

II. PROHIBITED CONDUCT

Mississippi State University prohibits unlawful discrimination on the basis of race, sex, color, national origin, age, disability, genetic information, status as a U.S. veteran, or any other

This policy also prohibits retaliation against a person who has made a report or filed a complaint of discrimination or harassment on the basis of race, sex, color, national origin, age, disability, genetic information, status as a U.S. veteran, or any other protected characteristic. This policy also prohibits retaliation against a person who has made a report or filed a complaint of discrimination or harassment on the basis of race, sex, color, national origin, age, disability, genetic information, status as a U.S. veteran, or any other protected characteristic. This policy also prohibits retaliation against a person who has made a report or filed a complaint of discrimination or harassment on the basis of race, sex, color, national origin, age, disability, genetic information, status as a U.S. veteran, or any other protected characteristic.

III. APPLICATION

This policy applies to all Mississippi State employees, students, visitors, volunteers, applicants, vendors, contractors, or program participants. It prohibits discrimination and/or harassment on the basis of any of the protected characteristics listed below in any University program, service, opportunity, or activity, including but not limited to academic, administrative, research, and athletic programs. This policy also prohibits retaliation, which includes any intimidation, coercion, discrimination, threat, or other an., ormd02 Tc -0.002 Tw (in)2 (timidtimid)2 (a)6(s)-1 (c)[, or)2 -0.p gr

retaliation under this policy. Sanctions imposed for making a deliberately false report or providing false information in bad faith in the course of an investigation or hearing do not constitute retaliation. Retaliation against individuals who report possible violations of this policy, or who cooperate with an investigation by the University or any law enforcement agency, is strictly prohibited. Retaliation is an independent basis for disciplinary action, regardless of the outcome of the underlying complaint.

These definitions and all other parts of this policy shall be interpreted in accordance with the rights to free expression held by members of the University community. Consequently, the mere expression of opinions, ideas, words, or symbols that another person finds objectionable will not, without more, constitute a violation of this policy.

V. REPORTING

The University strongly encourages—and in some cases, mandates—reporting of discrimination, harassment, and/or retaliation. To that end, the University has adopted specific procedures through which an individual can make his or her complaint known. The proper recipient of a report of discrimination, harassment, or retaliation depends on the nature of the incident and the parties involved.

1. Workplace Discrimination, Harassment, or Retaliation:

Where a University employee experiences discrimination, harassment, or retaliation in a University workplace or in connection with his or her employment, the report should be submitted to:

The Director of Civil Rights Compliance in the OTj0.TT{om)-2 (plh-2 (i)-2 (naih)-24 (nds)-1 (on t)-2 (h

Sexual misconduct is a form of sex discrimination that includes sexual assault, sexual harassment, sexual exploitation, stalking, and dating or domestic violence. These offenses are

complainant will be significantly limited if he or she chooses to remain anonymous. Members of the community are therefore strongly encouraged to consider the other options for reporting

party.

Where the accused party is a student, disciplinary action will be pursuant to the procedures in Operating Policy 91.100 (Code of Student Conduct). Where the accused party is a University employee, determinations concerning disciplinary and/or employment actions will be made by the appropriate supervisory personnel pursuant to applicable University policies, after consultation with the Director of Civil Rights Compliance and the Department of Human Resources Management. Where termination of employment is considered, the University will follow the procedures in Operating Policy 60.113 and/or 60.405, as applicable.

Where the accused party is neither a student nor an employee, the University may take appropriate steps to ensure the security of its campus and programs and to prevent further violations of its policies. These steps may include without limitation barring the accused from campus, exclusion from University programs or activities, and/or referral to appropriate law enforcement agencies. Nothing in this policy shall be construed as granting any accused person who is not a University student or employee any procedural or substantive rights in relation to such actions.

3. Review and Appeal

accused, will be compelled to participate in any mediation or other informal resolution. Further, informal resolution efforts always will be supervised by a properly-trained person.

If at any point either party wishes to end informal resolution efforts, they should communicate that fact to the Director of Civil Rights Compliance and the process of formal investigation and recommendations will begin or resume. If after informal efforts have concluded, either party is not satisfied with the result, they should promptly communicate the same to the Director of Civil Rights Compliance and formal proceedings will resume.

5. Privacy

The University will endeavor to respect the privacy of parties and others involved in investigations to the greatest extent possible, but cannot guarantee that all information it receives

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underlying complaint. For purposes of this policy, retaliation includes any intimidation, coercion, discrimination, threat, or other action against any individual that would deter a reasonable person from reporting, testifying, assisting, or cooperating with an investigation or proceeding. Any such retaliation should be reported immediately to the Director of Civil Rights Compliance.

IX. FALSE REPORTING

While the University recognizes the rarity of intentionally false reports, submitting (1) a deliberately false report of discrimination, harassment, retaliation, or sexual misconduct, or (2) other false information in bad faith and in connection with any proceeding under this policy, is prohibited and is grounds for disciplinary action. A report is made in bad faith when the person making it actually knew it was false or made it with reckless disregard for the truth. A report is not made in bad faith merely because an adjudicator finds an accused party not responsible.

Where a false report or statement has been made in bad faith, disciplinary action by the University against the person making it is not retaliation within the meaning of this policy. This exception applies solely to official disciplinary action following an investigation by the University. It does not authorize other disciplinary action of any kind by any individual, department, or organization, even where bad faith is found.

X. ACCOMMODATIONS

The University will make reasonable accommodations as required by applicable laws to ensure equal access to its programs, services, activities, and facilities. Accommodations based on disability are addressed by Operating Policy 60.123 for employment related matters, Operating Policy 91.122 for students with disabilities. All other requests for reasonable accommodations are addressed by Operating Policy 91.353. These policies describe the appropriate procedures for requesting disability-based accommodations.

The University also will make reasonable accommodations as required by applicable law for students or employees whose bona fide religious beliefs limit the ability to participate in University programs, activities, or employment, and for individuals with limited English proficiency, provided such accommodations do not impose an undue burden or fundamentally alter the nature of the program, activity, or employment. Individuals wishing to request an accommodation based on religious belief or limited English proficiency should contact the Office of Civil Rights Compliance at 662-325-5839 or at titleix@msstate.edu.

XI. COORDINATION WITH OTHER POLICIES

Sexual Misconduct (OP 03.04)

Certain conduct such as workplace sexual harassment may violate both this policy and the Sexual Misconduct Policy. In such cases, Part VII of this policy will determine what procedures

Where termination proceedings are based on a violation of this policy, the requirements of the Termination of Employment Policy (OP 60.113) and/or Separation from Employment Policy (OP 60.405) will apply. To the extent this policy and/or the Sexual Misconduct Policy (OP 3.04) contain additional or conflicting requirements, these policies will control.

Code of Student Conduct (91.100)

To the extent the provisions of this policy differ from those of the Code of Student Conduct (OP 91.100) , this policy will control in cases of discrimination, harassment or sexual misconduct.

XII. QUESTIONS ABOUT THIS POLICY

Anyone with questions about the provisions of this policy should contact the University's Director of Civil Rights Compliance, Brett Harvey, at titleix@msstate.edu or 662-325-5839.

XIII. REVIEW

This policy will be reviewed by the Provost and Executive Vice President every two years or

REVIEWED BY:

/s/ Brett Harvey
Director, Civil Rights Compliance

7/26/21
Date

/s/ Leslie Corey
Chief Human Resources Officer

7/26/21
Date

/s/ David Shaw
Provost and Executive Vice President

7/26/21
Date

/s/ Tracey Baham
Assistant Vice President,

7/26/21