

**RUST COLLEGE**  
**HOLLY SPRINGS, MS 38635**

**Non-Discriminatory Policy on the basis of gender, sexual orientation, handicap, race, color or national origin**

**POLICY STATEMENT**

Rust College emphasizes her commitment to provide a professional working and learning environment which supports, nurtures and rewards educational and employment growth free of discriminatory, inappropriate and disrespectful conduct or communication. Discrimination of any kind threatens this type of learning environment in that it compromises institutional integrity and traditional academic values. Discrimination inhibits the individual's performance as a student or employee and violates acceptable standards for accessibility, equal opportunity and interrelationships.

Accordingly, Rust college does not discriminate on the basis of gender or sexual orientation in its programs or activities and is prohibited from discriminating on the basis of gender or sexual orientation (e.g., "No person shall, on the grounds of gender or sexual orientation, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any Rust College program or activity").

Students, staff, faculty, administrators and third parties (i.e., individuals who are neither students nor employees, including but not limited to visitors, vendors, and consultants) should know that the college is concerned about discrimination. Accordingly, anyone on the campus of Rust College is entitled to be free from discrimination of any kind including sexual harassment and consequently is covered under this policy which extends the right to file a complaint of sexual harassment or any other form of discrimination with Rust College. The institution is prepared to take preventive and corrective action as necessary to uphold this policy.

Rust College, for the purpose of this policy, defines discrimination according to the categories listed below:

1. Sexual harassment: Rust College defines sexual harassment as an action taken or situation created intentionally to produce psychological or physical discomfort, embarrassment, or ridicule. It may be characterized by, but not limited to:
  - a. unwelcome sexual advances
  - b. unwelcome requests for sexual favors
  - c. conduct (verbal or physical) of a nature that is intimidating, demeaning, hostile, or offensive
  - d. unwelcome and inappropriate touching, patting, or pinching; obscene gestures
  - e. threats or insinuations that a person's employment, grade or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances
2. Disability: Rust College defines disability as a handicapped person who has, or who has a record of having, or who is regarded as having a physical or mental

impairment that substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

3. Age discrimination: Rust College defines age discrimination as the denying or limiting individuals in their opportunity to participate in any program or activity receiving federal financial assistance because of age.

## **RESPONSIBILITIES**

All members of the college community are responsible for ensuring that their conduct and actions does not cause discrimination against any other member of the college community because of race, color, national origin, disability, age, or gender or sexual orientation. This responsibility extends to everyone on the campus, including students, employees or third parties doing business with the college or on college property and to campus visitors.

Supervisory personnel have the further responsibility of preventing and eliminating discriminatory practices within the areas they oversee. If supervisors know discriminatory practices are occurring, receive a complaint, or obtain other information indicating possible discriminatory practices, they must take immediate steps to ensure the matter is addressed, even if the problem or alleged problem is not within their area of oversight. Faculty members, likewise, must inform their division chair or an appropriate administrator or other college official with supervisory responsibility, if they have reason to believe that discrimination because of race, color, national origin, disability, gender or sexual orientation or age is occurring.

The Title IX Coordinator has the responsibility for handling matters of discrimination based on gender or sexual orientation to include sexual harassment and the Section 504 Coordinator has the responsibility for handling matters of discrimination based on disability. Complaints concerning discrimination based on gender or sexual orientation, disability and age will be handled in accordance with the grievance procedures outlined below.

## **Grievance Procedures**

Any student or employee who believes that she or he has been subjected to discrimination because of gender or sexual orientation, disability or age should use the procedures outlined below to make it known. The individual making the complaint must do it in writing within 48 hours after the alleged incident. The written complaint must point out when the alleged incident occurred, the name of the alleged discriminator, name(s) of witnesses to the alleged discriminatory practice, if any, and exactly what the alleged discriminator said or did.

The grievance procedure deals with discrimination based on gender or sexual orientation (including sexual harassment), age, race, color, national origin or disability. All other complaints will be handled in accordance with procedures set out in the student handbook and employee handbooks. Rust College will initiate an investigation within 24 hours of receiving any complaint and will strive to conclude the investigation and provide its findings within 30 days of receiving a complaint. However, this time frame may be longer or shorter depending on the evidence and availability of any witnesses. Both the accused and the accuser will be kept informed of the status of the investigation. The grievance procedure/investigation guidelines include the following requirements for Rust College:

- i. Provide for an adequate, reliable, and impartial investigation that includes reasonably prompt timeframes for conducting the investigation;
- ii. Provide a process for the allegedly harassed party, if the party wishes, to identify the allegedly harassing party and/or witnesses and provide other information in a manner that protects the allegedly harassed party's confidentiality;
- iii. Provide interim measures necessary to prevent further harassment of the allegedly targeted party, as well as measures to avoid retaliation against the reporting party, pending the resolution of the complaint. Measures to avoid retaliation or interim measures necessary to prevent further harassment of the allegedly targeted party, will include but not be limited to removing a student from a class or removing a student from a residence hall or removing a staff person from a department to lessen interaction with the accused and/or remove any direct control over the accuser. Rust College prohibits retaliatory action against any complainant or any person acting in good faith who is assisting in the investigation of a complaint. However, persons who knowingly bring false allegations may be subject to immediate disciplinary action;
- iv. Take remedial action(s) necessary to address and resolve an incident of harassment, including, as appropriate, provision of resources, including counseling, to the alleged harasser as a means to prevent recurrence of future harassment, discipline, strategies to protect the individual(s) alleged to be harassed and witnesses from retaliation, counseling for the individual(s) alleged to be harassed, witnesses, and the broader student body, and take any other necessary steps reasonably calculated to prevent future occurrences of harassment;
- v. Maintain on-going contact with and provide updates to the individual alleged to be harassed throughout the investigation;
- vi. Make efforts to identify the allegedly harassing party and/or witnesses if the targeted party is unaware of their identities or names (*e.g.*, interviewing other parties to include students and/or staff who were present during the incident(s));

- vii. Make referral to law enforcement authorities where appropriate;
- viii. Interview all relevant witnesses, not limited to the accused, and review all relevant documents and physical evidence;
- ix. Ensure that Rust College follows these procedures, regardless of whether the alleged harassment is also being investigated by another agency, including a law enforcement agency, unless certain procedural steps would directly impede a criminal investigation;
- x. Provide that the preponderance of the evidence standard will be used for investigating allegations of sexual harassment or violence;
- xi. Assess whether other students, including witnesses, were negatively impacted by the allegedly harassing behavior, and consider whether remedial actions are also appropriate for those students;
- xii. Prepare a final written report describing the steps taken in the investigation and the facts gathered, clearly stating whether or not sexual harassment occurred, and explaining the basis for Rust College's conclusion, including application of the appropriate legal standard of a preponderance of the evidence;
- xiii. Provide written notification to the allegedly targeted party explaining Rust College's investigative process, its factual findings, its determination as to whether harassment occurred, the reasons for the decision, and the appeal procedures;
- xiv. Document all investigative steps, including statements provided by the allegedly targeted party, and any other witnesses or reporting parties, the evidence reviewed, any remedial actions taken, and a copy of the letter of finding/report issued at the conclusion of the investigation; and
- xv. Contact the individual allegedly harassed within a reasonable period of time following the conclusion of the investigation to assess whether there has been on-going harassment or retaliation, and to determine whether additional supportive measures are needed;

1. Students will make said discrimination known to the Vice President for Student Affairs (Dean of Students). Employees will make said discrimination known to the immediate supervisor of the accused discriminator. Non-employees or non Rust College students or other visitors will make said discrimination known to the Coordinator of Title IX (sexual harassment), or the Section 504 Coordinator (disability).

2. If the Vice President for Student Affairs (Dean of Students) or the immediate supervisor is the discriminator, then the complaint will be made to the Coordinator of Title IX (sexual harassment) or the Section 504 Coordinator (disability).

3. The Vice President for Student Affairs (Dean of Students), immediate supervisor or coordinator will investigate the charges and convene a hearing as appropriate. Confidentiality will be maintained. If the charges are not resolved at this level the

accused or the accuser may file an appeal with the Vice President for Student Affairs (Dean of Students), immediate supervisor or coordinator who will present the case to the President's Executive Council.

4. The President will call a meeting of the Executive Council to present the case with documents for review by the Council.
5. Confidentiality will be maintained to protect the accused and the accuser.
6. The President's Executive Council will inform the complainant of its actions within 72 hours after receiving the report.

Ms. Patricia A. Pegues, Title IX Coordinator  
McCoy Administration Building – 1st Floor  
Rust College  
150 Rust Avenue  
Holly Springs, MS 38635  
(662) 252-8000 Extension 4010/4018

Mr. Carlos Lassiter, Section 504 Coordinator  
McCoy Administration Building - 2<sup>nd</sup> Floor  
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150 Rust Avenue  
Holly Springs, MS 38635  
(662) 252-8000 Extension 4075

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Revised March 14, 2016

NOTE: All administrators, faculty, and staff of the College have an obligation to report known discrimination of any kind including sexual harassment which is covered under this policy.

**I have read and understand the above Non-Discriminatory Policy as indicated by my signature below:**

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Name (Print)

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Signature

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Date

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**ANTI-HARASSMENT STATEMENT**

Rust College emphasizes its commitment to provide a professional working and learning environment which supports, nurtures and rewards educational and employment growth free of discriminatory, inappropriate and disrespectful conduct or communication. Discrimination of any kind threatens this type of learning environment in that it compromises institutional integrity and traditional academic values. Discrimination inhibits the individual's performance as a student or employee and violates acceptable standards for accessibility, equal opportunity and interrelationships. Accordingly, the college abides by the following guidelines:

- i. Encourages any student and/or employee who believes that he or she has been subjected to harassment based on sex to report the harassment to Rust College;
- ii. Rust College is committed to conducting a prompt investigation of all allegations of sex harassment;
- iii. Reports of allegations of sex-based harassment and other forms of sex discrimination should be reported to the contacts below as follows: Students will make said discrimination known to the Vice President for Student Affairs (Dean of Students). Employees will make said discrimination known to the immediate supervisor of the accused discriminator. Non-employees or non Rust College students will make said discrimination known to the Coordinator of the Title IX (sexual harassment), or the Section 504 Coordinator (disability);
- iv. Please know that Rust College students and/or employees found to have engaged in acts of harassment based on sex will be promptly disciplined, with such discipline to include, if circumstances warrant, up to and including suspension or expulsion for students and termination of employment for employees; and,
- v. Rust college encourages its students and employees to work together to prevent acts of harassment of any kind.

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