONS**

A wide range of sexual misconduct is prohibited by this policy. As such, dependent upon the facts unique to each case, sanctions may range from a verbal reprimand to expulsion from the University. For a non-exhaustive list of sanctions and their definitions please reference University of Mississippi policy DSA.SC.300.020, Disciplinary Sanctions.

# RESOURCES

## **Violence Prevention Coordinator**

Lindsey Bartlett Mosvick

University Counseling Center

Phone: (662) 915-1059

Email: [bartlett@olemiss.edu](mailto:bartlett@olemiss.edu)

Provides support and advocacy for survivors; educates the campus on awareness and prevention; serves as a liaison between University departments and local resources

## **Title IX Coordinator**

270 Martindale Student Services Center

Office: (662) 915-7045

Email: [eeo@olemiss.edu](mailto:eeo@olemiss.edu)

Students, faculty, or staff who believes they have been the victim of sex discrimination, including sexual assault, may submit a complaint to the Title IX Coordinator. The Title IX office is required to investigate any allegations of sex discrimination of which it is made aware and may contact you

## **Office of Conflict Resolution and Student Conduct**

Tracy Murry

First floor, Somerville Hall

Phone: (662) 915-1387

Email: [temurry@olemiss.edu](mailto:temurry@olemiss.edu)

After a Title IX investigation is complete, hearings are scheduled by this Office; provides for swift resolutions of conduct violations; students also can reach out to this office to file complaints.

## **Student Health Center**

### **Confidential**

Rebel Drive

Open 8:00 a.m. to 5 p.m. for walk-ins

Phone: (662) 915-7274

Offers sexual assault examinations a.k.a. “rape kits”; testing for STIs, HIV and pregnancy; emergency medications and follow up health care.

## **University Counseling Center**

### **Confidential**

Fraternity Row

Phone: (662) 915-3784

Fax: (662) 915-7831

Email: [counslg@olemiss.edu](mailto:counslg@olemiss.edu)

Offers free individual and group counseling for students, faculty, and staff; can help with issues including depression and anxiety.

## **UM Psychological Services Center**

### **Confidential**

382 Kinard Hall

Phone: (662) 915-7385

Offers therapy and assessment for students, faculty, and staff coping with issues including depression and anxiety; reasonable fees may apply.

### **Dean of Students Office**

Student Union, Suite 422  
University, MS 38677  
Phone: (662) 915-7248  
Fax: (662) 915-5735  
Email: [deanst@olemiss.edu](mailto:deanst@olemiss.edu)

### **University Police Department**

Kinard Hall Wing -C  
662-915-4911 for emergencies  
Phone: 662-915-7234  
To file criminal charges or to report a crime.

### **Oxford Police Department**

715 Molly Barr Road  
911 for emergencies  
Phone: 662-232-2400  
To file criminal charges or to report a crime off campus.

### **Lafayette County Sheriff's Office**

711 Jackson Ave E, Oxford, MS 38655  
911 for emergencies  
Phone: (662) 234-6421  
To file criminal charges or to report a crime that happens outside of Oxford city limits.

### **Family Crisis Services of Northwest Mississippi**

Phone: 662-234-9929 (available 24/7)  
For support, counseling and advice off campus.

Timely reports of criminal victimization and preservation of the crime scene are critical to successful investigation and eventual prosecution. In particular, victims of any sexual assault are strongly encouraged to immediately report the offense to UPD. Victims should attempt to preserve all physical evidence carefully - do not change clothes, shower, wash hands, drink or eat anything, or touch any object handled by the violator. Victims are encouraged to seek immediate medical attention at:

**On-Campus-** Student Health Services, located in the V.B. Harrison Health Center. Hours of operation 8:00 a.m. - 5:00 p.m., Monday- Friday (when the University is open), 915-7274.

**Off-Campus** - Baptist Memorial Hospital-North Mississippi, located on South Lamar at Belk Blvd. in Oxford, 236-1124.

## **Policy for Reporting the Annual Disclosure of Crime Statistics**

The University of Mississippi Police Department has been designated as the compliance office for ensuring the requirements of the Clery/Minger Acts are met and prepares the Combined Annual Security and Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunity Act.

This report is prepared in cooperation with the Oxford Police Department the Lafayette County Sheriff's Department, the Department of Student Housing, the Office of the Dean of Students, the Office of Human Resources, the Office of Admissions, University Health Services, University Counseling Center, the Department of Fire Safety, and other University departments. Each entity provides updated information on their educational efforts and programs to comply with the Act. Campus crime, arrest and referral statistics include those reported to the University Police, designated campus security authorities, and local law enforcement agencies.

All students, staff and faculty are notified annually via email of the availability of the Annual Security and Fire Safety Report on the University website. All prospective employees and students also are advised of the availability and location of this report via the Office of Human Resources or the Office of Admissions (through application processes). Copies of the Annual Security and Fire Safety Report also may be obtained at the University Police Department located in Kinard Hall Wing –C.

## **Campus Security Authorities**

**Campus Security Authorities include the following:**

1. A campus police department or campus security department of the university
2. Any individual who has responsibility for campus security but who is not a member of the campus police department or the campus security department
3. Any individual specified in the university's statement of campus security policy as an individual to whom students and employees should report criminal offenses
4. Any individual of the university who has significant responsibility for student and campus activities

### **Office of the Vice Chancellor for Student Affairs**

**Vice Chancellor for Student Affairs**

**Assistant Vice Chancellors for Student Affairs**

### **Division of Student Affairs Directors**

**Director of Admissions**

**Director of the Ole Miss Union**

**Director of Campus Recreation**

**Director of Career Center**

**Director of the Center for Student Success and First-Year Experience**

**Director of the Center for Inclusion and Cross Cultural Engagement**

**Director of University Counseling Center**

**Dean of Students**

**Director of Financial Aid**

**Director of Lucky day Scholarship Program**

**Director of Student Housing**

**Director of University Health Services**

**Director of Police and Campus Safety**

**Director of the Office of Conflict Resolution and Student Conduct**

**Director of Student Disability Services**

**Student Organizations Coordinator**

**Office of Equal Opportunity and Compliance**

**Title IX Coordinator**

**Coordinator of Violence Prevention**

**Department of Athletics**

**Director of Athletic Programs**

**Associate Directors of Athletic Programs**

**Head Coaches for Athletic Teams**

**Assistant Coaches for Athletic Teams**

**Assistant Directors of Athletic Programs**

**Department of Student Housing**

**Associate Directors**

**Area Coordinators**

**Assistant Directors**

**Hall Directors**

**Community Assistants**

**Physical Plant**

**Fire Safety**

**Custodial Services**

**Office of the Provost**

**Academic Advisors**

**Commanding Officers of Military Studies**

### **Crime Statistics Location Definitions:**

The crime statistics reported are broken down geographically according to the following categories: On Campus, Residential Facility; Non-campus Property; and Public Property.

The following definitions apply to these geographic categories:

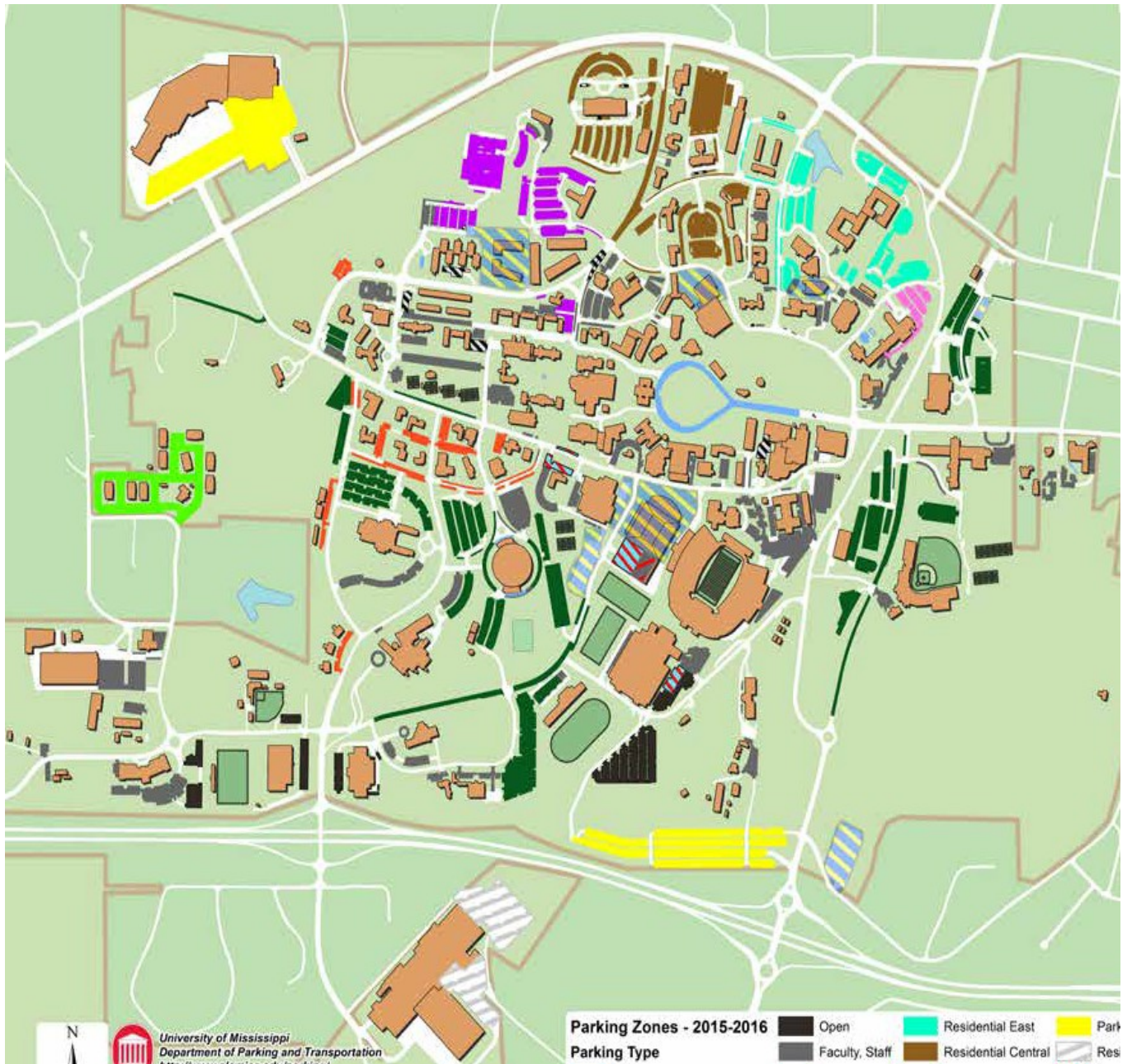
**On-Campus:** Includes all academic, administrative and athletic buildings on the main campus and all outdoor common areas on University of Mississippi property.

**Residential Facilities:** Buildings on campus where people live. These numbers are reflected in the On-Campus totals.

**Non-Campus Buildings and Properties:** Includes all University of Mississippi buildings and properties which are not within the same reasonably contiguous geographic area of the main campus. (This includes the Golf Course, Airport, Biological Field Station, and Rowan Oak.)

**Public Properties:** All public property such as thoroughfares, streets, sidewalks and parking facilities within campus or immediately adjacent to and accessible from campus.

## Campus Map





## Definitions of Crimes:

Pursuant to the Clery Act, crimes must be classified based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR).

### Criminal Offenses

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded.

### Sex Offenses

Forcible Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

#### A. Forcible Rape

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

#### B. Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### C. Sexual Assault With An Object

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### D. Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

### Sex Offenses-Non-forcible Unlawful, non-forcible sexual intercourse.

A. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the

use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

**Burglary:** -The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Motor Vehicle Theft:** -The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## **Hate Crimes**

Any criminal offense (as listed above) committed against a person or property which is motivated, in whole or part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

### **The Clery Act Categories of Bias:**

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

**Gender:** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

**Sexual orientation:** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

**Ethnicity/national origin:** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**In conjunction with the Clery Act, hate crimes include any of the offenses listed above and the offenses motivated by bias below:**

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the

same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## **Arrests and Referrals for Disciplinary Actions**

The Clery Act requires reporting of arrests and referrals for disciplinary actions for the following violations:

**Liquor Law Violations:** State and/or local liquor law violations except drunkenness and driving under the influence. Federal violations are excluded.

**Drug Law Violations:** State and/or local offenses relating to the unlawful possession, sale, use, growing, and manufacturing of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics - manufactured narcotics that can cause true addiction.

**Weapons Violations:** All violations of regulations or statutes controlling the carrying, using, possessing, furnishing, and manufacturing of deadly weapons or silencers. Attempts are included.

## Crimes Reported to the University Police Department, Three-Year Comparison

Offense Type	Year	On-Campus	Residential Facilities (Included in On-Campus Column)	Non-Campus Buildings & Properties	Public Property	Total
Murder & Non-negligent Manslaughter	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Negligent Manslaughter	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Any Forcible Sex Offenses Total	2013	5	5	0	0	5
	2014	3	3	1	0	4
	2015	8	7	1	0	0
Rape	2015	8	7	1	0	0
Any Non-Forcible Sex Offenses	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Robbery	2013	3	0	0	0	3
	2014	2	1	1	0	3
	2015	1	0	0	0	1
Aggravated Assault	2013	2	1	0	0	2
	2014	6	2	0	0	6
	2015	1	1	0	0	1
Burglary	2013	21	9	1	0	22
	2014	5	2	2	0	7
	2015	11	3	0	0	11
Motor Vehicle Theft	2013	0	0	0	0	0
	2014	4	0	0	0	4
	2015	0	0	0	0	0

Arson	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Totals						

**Number of Arrests by the University Police Department for Selected Offenses, Three-Year Comparison**

Offense Type	Year	On-Campus	Residential Facilities (Included in On-Campus Column)	Non-Campus Buildings & Properties	Public Properties	Totals
Liquor Law Violations*	2013	27	9	33	0	60
	2014	12	2	9	0	21
	2015	7	2	4	0	11
Drug Violations	2013	90	50	15	0	105
	2014	37	18	6	0	43
	2015	89	50	18	0	107
Weapons Violations	2013	1	0	0	0	1
	2014	1	0	0	0	1
	2015	2	0	0	0	2

\* Does not include DUI and Public Drunk.

## Number of Referrals by the University Police Department for Selected Offenses, Three-Year Comparison

Does not include incidents which involved arrest.

Offense Type	Year	On-Campus	Residential Facilities (Included in On-Campus Column)	Non-Campus Buildings & Properties	Public Properties	Totals
Liquor Law Violations *	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	1	0	1
Drug Violations	2013	3	0	1	0	4
	2014	3	3	0	0	3
	2015	3	1	0	0	3
Weapons Violations	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0

\* Does not include DUI and Public Drunk.

### Hate Crimes on Campus

None of the criminal offenses from the above chart manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; nor were there any other reported criminal incidents involving bodily injury which manifested similar prejudice.

### Hate Crimes Reported on Campus Other Offenses:

There was 1 reported incident involving the Destruction/damage/Vandalism of Property which resulted in violation of statute based on race in 2014.

## Crimes Reported to Other University Officials

(Not officially reported to or investigated by UPD)

Offense Type	Year	On-Campus	Residential Facilities (Included in On-Campus Column)	Non-Campus Buildings & Properties	Public Property	Total
Murder & Non-negligent Manslaughter	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Negligent Manslaughter	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Any Forcible Sex Offenses	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Any Non-Forcible Sex Offenses	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Robbery	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Aggravated Assault	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Burglary	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Motor Vehicle Theft	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0

Arson	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0

**Number of Referrals by Other University Officials for Selected Offenses**

<b>Offense Type</b>	<b>Year</b>	<b>On-Campus</b>	<b>Residential Facilities (Included in On-Campus Column)</b>	<b>Non-Campus Buildings &amp; Properties</b>	<b>Public Property</b>	<b>Totals</b>
Liquor Law Violations *	2013	157	157	0	0	157
	2014	152	152	0	0	152
	2015	183	183	0	0	183
Drug Violations	2013	2	2	0	0	2
	2014	1	1	0	0	1
	2015	0	0	0	0	0
Weapons Violations	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	5	5	0	0	0

\* Does not include DUI and Public Drunk.



**Crimes Reported to the University Police Department relating to the Campus Save Act:  
2014**

Crime	2014	2015
Domestic Violence	11	9
Stalking	0	6
Dating Violence	0	0

**Programs and Educational Events**

Program Type		Number of Programs	Number in Attendance
Prevention /Awareness and Educational Program*	2014	84	6473
	2015	130	4383
Prevention /Awareness and Educational Program**	2014	342	20537
	2015	448	23798

\*Programs presented by the Violence Prevention Office

\*\*Programs presented by University Police Department

**Other Agencies**

**Crimes Reported to the Oxford Police Department, Three-Year Comparison**

Offense Type	Year	Total Reported
Murder & Non-negligent Manslaughter	2013	1
	2014	0
	2015	1
Negligent Manslaughter	2013	0
	2014	0
	2015	0
Forcible Sex Offenses	2013	1
	2014	15
	2015	14

Robbery	2013	8
	2014	6
	2015	9
Aggravated Assault	2013	8
	2014	14
	2015	7
Burglary	2013	27
	2014	200
	2015	74
Motor Vehicle Theft	2013	5
	2014	6
	2015	11
Arson	2013	0
	2014	0
	2015	0

### **Hate Crimes Reported to the Oxford Police Department**

None of the criminal offenses from the above chart manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; nor were there any other reported criminal incidents involving bodily injury which manifested similar prejudice.

### **Number of Arrests by the Oxford Police Department for Selected Offenses, Three-Year Comparison**

<b>Offense Type</b>	<b>Year</b>	<b>Number of Arrests</b>
Liquor Law Violations*	2013	N/A
	2014	242
	2015	463
Drug Violations	2013	N/A
	2014	382
	2015	466
Weapons Violations	2013	N/A

	2014	3
	2015	11

\* Does not include DUI and Public Drunk.

### **Crimes Reported to the Lafayette County Sheriff Department,-Three-Year Comparison**

Offense Type	Year	Total Reported
Murder & Non-negligent Manslaughter	2013	6
	2014	0
	2015	1
Negligent Manslaughter	2013	0
	2014	0
	2015	0
Forcible Sex Offenses	2013	9
	2014	17
	2015	3
Robbery	2013	15
	2014	12
	2015	13
Aggravated Assault	2013	58
	2014	27
	2015	19
Burglary	2013	23
	2014	39
	2015	76
Motor Vehicle Theft	2013	24
	2014	24
	2015	4
Arson	2013	1

	2014	2
	2015	0

Hate Crimes Reported to the Lafayette County Sheriff Department

None of the criminal offenses from the above chart manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; nor were there any other reported criminal incidents involving bodily injury which manifested similar prejudice.

**Number of Arrests by the Lafayette County Sheriff Department for Selected Offenses, Three-Year Comparison**

Offense Type	Year	Number of Arrest
Liquor Law Violations*	2013	100
	2014	22
	2015	25
Drug Violations	2013	272
	2014	105
	2015	438
Weapons Violations	2013	16
	2014	27
	2015	13

\* Does not include DUI and Public Drunk.

# Campus Fire Safety Annual Compliance Report

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008. This act requires the University to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on campus statistics. The University of Mississippi produces an annual report (The Michael Minger Act) that addresses these issues and statistics.

## FIRE SAFETY

**Purpose/Summary: This policy defines the fire safety expectations for the residence halls. The policy also provides a list of materials banned from residence halls that are serious fire safety risks.**

Flammable items are not permitted due to inherent fire hazards. Because of the potential hazard that all candles pose, whether they are burned or unburned, ordinary or decorative, they are not permitted on-campus in our residence halls. Candles found in student rooms will be confiscated and the resident(s) of the room will be charged \$25 per candle and will be subject to disciplinary action. All confiscated items will be removed from students' rooms and disposed of appropriately by Residential Learning Staff. Students are asked to bring appliances and hair equipment (curling irons and straighteners) that have an automatic turn-off feature. In addition, the following items are not allowed in residential facilities due to risk of fire:

- Candles
- Incense
- Deep fryers
- Electric skillets
- Toaster ovens
- Coffee pots with hot plate
- Oil popcorn poppers
- Crockpots
- Space heaters
- Live Christmas trees
- Fireworks
- Grills
- Motorized vehicles
- Hazardous flammable materials (gas, propane, lighter fluid, chemicals, etc.)
- Paper and/or fabric covering more than 30% of the wall
- Halogen lamps
- Any appliance with an open coil or open flame

Tampering includes the following but is not limited to: pulling false alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers. Students responsible will be assessed for all damages that occur as a result of their actions and for the hourly rate of the repair person's labor. All violators are subject to judicial action and possible criminal prosecution. The civil penalty for malicious use of fire and safety

equipment is up to a \$500 fine and/or 90 days in jail. Students damaging or tampering with life safety equipment will be assessed for all damages related to replacement, repair, and associated labor.

There is a fire extinguisher located in or around each apartment. If a fire extinguisher is used, please report it to maintenance so that appropriate action can be taken. Appropriate billing of charges will occur in cases of fire where residents are found to be negligent or in violation of fire extinguisher use policies.

Fire alarms have been installed throughout the residence halls for student safety. In the event that a fire alarm should sound, students must leave the building immediately through the nearest exit. Become familiar with the evacuation diagram located on each hallway.

Residents are instructed to remain outside of the building until the Fire Department gives the order that the building is safe and residents may return to their rooms. Residents who remain in the residence halls after an alarm has sounded are subject to arrest and University judicial action. Intentionally causing a false fire alarm is considered a serious infraction and will be dealt with accordingly. The Fire Department responds to all fire alarms regardless of their origin and the cost is charged to the Housing Department.

## **Fire Services**

**Summary/Purpose:** To provide guidance to the University Community on Fire Services and information on building inspections, fire drills, Greek House closures for violations, and general fire safety issues.

### **GENERAL**

The Facilities Management Department manages the University of Mississippi Fire Services with three part-time Fire Inspectors. University Fire Inspectors work under the authority of the State Fire Marshal's Office. The fire inspectors manage fire, life safety issues, and alarms for University Academic Buildings. Auxiliary Services (Student Housing, Athletics) and Greek Organizations are responsible for maintenance and repair costs of their facilities' fire and alarm systems.

As a service however, University Fire Services conduct periodic scheduled inspections and training with Auxiliary and Greek organizations.

### **RESPONSIBILITY OF BUILDING OCCUPANTS IN THE EVENT OF A FIRE**

All occupants are required to leave the building when a fire alarm sounds or during a fire drill. Sound the alarm as the building is vacated. Occupants evacuating a building should not use elevators. Use the stairwell exits only. No one should re-enter the building until authorized to do so by fire officials. Once out of the building, report the fire location by dialing 911 on a cell phone or notifying University Police by dialing 662-915-7234.

## **FIRE FIGHTING SERVICES**

**On the University of Mississippi campus, firefighting services are contracted with the City of Oxford.**

## **FIRE SAFETY INSPECTIONS**

University Fire Inspectors conduct fire safety inspections on University and Auxiliary buildings once each year. Emphasis is placed on building evacuation plans, emergency/exit lighting, and maintaining clear exit passageways. Other fire code and safety violations are noted and reported for correction as appropriate.

## **STATE FIRE MARSHAL**

**The State of Mississippi Fire Marshal is invited annually to inspect University buildings.**

## **GREEK HOUSES**

Courtesy fire safety inspections on Greek Houses located on campus are conducted once each semester. State law requires each Greek House on University property to have an NFPA 72 (operational and monitored smoke and) fire alarm system. It is the Greek organizations responsibility to be in compliance with the National Fire Code (NFPA) Standard 72 as published by the National Fire Protection Association. Greek organizations are required to have their smoke and fire alarm systems inspected and tested prior to each fall and spring semester to ensure the systems are operating properly.

## **CLOSING GREEK HOUSES FOR VIOLATIONS OF THE FIRE CODE**

Under state law, the Mississippi State Fire Marshal and his authorized deputies, including those deputized fire inspectors (“Fire Inspectors”) in the Facilities Management Department, are authorized to enforce the fire code in fraternity and sorority houses (“Houses”) located on state property. In an emergency situation, the Fire Inspectors may order the vacating and closing of Houses in order to protect the lives of students living in the House. The following procedures will be followed when closing Houses.

At the beginning of August every year, or as soon as possible thereafter, the Office of the Dean of Students shall provide the Facilities Management Department with the following information for each fraternity and sorority on campus:

Name of Fraternity

Name and contact information for the president of the fraternity (including phone number, fax number, e-mail and address, if applicable)

Name and contact information for the president of the house corporation of the fraternity (including phone number, fax number, e-mail and address)

Name and contact information for the alumnus/faculty advisor for the fraternity

The Office of the Dean of Students will update this information with the Facilities Management any time this information changes.

University Fire Inspectors may inspect the Houses at any time. These visits shall include both scheduled and unscheduled visits.

Recurring violations detected during subsequent inspections may be reported to the Dean of Students Office for further action. These violations will be dealt with pursuant to the policies and procedures of the Office of Conflict Resolution and Student Conduct, including, but not limited to, bringing charges against an organization or individual for disregard of University authority.

If the Fire Inspectors find any violation that they believe represents a danger to life and limb, they may order that the House be vacated and closed until the violation is corrected. If the House is to be closed, the following steps will be followed:

The Fire Inspectors shall inform the house director and any individuals present in the common living areas of the House that it is to be vacated by 6:00 p.m. the same day (or another reasonable time in accordance with the danger present). The Fire Inspectors shall post a sign on the door of the House stating:

The Fire Inspectors shall immediately inform the following individuals or entities that (i) the House is closed, (ii) the reason the House is closed and what corrections must be made before the house is reoccupied, and (iii) **that anyone found inside the House after the stated time will be subject to arrest for trespassing.**

- (i) The Office of the Dean of Students (who will inform the national office for the fraternity or sorority)
- (ii) The president of the fraternity
- (iii) The president of the house corporation
- (iv) The alumnus/faculty advisor of the fraternity
- (v) The University Police Department
- (vi) The Office of the University Attorney
- (vii) The Office of the State Fire Marshal (by phone or fax)

A copy of the written notice/administrative order provided to the fraternity and the house corporation (stating why the House is closed and that anyone inside the House may be arrested for trespassing) shall be forwarded to the University Police Department (UPD).

If the Fire Inspectors have reason to believe that the House is not being vacated according to their orders, then they may enter the House to determine if anyone is present on the property. Officers of the University Police Department may accompany the Fire Inspectors at their request. Should the Fire Inspectors find individuals on the property after the no trespassing order is in effect, they may request that officers of UPD arrest these individuals for trespassing.

During the time the House is closed, the Fire Inspectors have the authority to allow individuals to enter the house for the purposes of securing the House or remedying the fire code violation (such as security guards, contractors or alarm maintenance personnel). Once the violation has been corrected, the Fire Inspectors will remove the warning signs from the exits and will inform fraternity members that they may reenter the premises. The Fire Inspectors shall also notify the Office of the Dean of Students, the University Police



Department, the Office of the University Attorney and the Office of the State Fire Marshal that the violation has been corrected and that the House is no longer closed.

A student who needs to enter the House while the House is closed should contact the alumnus/faculty advisor for the fraternity or the president of the house corporation. Should either of these individuals not be available, then the president of the fraternity should be contacted.

In some cases, the Fire Inspectors may determine that posting a “Fire Watch” may be an acceptable alternative to closing a House. This determination, and the provisions of any Fire Watch, shall be within the discretion of the Fire Inspectors. In deciding whether a Fire Watch is an acceptable alternative, the Fire Inspectors may consider all factors they believe to be relevant.

## **REPORTS**

Inspection reports are forwarded to the Vice Chancellor(s) associated with buildings housing their respective academic deans/chairs/directors/building mayors. The discrepancies will be re- inspected during the next annual inspection.

Academic Deans and Department Chairs are responsible for correcting Fire Code Deficiencies pointed out during the annual fire inspections, especially issues concerning blocked/restricted passageways and student occupancy levels in classrooms.

Greek House Corporations are responsible for correcting deficiencies within their respective houses and maintaining current certification of smoke and fire alarm systems to meet existing state laws and fire codes.

## **FIRE DRILLS**

Residence Hall Drills: Fire drills are conducted once per semester for each residence hall in coordination with the Director of Student Housing or his representative.

Greek Houses: Each Greek House on campus also will have fire drills once per fall and spring semester. Greek Houses by nature are sensitive and extra inspections of Greek Houses and alarm systems will be conducted as time permits or as deemed appropriate.

## **ALARMS**

When a fire alarm sounds, follow the procedures outlined under the “Responsibility of Building Occupants” in the above paragraph.

Tampering with building fire alarms, fire systems, or fire extinguishers is prohibited. Violators are subject to disciplinary action, monetary fine, or both. Only authorized personnel are allowed to work on these life safety systems.

## **FIRE ALARM MONITORING SERVICE**

The Facilities Management Department has a 24 hour 7 day per week Dispatch Office that monitors automated fire alarms in academic buildings. Not all campus buildings have automated fire alarm systems. The monitoring system is computer based.

The Facilities Management Department does not monitor Greek fire alarm systems. Greek Houses are responsible for any maintenance, repairs, phone line expenses, and testing that is related to their systems.

Greek Houses assume full responsibility for any circumstances resulting from fire alarm systems' failure to meet State Laws or fire codes as established.

University Fire Services and Facilities Management are unable to provide maintenance on Greek fire alarm systems. During semiannual fire drills, the Greek fire alarm systems will be tested for functionality. Discrepancies will be reported as indicated above.

Greeks are required to contact their alarm monitoring companies for periodic testing of systems. Greeks are encouraged to purchase maintenance contracts on fire alarm systems from certified service providers.

Inoperable fire and smoke alarm systems are reason for closure of Greek Houses.

Requests for assistance from Facilities Management should be directed to the Facilities Management Production control Desk, 662-915-7003.

### **Electrical Appliances**

Residence Halls: The electrical systems in the residence halls are not designed to carry heavy loads of electrical equipment. Appliances that are permitted include: microwaves (less than 1000 watts), refrigerators (no more than 4 cubic feet), coffee makers, air popcorn poppers, hair dryers, electric shavers, radios, TVs and stereos. Microwaves are the only cooking appliance permitted for use in student rooms. No homemade electrical appliance will be permitted. Additionally, residents must be present when using any cooking appliance in student rooms or in hall kitchens.

Items that are NOT allowed include but are not limited to: electric heaters, oil popcorn poppers, toaster ovens, George Foreman, or similar type grills, open coiled or open flame appliances, halogen lamps, crock pots, and convection ovens.

Apartments: Appliances with open coils, flames, or those that pose an electrical overload are prohibited for safety reasons. Dishwashers, washers, and dryers are not allowed. If one of these appliances is found, the resident has 72 hours to permanently remove it from the complex. If not properly taken care of within 72 hours, judicial action will be pursued. It is possible that the resident may be charged an additional electrical service usage fee. In addition, the resident's lease may be terminated due to noncompliance.

### **Smoke-Free Campus Environment**

**Summary/Purpose:** To provide notice of and guidelines about the smoke-free environment at The University of Mississippi.\*

Smoking is prohibited at all times, and at all locations of the University of Mississippi Oxford campus, including University-owned facilities, properties, and grounds. This includes but is not limited to the following:

- The interior of all University-owned buildings;
- All outside property or grounds of the Oxford campus, including sidewalks, parking lots, recreational areas and partially enclosed areas such as walkways, breezeways, patios, porches, gazebos, tents and bus shelters;
- Within any University of Mississippi-owned vehicles, including buses, vans, shuttles, golf carts and all other University vehicles;
- All indoor and outdoor athletics venues and facilities.

This policy applies to all faculty, staff, students, visitors, and contractors.

For purposes of this policy, “smoking” means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lit tobacco products, including electronic cigarettes that emit smoke.

The University also prohibits littering the campus with remains of any tobacco products. Additionally, the University-controlled advertising, sale, or free sampling of tobacco products is prohibited on campus, regardless of the vendor.

Organizers and attendees at public events, such as conferences, meetings, public lectures, social events, cultural events, and athletic events using University-owned facilities, grounds, and properties are required to abide by University of Mississippi policy. Therefore, organizers of such events are responsible for communicating to attendees the policies of the University and for enforcing this policy.

**Communication:** Persons will be informed of this policy through:

- Signs posted in appropriate areas throughout the University
- Various University web sites including Human Resources, Alumni Affairs, Athletics, Health Center, Counseling Center, and others
- UM Smoke-Free Campus web-site ([www.olemiss.edu/smokefree](http://www.olemiss.edu/smokefree))
- E-mail communication to all employees and students
- *The M Book*
- Other University publications and communications.

**Respect and Responsibility:** The success of this policy depends on the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All members of the University community share in the responsibility for adhering to and enforcing this policy. Any complaints should be brought to the attention of the appropriate University authorities, and anyone who complains shall be protected against retaliation.

**Enforcement:** The responsibility for the enforcement and communication of this policy rests with all members of the University community and the University Police Department.

Visitors, contractors, and other individuals on campus who are in violation of the policy should be reminded of the policy and asked to comply with our smoke-free campus policy.

All faculty, staff, and students who are in violation of this policy should be reminded of the policy and asked to comply. Refusal to comply with this policy could result in citations and fines. For complete information about policy enforcement, go to [www.olemiss.edu/smokefree](http://www.olemiss.edu/smokefree).

**Smoking Cessation Programs:** The Health Center and Counseling Center offer a range of smoking cessation and support programs for any member of the University community who desires to quit smoking. The University's employee health insurance plan covers the full cost for three months of cessation medications. To learn more about smoking cessation programs available to students and employees, please go to [www.olemiss.edu/smokefree](http://www.olemiss.edu/smokefree).

## **Arson, Explosive Devices, and Emergency Equipment**

**Summary/Purpose:** To protect property and persons from harm as the result of fire and inherently dangerous activities.

The unauthorized setting of fires, use of explosive devices, and misuse of emergency equipment are prohibited at The University of Mississippi. Below is a nonexclusive list of prohibited actions under this policy.

1. The University prohibits the attempt to set, the setting of, or the adding to unauthorized fires on University property.
2. Any student found willfully to have tampered with, damaged, or misused any fire protection equipment, initiated a false alarm, negligently discharged a fire extinguisher, or set fire in a residence hall or any other facility on the University campus may be expelled from the University and held responsible for the cost of all damages. In addition to disciplinary action through the University conduct system, students and/or their non-student guests who engage in such activity may be subject to criminal prosecution and civil liability.
3. Occupants of all University facilities have a responsibility to follow the directions and directives of the chief of the Oxford Fire Department, or a designated representative, and University personnel during fire emergencies as well as unannounced fire drills and practice evacuations. The failure or refusal to cooperate will constitute a breach of regulations and is subject to disciplinary action.
4. The University prohibits the possession, use, or threatened use of explosive devices, materials, or chemicals, including, but not limited to, firecrackers, cherry bombs, bottle rockets, and dynamite.
5. Any student found willfully to have tampered with, damaged, or misused any campus emergency protection equipment or initiated a false alarm may be expelled from the University and held responsible for the cost of all damages. In addition to disciplinary action through the University conduct system, students and/or their nonstudent guests who engage in such activity may be subject to criminal prosecution and civil liability.

## **Fire Alarms**

Fire alarms have been installed throughout the residence halls for student safety. In the event that a fire alarm should sound, students must leave the building immediately through the nearest exit. Residents should become familiar with the evacuation diagram located on each hallway. Residents are instructed to remain outside of the building until the Fire Department gives the order that the building is safe and residents may return to their rooms. Residents who remain in the residence halls after an alarm has sounded are subject to arrest and University judicial action. Intentionally causing a false fire alarm is considered a serious infraction and will be dealt with accordingly. The Fire Department responds to all fire alarms regardless of their origin, and the cost is charged to the Housing Department. Please be aware that smoking, cooking and aerosols sprayed near smoke detectors or sprinklers may result in an

accidental false fire alarm. An intentional false fire alarm may result in arrest, University disciplinary action, and loss of housing. A \$500 fine will be assessed to anyone responsible for setting off a fire alarm. If no one person or persons are found responsible, the cost will be assessed to the entire floor or building as common area damage. Each semester, one planned fire drill will be scheduled. This will provide an opportunity for residents to practice evacuating the building. All alarms that sound should be treated as a potentially life-threatening situation.

**When a fire alarm sounds residents should:**

1. Leave the room immediately, as required by state law.
2. Leave the wall or overhead light on.
3. Close the room door and lock it.
4. Walk quietly and quickly to the nearest exit. Do not use the elevators.
5. Once outside, go to the designated waiting area.
6. Remain outside until the signal is given by building staff to return to rooms.

Students must obey all fire regulations. Failure to evacuate a hall when an alarm sounds represents grounds for disciplinary action. Housing staff and the University Police reserve the right to enter student rooms to locate the source of the problem and to ensure that everyone has evacuated the building.

**Fire and Safety Equipment**

City Fire Code prohibits anyone from tampering with fire and safety equipment in the residence halls or in any campus building. Tampering includes pulling false fire alarms, discharging fire extinguishers, removing exit signs, and interfering with smoke detectors and sprinklers. Students responsible will be assessed for all damages that occur as a result of their actions and for the hourly rate of the repair person's labor. All violators are subject to judicial action and possible criminal prosecution. The civil penalty for malicious use of fire and safety equipment is up to a \$500 fine/and or 90 days in jail. Students damaging or tampering with life safety equipment will be assessed for all damages related to replacement, or repair including any labor costs.

**Fire Safety**

Candles, incense, oil lamps, etc. are not permitted in the residence halls or apartments. These items produce an open flame that may inadvertently set off the smoke alarm system causing a false alarm. They may start a fire. Because of the potential hazard that all candles pose, whether they are burned or unburned, ordinary or decorative, they are not permitted on-campus. Candles found in student rooms will be confiscated and the resident(s) of the room will be charged \$25 per candle and will be subject to disciplinary action. All confiscated items will be removed from students' rooms and disposed of appropriately by Housing staff. Students are required to bring appliances and hair equipment (curling irons) that have an automatic turn-off feature. In addition, the following items are not allowed due to risk of fire:

- \*Live Christmas trees
- \*Fireworks

- \*Grills
- \*Motorized vehicles
- \*Hazardous flammable materials (gas, propane, gas grill, chemicals)
- \*Paper/fabric covering more than 50% of the wall
- \*Halogen lamps

## **Fire Drills**

Fire Drills will be conducted once in the fall semester and once in the spring semester for all residence halls and Greek houses.

## **Fire Inspections**

Fire Services conducts Building and Facilities Inspections once a year, concentrating on building evacuation plans, emergency exit lighting, and clear passageways. Additionally, room occupancy and fire safety issues are included in this scope of work. Fire inspection reports are addressed to the vice chancellors associated with the buildings housing their respective academic deans, department chairs and building mayors. Any discrepancies will be re-inspected.

Fire safety inspections are carried out and reports are maintained in accordance with the current International Fire Code and the NFPA Codes. Copies of these reports are sent to the State Fire Marshal.

Fire drills and fire safety inspections are conducted once per semester for each residence hall in coordination with the Director of Housing or his or her representative. Fire drills and fire safety inspections are conducted once per semester for each on-campus Greek house.

Event inspections in University auditoriums and athletics facilities are conducted per event or by a scheduled facility inspection.

The following types of fire drills and safety programs are offered in the fire safety area:

- Live evacuation fire drills for residence halls
- Live evacuation fire drills for Greek houses
- Fire and severe weather evacuation rules and procedures for the campus community
- Fire safety training for freshman chemistry classes
- Fire safety training for commercial cooking classes
- Fire safety training by UM Fire Services and the Oxford Fire Department for Housing's CAs
- Fire safety training by UM Fire Services and the Oxford Fire Department for the leadership of Greek organizations

## **Fire Safety Training**

Annually, University Fire Services conducts fire safety training to all first year Chemistry students (more than 500 students). The training consists of a slide presentation and a "hands-on" demonstration of how to use a fire extinguisher. Before the start of the Fall Semester, University Fire Services also conducts a Resident Advisor Fire Safety Class. This training includes a power point presentation and hands-on demonstration of how to use a fire extinguisher. In addition, Fire Services creates a low visibility environment in a residence hall and instructs students how to escape a building filled with smoke. The

hallway is filled with fire training fog and obstacles are placed in the hallway. The students must find their way to the opposite end of the hallway to the stairwell exit where they can leave the building.

## **Policy on Open Flames in Greek Houses**

Candles and incense are prohibited from use in individual's rooms. Candles or incense may be used only in ceremonies, rituals, initiations, and special events such as alumni dinners, memorial services, etc., and only when all of the following criteria are met:

- \* Notification of event shall be made in writing to University Fire Services 700 Hathorn Road, University, MS 38677.
- \* At least one individual shall be designated as the Safety Monitor when candles are being used. The Safety Monitor shall observe candle use and ensure that proper precautions have taken place. The Safety Monitor shall have the proper knowledge on how to use a fire extinguisher and know where the fire extinguishers are located. Should a fire occur and no one is in immediate danger, the Safety Monitor shall attempt to extinguish the fire by using a fire extinguisher. (University Fire Services may be contacted for training on how to use a fire extinguisher properly 662-915-7051).
- \* If at any point the fire becomes too large or people are in immediate danger, evacuate the building immediately and then call 911.
- \* Lit candles shall not be left unattended.
- \* Proper candle placement is imperative to ensure that a fire is not started by placing candles near, above or below flammable materials such as curtains, towels, tablecloths, etc. Care also should be taken to ensure that dripping wax will not cause any burns to persons or property.
- \* Care should be taken to extinguish candles in a well-ventilated area so as to not accidentally activate the building's fire alarm system.

## Fire Statistics

### Residential Housing Fire Alarm Systems

Location/Building	Number of Beds	Number of Fires	Number of Injuries	Number of Deaths	Fire Drills Per Semester	Sprinkled	Fire Alarm System
Brown	241	0	0	0	1	Yes	Yes
Campus Walk	432	2	0	0	1	Yes	Yes
Crosby	742	1	0	0	1	Yes	Yes
Deaton	96	0	0	0	1	Yes	Yes
Hefley	137	0	0	0	1	Yes	Yes
Kincannon	549	0	0	0	1	Yes	Yes
Martin	510	0	0	0	1	Yes	Yes
Northgate	109	0	0	0	1	No	No
Residential College South	466	0	0	0	1	Yes	Yes
Luckyday Residential College	332	0	0	0	1	Yes	Yes
Ridge North	340	0	0	0	1	Yes	Yes
Burns Hall	272	0	0	0	1	Yes	Yes
Minor Hall	250	0	0	0	1	Yes	Yes
Stewart	330	0	0	0	1	Yes	Yes
Stockard	510	0	0	0	1	Yes	Yes
Village	80	0	0	0	1	Yes	Yes
RH1	304	0	0	0	1	Yes	Yes



## Fire Alarm System Residential Area

Location/Building	Number of Panels	Number of Pull Stations	Number of Other Initiation Devices	Number of Strobes	Location of Supervising Stations
Brown	1	14	164	24	University of Mississippi
Campus Walk	1	59	10	40	University of Mississippi
Crosby	2	57	179	0	University of Mississippi
Deaton	1	15	123	29	University of Mississippi
Hefley	1	12	169	19	University of Mississippi
Kincannon	2	29	63	30	University of Mississippi
Martin	1	28	426	98	University of Mississippi
Northgate	3	7	220	111	University of Mississippi
Residential College South	1	32	543	204	University of Mississippi
Luckyday Residential College	1	32	543	204	University of Mississippi
Ridge North	1	19	244	264	University of Mississippi
Burns Hall	1	18	191	223	University of Mississippi
Minor Hall	1	20	209	229	University of Mississippi
Stewart	1	32	342	71	University of Mississippi
Stockard	1	28	436	115	University of Mississippi
Village	5	15	266	169	University of Mississippi
RH1	1	18	191	223	University of Mississippi

Fire Alarm System Residential Area (Cont.)

Location/ Building	Sprinkler System			Fire Pumps				Standpipe		
	Type	Floors Protected	Square Footage	Manufactured	Brand	Maximum Rate of Discharge	Backup Power Supplied	Type	No. Floors	No. Risers
Brown	N/A	N/A	N/A	N/A	N/A	1000 gpm	N/A	N/A	N/A	N/A
Campus Walk	Wet	28	21,035	N/A	N/A	N/A	N/A	N/A	28	N/A
Crosby	Wet/ Dry	11	167,990	2007	ITT	N/A	Generator	Wet	11	3
Deaton	Wet	5	30,192	Unknown	Peerless	1000 gpm	No Backup	Wet	5	2
Hefley	Wet/ Dry	5	40,657	Unknown	Peerless	1000 gpm	Generator	Wet	5	2
Kincannon	Wet/ Dry	8	105,948	N/A	N/A	N/A	N/A	Wet	8	3
Martin	Wet/ Dry	11	223,500	2007	Aurora	1000 gpm	Generator	Wet	11	2
Northgate	Wet	6	14,106	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Residential College South	Wet/ Dry	5	150,905	2008	Aurora	750 gpm	Generator	Wet	5	2
Luckyday Residential College	Wet/ Dry	5	N/A	2008	N/A	N/A	Generator	Wet	5	2
Ridge North	Wet	5	88,173	N/A	N/A	N/A	N/A	Wet	5	2
Burns Hall	Wet	4.5	72,370	N/A	N/A	N/A	N/A	N/A	4.5	2
Minor Hall	Wet	5	83,297	2011	Aurora	1000 gpm	Generator	Wet	5	2
Stewart	Wet	7	N/A	N/A	Peerless	1000 gpm	Generator	Wet	7	3
Stockard	Wet/ Dry	11	223,500	2007	Aurora	1000 gpm	Generator	Wet	11	2
Village	Wet	12	31,865	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RH1	Wet	4.5	N/A	N/A	N/A	N/A	Generator	Wet	4.5	2

# Fire Log

## Residential Halls

Location/Building	Number of Beds	Number of Fires	Number of Injuries	Number of Deaths	Fire Drills Per Semester	Sprinkled	Fire Alarm System
Brown	241	0	0	0	1	Yes	Yes
Campus Walk	432	2	0	0	1	Yes	Yes
Crosby	742	1	0	0	1	Yes	Yes
Deaton	96	0	0	0	1	Yes	Yes
Hefley	137	0	0	0	1	Yes	Yes
Kincannon	549	0	0	0	1	Yes	Yes
Martin	510	0	0	0	1	Yes	Yes
Northgate	109	0	0	0	1	No	No
Residential College South	466	0	0	0	1	Yes	Yes
Luckyday Residential College	332	0	0	0	1	Yes	Yes
Ridge North	340	0	0	0	1	Yes	Yes
Burns Hall	272	0	0	0	1	Yes	Yes
Minor Hall	250	0	0	0	1	Yes	Yes
Stewart	330	0	0	0	1	Yes	Yes
Stockard	510	0	0	0	1	Yes	Yes
Village	80	0	0	0	1	Yes	Yes
RH1	304	0	0	0	1	Yes	Yes

# Fire Log

## Greek Residential Area

Building	Number of Fires	Number of Injuries	Number of Deaths	Fire Drills Per Semester	Fire alarm System
Alpha Omicron Pi Sorority	0	0	0	1	Yes
Alpha Tau Omega Fraternity	0	0	0	1	Yes
Chi Omega Sorority	0	0	0	1	Yes
Delta Gamma Sorority	0	0	0	1	Yes
Delta Delta Delta Sorority	0	0	0	1	Yes
Delta Psi Fraternity	0	0	0	1	Yes
Kappa Alpha Theta Sorority	0	0	0	1	Yes
Kappa Delta Sorority	0	0	0	1	Yes
Kappa Kappa Gamma Sorority	0	0	0	1	Yes
Pi Beta Phi Sorority	0	0	0	1	Yes
Pi Kappa Alpha Fraternity	0	0	0	1	Yes
Sigma Nu Fraternity	0	0	0	1	Yes
Phi Delta Theta Fraternity	0	0	0	1	Yes
Phi Mu Sorority	0	0	0	1	Yes
Alpha Delta Pi	0	0	0	1	Yes

## Greek Houses Sprinkler Systems

Building	Type of System	Number of Floors Protected	Square Footage
Alpha Omicron Pi Sorority	Wet	2	~ 20,000
Alpha Tau Omega Fraternity	Wet	3	~25,000
Delta Gamma Sorority	Wet/Dry	3	~30,000
Delta Delta Delta Sorority	Dry	4	~30,000
Delta Psi Fraternity	Wet	2	~10,000
Kappa Alpha Theta Sorority	Wet	2	~25,000
Kappa Delta Sorority	Wet	3	~30,000
Kappa Kappa Gamma Sorority	Wet	3	~30,000
Pi Beta Phi Sorority	Wet	3	~30,000
Pi Kappa Alpha Fraternity	Wet	3	~20,000
Sigma Nu Fraternity	Wet	2	~30,000
Phi Delta Theta Fraternity	Wet	2	~30,000
Phi Mu Sorority	Wet	2	~25,000
Chi Omega Sorority	Wet	3	~30,000
Alpha Delta Pi Sorority			

## Greek Houses Fire Alarm Systems

Building	Number of Panels	Number of Pull Stations	Number of Other Initiation Devices	Number of Strobes
Alpha Omicron Pi Sorority	1	11	33	17
Alpha Tau Omega Fraternity	2	9	33	11
Beta Theta Pi Fraternity	2	8	28	5
Chi Omega Sorority	2	10	30	22
Delta Gamma Sorority	1	12	77	38
Delta Delta Delta Sorority	2	10	42	20
Delta Psi Fraternity	1	6	44	11
Kappa Alpha Theta Sorority	1	12	22	11
Kappa Delta Sorority	1	12	36	17
Kappa Kappa Gamma Sorority	2	10	60	46
Pi Beta Phi Sorority	2	10	41	24
Pi Kappa Alpha Fraternity	1	8	31	11
Sigma Alpha Epsilon Fraternity	1	5	40	14
Sigma Nu Fraternity	2	10	62	14
Sigma Phi Epsilon Fraternity	1	10	0	10
Sigma Chi Fraternity	1	10	24	15
Phi Delta Theta Fraternity	1	9	8	13
Phi Kappa Tau Fraternity	1	8	27	5
Phi Kappa Psi Fraternity	1	12	28	15
Phi Mu Sorority	1	10	38	17
Alpha Delta Pi Sorority				

