Sexual Assault

Summary/Purpose: To provide students notice about their obligation to refrain from acts or threats that may be considered sexual assault.

The University prohibits an individual from subjecting another person to any sexual contact without the consent of the other person. Sexual assault may be committed by acquaintances, dating partners, spouses or strangers.

Consent requires a clearly communicated agreement to engage in sexual activity. The individual consenting must act freely and voluntarily and have knowledge of the nature of the act involved. Consent may be withdrawn at any time regardless of the activity preceding the withdrawal of consent.

The existence of an intimate relationship is not sufficient to constitute consent, and consent may not be inferred from silence or passivity alone. A person who is unconscious cannot give consent. A person who is cognitively impaired or under the influence of alcohol or drugs may not be able to give consent if, because of the impairment, he or she is unable to understand the situation or its consequences, or is unable to express his or her consent or lack thereof.

The use of alcohol or drugs by either party in conjunction with a sexual assault does not alleviate responsibility or diminish the serious nature of the offense. When alcohol or drugs are involved, a victim will not be charged with an alcohol or drug violation and should not let his or her use of alcohol or drugs be a deterrent to reporting the incident.

Any agreement to engage in sexual activity that is obtained through coercion, including the use of physical force, threat, intimidation or exploitation, is not consent.

Forms of sexual assault may include, but are not limited to, the following:

- Rape or attempted rape.
- Non-consensual, intentional contact with intimate body parts.
- Non-consensual oral sex.
- Lewd exposure of one’s sexual organs, either in person or electronically, to another without his or her consent.
- Any sexual contact between two individuals that, because of the age of the parties, is prohibited under Mississippi law.

The Office of Equal Opportunity and Regulatory Compliance may conduct an investigation into alleged acts of sexual assault. If through an investigation the Office of Equal Opportunity and Regulatory Compliance determines an act of sexual assault occurred, the evidence used and the finding of fact may be used in a student conduct hearing.