

Procedures for Reporting and Responding to Violations of the Policy on Prohibited Sexual Conduct Involving a Student as Respondent

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I. OVERVIEW

This document sets forth procedures for reporting, *Investigation*, and responding to reports of violations of the Policy on Prohibited Sexual Conduct (the “Policy”) when a University student (the *Respondent*) is accused of a violation of the Policy. Please refer to Section IX for applicable definitions of key terms, which are italicized herein.

All University community members are strongly encouraged to report incidents of *Prohibited Sexual Conduct* to the Title IX Coordinator, the Equal Employment Officer, the Office of the Dean of Students, or the University Police (“ULPD”). After normal business hours, individuals are encouraged to report incidents of *Prohibited Sexual Conduct* to the Office of the Dean of Students or the ULPD. As an alternative, as outlined below, an individual can also seek confidential assistance that does not involve notice to the University.

Upon receipt of a report by the Equal Employment Officer, the Office of the Dean of Students, or the ULPD, the recipient will notify the Title IX Coordinator. The Title IX Coordinator will conduct an *Initial Assessment*, considering the nature of the report, the safety of the parties and the campus community, *Complainant’s* expressed preference for resolution, and the necessity for any *Interim Protective Measures*.

Following the *Initial Assessment*, the Title IX Coordinator may: (1) take no further action (e.g., at *Complainant’s* request or where the conduct, on its face, would not rise to the level of a Policy violation); (2) pursue *Voluntary Resolution*; or (3) pursue *Investigation* to determine if disciplinary action is warranted. Each resolution process is guided by the same principles of fairness and respect for all parties. Resources are available for both *Complainant* and *Respondent* to provide support and guidance throughout the process.

A *Complainant* may explore all available options for resolution, including a report under the Policy and a report to law enforcement. The processes are not mutually exclusive; an individual can choose to pursue both a report under the Policy and a criminal investigation at the same time.

II. EMERGENCY LAW ENFORCEMENT, MEDICAL, AND CRISIS RESPONSE RESOURCES

All individuals are encouraged to seek the support of on and off campus resources, regardless of when or where the incident occurred. Trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under the Policy is pursued.

As a first priority, the University encourages all individuals to report potential criminal conduct by calling 911 or by contacting the ULPD.

The University also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident of *Sexual Assault*. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence (see <http://counselingandtesting.louisiana.edu/sites/counseling/files/SEXUAL%20ASSAULT.pdf> for a quick reference on preservation of evidence), acquire preventative treatment for sexually transmitted diseases, and begin a timely investigative and remedial response. Emotional care, counseling, and crisis response are also available on and off campus.

The University participates in the Lafayette Parish Sexual Assault Response Team (SART), which allows it to quickly and effectively collaborate with local agencies in responding to reported cases of *Sexual Assault*. The University maintains a permanent liaison to serve on the SART and participates in all related discussions and trainings. SART works to improve service delivery and response to individuals who have experienced *Sexual Assault*, including accompaniment in medical care, investigation, collection of forensic evidence, and related counseling. Individuals' use of these resources does not obligate them to pursue a disciplinary or criminal investigation; however, if they choose to do so, the resources provided by SART are designed to ease the process.

Furthermore, Sexual Assault Nurse Examiners (SANE) are specialized nurses who are trained in examining individuals who have experienced *Sexual Assault* in a sensitive manner that gathers and retains forensic evidence. If an individual uses SANE services s/he is under no obligation to file a report, but the evidence will be preserved should s/he choose to do so. Hearts of Hope maintains SANE nurses that respond to Lafayette Hospitals as well as St. Martin Hospital. Any survivor of *Sexual Assault* may request SANE services or to be connected to SART by calling the 24-hour Hearts of Hope hotline at 337-232-RAPE (7273).

The following is emergency law enforcement, medical, and crisis response contact information:

Law Enforcement	Medical Providers & Crisis Response
ULPD http://police.louisiana.edu/ 337-482-6447 Bittle Hall 210 Hebrard Blvd. Lafayette, LA 70504	University Counseling and Testing Center http://counselingandtesting.louisiana.edu/ 337-482-6480 O.K. Allen Hall, Saucier Wellness Center, 220 Hebrard Boulevard
Lafayette Police Department http://www.lafayettela.gov/PoliceDepartment/Pages/default.aspx 337-291-8600 900 E. University Ave. Lafayette, LA 70502	Office of Student Health Services http://studenthealth.louisiana.edu 337-482-1293 O.K. Allen Hall, Saucier Wellness Center, 220 Hebrard Boulevard
Lafayette Parish Sheriff's Office http://www.lafayettesheriff.com/ 337-232-9211 316 West Main St. Lafayette, LA 70501	Hearts of Hope http://www.theheartsofhope.org/ 337-232-RAPE (7273) Located in Lafayette, LA Hearts of Hope provides the survivor with advocacy, counseling, and accompaniment to all medical, forensic, and criminal investigations following an incident of sexual assault or abuse and other related incidents.
	Faith House http://www.faithhouseacadiana.com 337-232-8954

	800-411-1333 (24 hour crisis hotline) Faith House provides advocacy, counseling, medical and legal assistance, shelter, safety plans, and accompaniment at hearings for all survivors of interpersonal violence and their children.
	Lafayette General Medical Center www.lafayettegeneral.com 337-289-7991
	Our Lady of Lourdes Hospital www.lourdesrhc.com 337-470-2000
	Women's & Children's Hospital http://womens-childrens.com/ 337-521-9100
	The Regional Medical Center of Acadiana http://medicalcenterofacadiana.com/ 337-981-2949

III. WHO TO REPORT TO

The University encourages individuals who have experienced *Prohibited Sexual Conduct* to talk about what happened so they can get the support they need and so the University can respond appropriately. This section identifies University employees who are authorized to receive reports, their roles, and their ability to maintain an individual's confidentiality.

A. *Responsible Employees*

A *Responsible Employee* is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When an individual tells a *Responsible Employee* about an incident of sexual violence, the individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A *Responsible Employee* must report to the Title IX Coordinator all relevant details about the alleged *Prohibited Sexual Conduct* shared by the individual, including the names of the individual who allegedly experienced *Prohibited Sexual Conduct* and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a *Responsible Employee* will be shared only with people responsible for handling the University's response to the report.

The following individuals are the University's *Responsible Employees*:

- Title IX Coordinator's staff

- Dean of Students and Assistant Deans of Students
- Dean of Student Life & Conduct and Assistant Deans of Student Life & Conduct
- EEO Officer and staff
- Provost
- Academic Deans
- ULPD

B. Other Mandatory Reporters

In addition to *Responsible Employees*, it is mandatory that all University employees (other than the Confidential Resources listed below) report *Prohibited Sexual Conduct* to the Title IX Coordinator, the individual's supervisor, or another *Responsible Employee*. Generally, student workers are not considered mandatory reporters. Student workers who are considered mandatory reporters include Community Assistants.

C. Confidential Reporting Resources

Some individuals on and off the University are required to maintain near complete confidentiality. Talking to these individuals is sometimes called a privileged communication. The trained professionals designated below can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a patient/client (including whether that individual has received services) without the individual's express, written permission unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).

Confidential resources may include clergy, medical/healthcare providers, and mental healthcare providers. Some confidential resources are listed below:

On Campus Confidential Resources	Off Campus Confidential Resources
University Counseling and Testing Center http://counselingandtesting.louisiana.edu/ 337-482-6480 O.K. Allen Hall, Saucier Wellness Center, 220 Hebrard Boulevard	Hearts of Hope http://www.theheartsofhope.org/ 337-232-RAPE (7273) Located in Lafayette, LA Hearts of Hope provides the survivor with advocacy, counseling, and accompaniment to all medical, forensic, and criminal investigations following an incident of sexual assault or abuse and other related incidents.
Office of Student Health Services http://studenthealth.louisiana.edu 337-482-1293 O.K. Allen Hall, Saucier Wellness Center, 220 Hebrard Boulevard	Faith House http://www.faithhouseacadiana.com 337-232-8954 800-411-1333 (24 hour crisis hotline) Faith House provides advocacy, counseling, medical and legal assistance, shelter, safety

	plans, and accompaniment at hearings for all survivors of interpersonal violence and their children.
	Lafayette General Medical Center www.lafayettegeneral.com 337-289-7991
	Our Lady of Lourdes Hospital www.lourdesrhc.com 337-470-2000
	Women's & Children's Hospital http://womens-childrens.com/ 337-521-9100
	The Regional Medical Center of Acadiana http://medicalcenterofacadiana.com/ 337-981-2949

D. Confidential Advisors

The University shall designate Confidential Advisors in accordance with state law (La. R.S. 17:3399.15). Contact information for the *Confidential Advisors* will be provided on the University's website. Those individuals designated as *Confidential Advisors* shall complete online training developed by the Attorney General in collaboration with the Board of Regents.

The *Confidential Advisor* shall inform the *Complainant* of the following:

- Their rights under federal and state law, as well as University Policy;
- Reporting options and potential outcomes;
- Investigation and disciplinary/adjudication proceedings of the University and the criminal justice system;
- Potential accommodations; and
- Emergency response options.

The *Confidential Advisor* may liaise with the University on behalf of the *Complainant*, as appropriate. In addition, the *Confidential Advisor* may accompany the *Complainant* through various proceedings in the *Investigation*.

The *Confidential Advisor* shall not be obligated to report crimes to the institution or law enforcement in a way that identifies *Complainant* or *Respondent*, unless otherwise required to do so by law.

IV. HOW TO REPORT

The University encourages all individuals, whether a *Complainant*, witness, or third party, to promptly report *Prohibited Sexual Conduct* directly to the Title IX Coordinator, the EEO Officer, the Office of the Dean of Students, or ULPD. After normal business hours, individuals are encouraged to report incidents of *Prohibited Sexual Conduct* to the Office of the Dean of Students or the ULPD. The reporting options are the same whether the reporter is a *Complainant*, a witness, third party, or other individual.

The University recognizes that deciding whether to make a report and choosing how to proceed are personal decisions that may evolve over time. At the time a report is made, a *Complainant* does not have to decide whether to request any particular course of action. Through a coordinated effort, staff from the offices listed below provide support to assist each individual in making these important decisions, and consistent with the goal of safety for all community members, will make every effort to respect an individual's autonomy in making the determination as to how to proceed. Any individual can also make a report to external law enforcement agencies, including those listed below. If a report is made to the police, the University and the police may share information under certain circumstances.

A. Reporting (Not Anonymous)

On Campus Reporting Options for University Action under the Policy	Off Campus Reporting Options for External Law Enforcement Action
Title IX Coordinator Lindsay Samuel 337-482-1394 309 Martin Hall 104 University Circle Lafayette, LA 70504 titleix@louisiana.edu	911
Equal Employment Officer 337-482-1394 309 Martin Hall 104 University Circle Lafayette, LA 70504	Lafayette Police Department http://www.lafayettela.gov/PoliceDepartment/Pages/default.aspx 337-291-8600 900 E. University Ave. Lafayette, LA 70502
Office of the Dean of Students http://studentaffairs.louisiana.edu/ Student Union, Room 168 620 McKinley Street Lafayette, LA 70504	Lafayette Parish Sheriff's Office http://www.lafayettesheriff.com/ 337-232-9211 316 West Main St. Lafayette, LA 70501
ULPD http://police.louisiana.edu/ 337-482-6447 Bittle Hall	

B. Anonymous Reporting

Any individual may make a report of *Prohibited Sexual Conduct* to the University without disclosing his or her name and without identifying *Respondent* or requesting any action. Depending on the level of information available about the incident or the individuals involved, the University's ability to respond to an anonymous report may be limited. Anonymous reporting can be made using the following link: www.louisiana.edu/ethicsreport.

These reports will be referred to the Title IX Coordinator.

C. Reporting Considerations: Timeliness and Location of Incident

All individuals, including a *Complainant*, witness, or third party, are encouraged to report *Prohibited Sexual Conduct* regardless of when or where it occurred, as soon as possible to maximize the ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. If *Respondent* is no longer a student at the time of the report, or if the conduct did not occur on campus, in the context of an education program or activity of the University, or have continuing adverse effects on campus or in an off-campus education program or activity, the University may not be able to fully investigate nor take disciplinary action against *Respondent*. In each instance, the University will still provide any fair and reasonable support and resources to a *Complainant* designed to end the *Prohibited Sexual Conduct*, prevent its recurrence, and address its effects. The Title IX Coordinator will also help a *Complainant* identify external reporting options.

D. Amnesty

Any individual, including a *Complainant*, witness, or third party, who makes a report will not be subject to disciplinary action by the University for his/her, personal consumption of alcohol or other drugs at or near the time of the incident.

V. PROCEDURE FOR RESOLUTION

A. Initial Assessment

When a report is made, the Title IX Coordinator will conduct an *Initial Assessment*. The *Initial Assessment* will determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct.

1. Preliminary Meeting

The first step of the *Initial Assessment* will usually be a preliminary meeting between *Complainant* and the Title IX Coordinator or designee to gather facts that will enable the Title IX Coordinator to:

- Assess the nature and circumstances of the allegation;

- Address any immediate concerns about the physical safety and emotional well-being of the *Complainant* and *Respondent*;
- If the conduct is criminal in nature, notify *Complainant* of the option to notify law enforcement;
- Provide *Complainant* with information about:
 - On and off campus resources, including the availability of medical treatment to address any physical and mental health concerns, including counseling and support, and to preserve evidence, whether or not *Complainant* chooses to make an official report or participate in the institutional disciplinary or criminal process;
 - The available range of *Interim Protective Measures*; and
 - Procedural options, including *Voluntary Resolution*, *Investigation*, and *Appeal*.
- Discuss *Complainant's* expressed preference for manner of resolution and any barriers to proceeding;
- Explain the University's policy prohibiting *Retaliation*;
- Explain the role of the *Support Person* and *Advisor*;
- Assess potential pattern evidence or other similar conduct; and

2. Requests for Confidentiality or No Formal Action

Where a *Complainant* requests that his/her name or other identifiable information not be shared with *Respondent* or that no formal action be taken, the Title IX Coordinator will balance this request against the following factors in reaching a determination whether the request can be honored:

- The nature and scope of the alleged conduct;
- The respective ages and roles of *Complainant* and *Respondent*;
- The risk posed to any individual or to the campus community;
- Whether there have been other reports of misconduct by *Respondent*;
- Whether the report reveals a pattern of misconduct at a given location or by a particular group;
- *Complainant's* wish to pursue disciplinary action;
- Whether the University possesses other means to obtain relevant evidence;
- Considerations of fundamental fairness and due process with respect to *Respondent* should the course of action include disciplinary action against *Respondent*; and

- The University's obligation to provide a safe and non-discriminatory environment.

Where possible based on the facts, circumstances, and the factors listed above, the Title IX Coordinator will seek action consistent with *Complainant's* expressed preference for manner of resolution, recognizing that the University must move forward with cases. The University's ability to fully investigate and respond to a report may be limited if *Complainant* requests that their name not be disclosed to *Respondent* or declines to participate in an *Investigation*.

3. Determination of Resolution Route

At the conclusion of the *Initial Assessment*, the Title IX Coordinator will determine the appropriate resolution route. Resolution may include: (1) no further action; (2) *Voluntary Resolution*; or (3) the initiation of an *Investigation* that may lead to disciplinary action.

Regardless of the manner of resolution, a *Respondent* may choose to accept responsibility at any stage in the process.

B. Nondisclosure

The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of proceedings under this Policy.

C. Voluntary Resolution

Voluntary Resolution is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of *Complainant* and the safety and welfare of the campus community. *Voluntary Resolution* does not involve an *Investigation* or disciplinary action against a *Respondent*, and is not appropriate for all forms of conduct under the Policy.

If a *Complainant* requests *Voluntary Resolution*, and the Title IX Coordinator concludes that *Voluntary Resolution* is appropriate based on the *Initial Assessment*, the Title IX Coordinator will take appropriate action designed to protect *Complainant's* access to employment, educational, and extracurricular opportunities and benefits at the University. A *Complainant* may request and decide to pursue *Voluntary Resolution* at any time. In those cases in which the *Voluntary Resolution* involves either notification to or participation by *Respondent*, it is *Respondent's* decision whether to accept *Voluntary Resolution*.

Voluntary Resolution may include: establishing *Interim Protective Measures*; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting between *Respondent* and *Complainant* (in cases that do not involve *Sexual Assault*); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. In some forms of *Voluntary Resolution*, the remedies will focus on supporting *Complainant* with no participation or involvement by *Respondent*. In other forms of *Voluntary Resolution*, *Respondent* may agree to participate. Depending on the remedy employed, it may be possible for a *Complainant* to maintain anonymity.

Voluntary Resolution may also include the option to allow a *Respondent* to accept responsibility for misconduct and acknowledge harm to *Complainant* or to the University community.

As the title implies, participation in *Voluntary Resolution* is a choice, and either party can request to withdraw and pursue an *Investigation* at any time, including if *Voluntary Resolution* is unsuccessful. Similarly, a *Complainant* can request to end an *Investigation* and pursue *Voluntary Resolution* at any time. Either party may request *Interim Protective Measures* regardless of whether any particular course of action is sought.

Voluntary Resolution is not mediation. Mediation is not available for conduct that involves violence or criminal conduct.

D. *Investigation*

Following the *Initial Assessment*, and in consultation with *Complainant*, the University will initiate a prompt, thorough, and impartial *Investigation* of conduct that is a potential violation of the Policy and is not being addressed through *Voluntary Resolution*. The Title IX Coordinator will designate an investigator(s) who has training and experience investigating allegations of *Prohibited Sexual Conduct*. The investigator will coordinate the gathering of information to make an *Investigative Finding* regarding whether the alleged conduct constitutes a violation of the Policy by a preponderance of the evidence. A preponderance of the evidence means that it is more likely than not that the conduct occurred.

Information gathered during the *Investigation* will be used to evaluate the appropriate course of action, provide for individual and campus safety, and identify the need for additional *Interim Protective Measures* and other remedies to eliminate the alleged conduct and to address its effects.

1. Time Frame for Resolution

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the *Investigation* and resolution, the Title IX Coordinator seeks to resolve all reports within one academic semester, depending on when the report is received. In general, an *Investigation* will typically last up to sixty (60) days, from the date the Title IX Coordinator determines there is sufficient information to determine if the allegation raises a potential violation of this Policy and that *Investigation* is the appropriate route for Resolution. This time frame does not include *Appeals*. The Title IX Coordinator may set reasonable time frames for required actions under the Policy.

Time frames may be extended for good cause to ensure the integrity and completeness of the *Investigation*, comply with a request by external law enforcement, accommodate the availability of witnesses, *Complainant*, or *Respondent*, account for University breaks, or address other legitimate issues, including the complexity of the *Investigation* and the severity and extent of the alleged conduct. *Complainant* and *Respondent* will be given periodic status updates throughout the process. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

2. Investigative Process

After the Title IX Coordinator initiates an *Investigation*, the investigator will notify *Complainant* and *Respondent* of the *Investigation*, which constitutes a formal charge. The notification will

include a summary of the allegation or conduct at issue, the range of potential violations under the Policy, and the range of potential sanctions. Once the notification has been made to *Complainant* and *Respondent*, the *Investigation* phase begins.

Upon notification, or at any stage in the process, *Respondent* may choose to accept responsibility for the Policy violation. Even if *Respondent* accepts responsibility for the Policy violation, the investigator may continue the *Investigation* as necessary to determine appropriate sanction(s).

The investigator will also inform *Complainant* and *Respondent* that they have the ability to challenge the investigator on the basis of an actual conflict of interest, bias, or lack of impartiality. Any such challenge must be submitted in writing to the Title IX Coordinator within three (3) business days of the notification. The challenge must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. Failure to timely object eliminates the possibility of any later appeal or objection based on the assertion that the investigator had a conflict of interest, was biased, or lacked impartiality.

The Title IX Coordinator will oversee the *Investigation* by the investigator. The *Investigation* is designed to provide a fair and reliable gathering of the facts by a trained and impartial investigator. All individuals, including *Complainant*, *Respondent*, and any third party witnesses, will be treated with appropriate sensitivity and respect throughout the *Investigation*. The *Investigation* will safeguard the privacy of the individuals involved in a manner consistent with federal law and University policy.

During the *Investigation*, *Complainant* and *Respondent* will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. The investigator will speak separately with *Complainant*, *Respondent*, and other individuals willing to participate and who have relevant information. As part of the *Investigation*, the investigator may gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged incident on *Complainant* and *Respondent*. The investigator will gather any available physical or documentary evidence, including prior statements by *Complainant*, *Respondent*, or witnesses, any communications between the *Complainant* and *Respondent*, email messages, social media messages, text messages, and other records as appropriate and available. In the event *Respondent* declines to participate in proceedings or withdraws from the University, the *Investigation* and *Appeal* may proceed without *Respondent*.

A *Respondent* that withdraws from the University prior to a finding will not be eligible to return to the University until the proceedings under the Policy have been finally concluded.

If a *Respondent* accused of *Sexual Misconduct* seeks to transfer to another institution during an *Investigation*, the University shall withhold the *Respondent's* transcript until such *Investigation* or adjudication is complete and a final decision has been made. The University shall inform the *Respondent* of the University's obligation to withhold the transcript during the *Investigation*.

At any meeting or proceeding related to the resolution of an allegation under the Policy, *Complainant* or *Respondent* may have a *Support Person* and/or an *Advisor* present. The *Support Person* and/or *Advisor* may not be otherwise a party or witness involved in the *Investigation* or proceedings. A party's inclusion of a *Support Person* or *Advisor* is at the sole initiative and expense of the party.

Once chosen by a *Complainant* or *Respondent* to serve as an *Advisor*, at the discretion of the Title IX Coordinator or investigator, the *Advisor* may be required to meet with the Title IX Coordinator in advance of any attendance of any activity related to the *Investigation* to understand the expectations of the role, privacy considerations, and appropriate decorum.

The University, its officials, Title IX Coordinator, and investigator will at all times only communicate directly with *Complainant* and *Respondent* even if he/she authorizes the *Advisor* to receive information on his/her behalf. It is the party's responsibility to communicate and share information with his/her *Advisor*.

Where the University is made aware that there is a concurrent criminal investigation, the Title IX Coordinator will coordinate with law enforcement so that any University processes do not interfere with the integrity or the timing of the law enforcement investigation. At the request of law enforcement, the University may agree to defer the fact-finding portion of its *Investigation* until after the initial stages of a criminal investigation. The Title IX Coordinator will nevertheless communicate with *Complainant* and *Respondent* regarding resources and accommodations, procedural options, anticipated timing, and the implementation of any necessary *Interim Protective Measures* for the safety and well-being of all affected individuals.

All community members, including students, faculty, and staff, are expected to cooperate with the Title IX Coordinator and investigator in the *Investigation*, as well as any *Appeal*, to assure fairness and procedural due process. The Title IX Coordinator may request the appearance of persons from the University community who can provide relevant evidence. Both a *Complainant* and a *Respondent* may decline to participate in proceedings under the Policy.

3. Relevance and Special Considerations

The investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility, and may exclude information in preparing the *Investigation* Report if the information is irrelevant, immaterial, or more prejudicial than informative.

The investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not exclude direct observations or reasonable inferences drawn from the facts.

a. Character Evidence

Character evidence is information that does not directly relate to the facts at issue, but instead, reflects upon the reputation, personality, qualities, or habits of an individual. In general, information regarding the character of *Complainant*, *Respondent*, or any witness is not relevant to the determination of whether there is a Policy violation.

b. Prior Sexual History

Questioning about *Complainant's* sexual history with anyone other than *Respondent* should not be permitted. Further, the University recognizes that the mere fact of a current or previous *Consensual* dating or sexual relationship between *Complainant* and *Respondent* does not itself imply *Consent* or preclude a finding of a violation of the Policy.

c. Consultation of Other Administrative Units

In reaching these determinations, the investigator will consult with other administrative units with information relevant to the *Investigation*. The investigator may also seek information from the Office of Student Life and Conduct and the Dean of Students' Office regarding prior disciplinary history and ULPD regarding prior criminal history.

d. Consolidation of Reports

At the discretion of the University, multiple reports may be consolidated in one *Investigation* if the information related to each incident would be relevant and probative in reaching a determination on the other incident. This includes, but is not limited to, matters where the evidence of the other conduct is inextricably intertwined with *Prohibited Sexual Conduct* under the Policy. Matters may also be consolidated where they involve multiple *Complainants*, multiple *Respondents*, or related conduct involving the same parties that would otherwise have been heard under the Student Code of Conduct (provided that it does not delay the prompt resolution of determinations of violations of this Policy).

4. Review of Draft *Investigation* Report

At the conclusion of the *Investigation*, the investigator will prepare a written report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between *Complainant* and *Respondent* with any supporting information or accounts, and includes an *Investigative Finding* regarding whether a Policy violation occurred. However, at the discretion of the investigator and based on the circumstances, before the report is finalized *Complainant* and *Respondent* may be given the opportunity to review a draft *Investigation* Report, which will not include the *Investigative Finding*, and may be presented in redacted format. *Complainant* and *Respondent* will not receive an electronic or written copy, nor may they photograph or copy the draft *Investigation* Report.

If allowed to view the draft *Investigation* Report, *Complainant* and *Respondent* may submit any additional comment or information to the investigator within five (5) business days of the date of the notice of the opportunity to review the draft *Investigation* Report. This is the final opportunity for *Complainant* and *Respondent* to identify any additional information or witnesses prior to an *Investigative Finding*.

In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator either at this juncture or prior to the conclusion of the *Investigation* will not be considered by the investigator or *Appeal Panel*.

5. *Investigative Finding*

Upon the conclusion of the *Investigation* the investigator will make an *Investigative Finding*, by a preponderance of the evidence, regarding whether a Policy violation occurred.

6. Sanctions

In keeping with the University's commitment to foster an environment that is safe, inclusive, and free of *Prohibited Sexual Conduct*, the Policy provides the Title IX Coordinator with wide latitude in the imposition of sanctions tailored to the facts and circumstances of each violation of the Policy,

the impact of the *Prohibited Sexual Conduct* on *Complainant* and surrounding community, and accountability for *Respondent*. The imposition of sanctions is designed to eliminate *Prohibited Sexual Conduct*, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal and state obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components, including suspension or expulsion.

The Title IX Coordinator, in concert with the investigator, is responsible for determining the appropriate sanction(s).

In determining appropriate sanction(s), the following factors shall be considered:

- The nature and violence of the conduct at issue;
- The impact of the conduct on *Complainant*;
- The impact or implications of the conduct on the University community;
- Prior misconduct by *Respondent*, including *Respondent's* relevant prior discipline history, both at the University or elsewhere, including criminal convictions;
- Whether *Respondent* has accepted responsibility for the conduct;
- Maintenance of a safe and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

Restorative outcomes may also be considered that, taking into account the safety of the University community as a whole, allow *Respondent* to develop insight about his/her responsibility for the behavior, learn about the impact of the behavior on *Complainant* and the community, and identify how to prevent or change the behavior.

Sanctions may be imposed individually or in combination. The list of possible sanctions can be found in Section 14 of the Student Code of Conduct.

Furthermore, if the *Respondent* is found responsible for sexually-oriented criminal offenses upon the completion of such *Investigation* and/or adjudication and seeks to transfer to another institution, the University is required to communicate such a violation, when the University becomes aware of the *Respondent's* attempt to transfer, with the institution(s) to which the *Respondent* seeks to transfer or has transferred.

7. Remedies

The Title IX Coordinator may identify short and long-term or permanent remedies to address the effects of the conduct on *Complainant* and ensure there are no barriers to *Complainant's* ability to benefit from the University's employment or educational opportunities. Such remedies should seek to restore to *Complainant*, to the extent possible, all benefits and opportunities lost as a result of the *Prohibited Sexual Conduct*. The Title IX Coordinator will also identify remedies to address the effects of the conduct on the University community, such as conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased

monitoring, supervision, or security at locations or activities where the misconduct occurred; and any other remedy that can be tailored to the campus community to achieve the goals of the Policy.

The Title IX Coordinator will consider the appropriateness of remedies, including Protective Measures, on an ongoing basis to assure the safety and well-being of the parties throughout the process. Long-term remedies may include extending or making permanent any *Interim Protective Measures* or implementing additional measures tailored to achieve the goals of the Policy. Many of the remedies and supports that a *Complainant* might need after a finding of a Policy violation will have already been provided as *Interim Protective Measures*. The Title IX Coordinator will, in all cases, consider whether there is a need for additional remedies. Additional remedies or supports may be included in the sanctions, such as reassignment or removal of *Respondent* from a class or a dormitory.

8. Notification of Investigative Finding, Sanctions, and Remedies

Both *Complainant* and *Respondent* will be notified of the *Investigative Finding* in writing concurrently. *Complainant* will also be notified of any individual remedies offered or provided to *Complainant* or any sanctions imposed on *Respondent* that directly relate to *Complainant*. *Respondent* will be notified of any sanctions imposed, but will not be notified of the individual remedies offered or provided to *Complainant*. These notifications will also include information on the *Appeal* process.

9. Investigation Outcome Conference

Upon notification to *Complainant* and *Respondent* of the *Investigative Finding*, and where appropriate, recommended sanction(s) and/or remedy(ies), each party will have the opportunity to meet, separately, with the Title IX Coordinator. The Title IX Coordinator will share the *Investigative Finding* and, as applicable, the recommended sanction(s) with *Complainant* and *Respondent* and the remedy(ies) with *Complainant*. During the *Investigation Outcome Conference*, *Complainant* and *Respondent* will each have an opportunity to review the *Investigation Report*, which may be redacted. *Complainant* and *Respondent* will not, however, receive an electronic or written copy, nor may they photograph or copy the *Investigation Report*.

After an *Investigative Finding*, both *Complainant* and *Respondent* may:

- Accept both the *Investigative Finding* and recommended sanction(s);
- Accept the *Investigative Finding*, but request an *Appeal* on the recommended sanction(s); or,
- Request an *Appeal* on the *Investigative Finding* and recommended sanction(s).

If either party requests an *Appeal*, the matter will be referred to an *Appeal Panel* to determine whether a Policy violation was committed and/or if the appropriate sanction(s) were issued.

Complainant and *Respondent* must communicate their chosen course of action to the Title IX Coordinator in writing (e.g., email, facsimile, letter) within five (5) business days of notification of the *Investigative Finding*.

At the conclusion of the *Investigation Outcome Conference*, one of the following will occur:

Where both *Complainant* and *Respondent* agree to the *Investigative Finding* and any recommended sanction(s), or where neither party requests an *Appeal*, the *Investigative Finding* and any sanction(s) will become final. The finality of the *Investigative Finding* and any sanction(s), which is not subject to further appeal or review, will be communicated to *Complainant* and *Respondent*, in writing concurrently. Concerning the finality of sanctions, *Complainant* will only be notified of any sanctions imposed on *Respondent* that directly relate to *Complainant*.

If either party challenges the *Investigative Finding* and/or sanction(s), the Title IX Coordinator will issue a Notice of *Appeal* to *Complainant* and *Respondent* and forward the report for *Appeal* procedures by the *Appeal Panel*. The Title IX Coordinator shall have sole discretion to determine whether any sanctions or remedies are put on hold pending the *Appeal* outcome.

VI. APPEAL

A. Scope of Appeal

The scope of review by the *Appeal Panel* is determined by what *Complainant* and/or *Respondent* have *Appealed*. The parties may *Appeal* the *Investigative Finding* and/or the sanction(s). If the *Investigative Finding* is *Appealed*, the scope of the *Appeal* includes review of the factual findings, *Investigative Finding*, and any sanction(s). If only the sanctions are appealed, the scope of the *Appeal* includes review of appropriate sanctions based on the factual findings and *Investigative Finding*.

B. Support Person and Advisor

In order for a *Support Person* or an *Advisor* to participate in an *Appeal Hearing*, *Complainant* or *Respondent* must complete and submit an informational form to the Appeal Chair no later than five (5) business days prior to the *Appeal Hearing*. If required by the Appeal Chair, the *Support Person* or *Advisor* must also meet with the Appeal Chair in advance of participation in any activity related to any *Appeal Hearing* to understand the expectations of the role, privacy considerations, and appropriate decorum. Neither the *Support Person* nor the *Advisor* can be a fact witness or provide testimony in the proceedings.

The University, its officials, Title IX Coordinator, investigator, and *Appeal Panel* will at all times only communicate directly with *Complainant* and *Respondent* even if *Complainant* or *Respondent* authorizes the *Advisor* to receive information on his/her behalf. It is the party's responsibility to communicate and share information with his/her *Advisor*.

When scheduling an *Appeal Hearing* before the *Appeal Panel* in which a party has notified the University that an *Advisor* plans to attend, the University will make reasonable efforts to accommodate the *Advisor's* schedule, while balancing the University's commitment to a prompt and equitable process. The University will prioritize the availability of the parties, witnesses, and *Appeal Panel* members assigned to the matter when determining the date and time for the *Appeal Hearing*.

A party's *Support Person* and/or *Advisor* may not delay, disrupt, or otherwise interfere with the *Appeal* procedures. An *Advisor* may be present at *Appeal* meetings or related proceedings, but may not speak or participate.

C. *Appeal Panel*

Upon receipt of a Notice of Appeal Hearing, an *Appeal Panel* will be appointed by the President or the President's designee to review all relevant information gathered in the *Investigation*. An *Appeal Panel* is comprised of three (3) individuals, selected from a diverse pool of trained individuals. Any individual designated by the University to serve on an *Appeal Panel* must have sufficient training or experience to serve in this capacity. A University student may not serve as a panelist. An *Appeal Panel* member must decline to participate if he/she has an actual conflict of interest, bias, or lack of impartiality. The Appeal Chair may also dismiss an *Appeal Panel* member on the same or other relevant grounds.

An Appeal Chair will conduct and preside over the *Appeal Hearings*. The Appeal Chair is not a voting member of any *Appeal Panel*, but is available to provide consistency in process, informed understanding of Policy definitions, and guidance as to available sanctions; the Appeal Chair will also draft the *Appeal Panel* findings.

The Appeal Chair will notify *Complainant* and *Respondent* who the members of the *Appeal Panel* are prior to the Pre-*Appeal Hearing* Meeting.

D. *Pre-Appeal Hearing Meeting*

As a first step, the Appeal Chair will meet separately with the investigator, *Complainant*, and *Respondent* to resolve pre-*Appeal Hearing* concerns. At these pre-*Appeal Hearing* meetings, *Complainant* and *Respondent* will each have the opportunity to identify the witnesses (who have already been identified to or interviewed by the investigator during the *Investigation*) they wish to call at the *Appeal Hearing*; raise any challenge to the composition of the *Appeal Panel* based on bias, conflict of interest, or lack of impartiality; and identify any evolving or newly discovered information that has been obtained that was not previously available during the *Investigation* process through the exercise of due diligence, which would substantially affect the *Investigative Finding* or and/or sanction(s) imposed. *Complainant* and *Respondent* will also have the opportunity to address questions about the *Appeal* process. If not participating in the *Appeal Hearing*, *Complainant* is not required to attend this meeting.

Complainant and *Respondent* have the ability to challenge an *Appeal Panel* member on the basis of an actual conflict of interest, bias, or lack of impartiality. The request must be submitted in writing or raised no later than the date of the pre-*Appeal Hearing* meeting and must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. Failure to object by the date of the pre-*Appeal Hearing* meeting eliminates the possibility of appealing the *Appeal Hearing* Outcome based on the assertion that a member of the *Appeal Panel* had a conflict of interest, was biased, or lacked impartiality.

E. *Appeal Hearing Procedures*

The *Appeal Hearing* will take place in a closed session. The factual findings, *Investigative Finding*, and any sanctions are presumed to be correct. The party appealing the *Investigative Finding* and/or

sanctions has the burden of demonstrating that the *Investigative Finding* and/or sanctions were incorrect. At the *Appeal Hearing*, the investigator will present the evidence supporting the findings and the evidence supporting it. The party appealing will be responsible for presenting evidence showing that the factual findings, *Investigative Finding*, and/or sanction(s) imposed were incorrect.

In reaching its decision, the *Appeal Panel* will solicit information from the investigator, *Complainant*, *Respondent*, and/or any witnesses as appropriate to ensure a full assessment of the relevant facts. This information shall be provided in the presence of *Complainant* and *Respondent*, unless he/she waives his/her right to participate.

Upon request, *Complainant*, *Respondent*, or witness may participate by telephone or video conference or may request that a visual barrier be placed to limit the individual's exposure to other *Appeal Hearing* participants.

Questions directed to *Complainant*, *Respondent*, the investigator, and any witnesses will be made through the Appeal Chair. *Complainant* and *Respondent* may submit questions to the Appeal Chair, who will screen them for relevance. In all instances, the Appeal Chair may require measures to assure the integrity of the process.

In making its determination, the *Appeal Panel* may not consider any information that was not presented during the *Appeal Hearing*. The *Appeal Panel's* determination must be reached by a majority vote. The *Appeal Panel* will make a determination of whether there were any errors in the factual findings, *Investigative Finding*, and/or sanction(s) imposed. Based on the information presented, the *Appeal Panel* may:

- Affirm, alter, or reverse the factual findings; and/or
- Affirm, alter, or reverse the Investigative Finding; and/or
- Affirm, alter, or reverse the sanction(s) imposed.

F. Imposition of Sanctions

The *Appeal Panel* may impose sanctions individually or in combination in the manner described in Section V(D)(5)(a) of these Procedures. The list of possible sanctions can be found in Section 14 of the Student Code of Conduct.

G. Notice of Appeal Finding

Complainant and *Respondent* will be notified of the *Appeal Finding* in writing concurrently within ten (10) business days.

The notification of *Appeal Finding* will include, where applicable, the finding by the *Appeal Panel* as to whether a Policy violation occurred, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. Where there is a finding of a Policy violation, *Complainant* will also be notified of any sanctions imposed on *Respondent* that directly relate to *Complainant*. *Respondent* will be notified of any sanctions imposed, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

H. Appeal to the University of Louisiana System

See University of Louisiana System Board Bylaws and Rules, Part Two, Chapter II, Students, Section XIX, Student Conduct and Appeal Procedures for information on what issues may be appealed to the University of Louisiana System. (http://ulsystem.edu/assets/docs/searchable/boards/Chpt_2_XIX_Student_Conduct_Appeal_Procedures.pdf)

VII. POST-RESOLUTION FOLLOW UP

After a sanction or remedy is issued, the Title IX Coordinator may periodically contact *Complainant* to ensure the *Prohibited Sexual Conduct* has ended and to determine if additional remedies are necessary and may contact *Respondent* or others to assure compliance with any sanctions that have been imposed. *Complainant* may decline future contact. Any violation by a *Respondent* of a sanction or protective measure imposed under the Policy or a failure by a University employee to provide a specified remedy should be reported to the Title IX Coordinator.

Complainant and *Respondent* are encouraged to provide the Title IX Coordinator with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the University's implementation of the Policy.

VIII. DOCUMENTARY RECORDS OF STUDENT DISCIPLINE

Records documenting disciplinary actions brought against students for violation of the Policy shall be maintained by appropriate offices, including the Title IX Coordinator's office and the Division of Student Affairs, as part of a student disciplinary record separate from the transcript. At the conclusion of the *Appeal Hearing*, the official record of the *Appeal Hearing* will be turned over to the Title IX Coordinator's office.

IX. DEFINITIONS

Where starred (*), the terms listed herein are defined as stated in the Louisiana Board of Regents' Uniform Policy on Sexual Misconduct.

- ✦ **Advisor**: is any individual who provides *Complainant* or *Respondent* support, guidance, or advice.
- ✦ **Appeal**: is the process by which *Complainant* or *Respondent* may challenge the *Investigative Finding* and/or sanction(s).
- ✦ **Appeal Hearing**: is a component of the *Appeal* process in which the *Appeal Panel* considers evidence and makes a determination of whether a Policy violation occurred, and if so, what sanction(s) should be imposed.
- ✦ **Appeal Panel**: is the group of individuals appointed by the President to make determinations of whether a Policy violation occurred, and if so, what sanction(s) should be imposed based on evidence presented during an *Appeal Hearing*.
- ✦ **Coercion***: is the use of express or implied threats, *Intimidation*, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to

engage in unwelcome sexual activity. *Coercion* also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to *Consent* prior to engaging in sexual activity.

✦ **Complainant**: is the person alleged to have been affected by *Prohibited Sexual Conduct* in violation of the Policy. The *Complainant* is referred to as the Alleged Victim in the Board of Regents' definitions.

✦ **Confidential Advisor**: individuals designated, to the extent authorized under law, to provide confidential services to students.

- a. The *Confidential Advisor* shall be authorized to advise *Complainant* of, and provide written information regarding, both *Complainant's* rights and the University's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the University.
- b. The *Confidential Advisor* shall be authorized to liaise with appropriate staff at the University to arrange reasonable accommodations through the University to allow *Complainant* to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations. The same accommodations that are offered to *Complainant* may be offered to *Respondent*. Any requests for accommodations shall not trigger an *Investigation* by the University.
- c. The *Confidential Advisor* shall be authorized to accompany *Complainant*, when requested to do so by *Complainant*, to interviews and other proceedings of a campus *Investigation* and University disciplinary proceedings.
- d. The *Confidential Advisor* may, as appropriate, serve as a liaison between *Complainant* and the University or local law enforcement when directed to do so in writing by *Complainant* who has been fully and accurately informed about what procedures shall occur if information is shared, and assist *Complainant* in contacting and reporting to a *Responsible Employee* or local law enforcement.
- e. The *Confidential Advisor* shall not be obligated to report crimes to the University or law enforcement in a way that identifies *Complainant* or *Respondent*, unless otherwise required to do so by law.

✦ **Consent***: *Consent* to engage in sexual activity must exist from beginning to end of each instance of sexual activity. *Consent* is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate *Consent*. *Consent* must be knowing and voluntary. To give *Consent*, a person must be of legal age. Assent does not constitute *Consent* if obtained through *Coercion* or from an individual whom the Alleged Offender [here, *Respondent*] knows or reasonably should know is *Incapacitated*. The responsibility of obtaining *Consent* rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain *Consent*. *Consent* to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of *Consent* has been expressed, the sexual activity must cease.

Consent is automatically withdrawn by a person who is no longer capable of giving *Consent*. A current or previous consensual dating or sexual relationship between the Parties does not itself imply *Consent* or preclude a finding of responsibility.

Note: *Consent* is a voluntary agreement to engage in sexual activity. *Consent* to engage in sexual activity with one person does not imply *Consent* to engage in sexual activity with another. *Coercion*, force, or threat of either invalidates *Consent*.

✿ **Dating Violence***: is

- a. **Dating Violence definition in Clery Act**: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Alleged Victim [here, *Complainant*]. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
- b. **Dating Violence definition in Louisiana law**: “*Dating Violence*” includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. R.S. § 46.2151(C). For purposes of this Section, “dating partner” means any person who is or has been in a social relationship of a romantic or intimate nature with the victim [here, *Complainant*] and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship.
 2. The type of relationship.
 3. The frequency of interaction between the persons involved in the relationship.

✿ **Domestic Abuse***: is

Domestic abuse definition in Louisiana law: Includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. R.S. 46:2132(3).

✿ **Domestic Violence***: is

Domestic Violence definition in Clery Act: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the Alleged Victim [here, *Complainant*] is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;

- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the *Domestic* or *Family Violence* laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the *Domestic* or *Family Violence* laws of the jurisdiction in which the crime of violence occurred.

✿ **Family Violence***: is

Family violence definition in Louisiana law: means any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. La. R.S. § 46.2121.1(2).

✿ **Hostile Environment Caused by Sexual Harassment**: includes any situation in which there is harassing conduct that is sufficiently severe, pervasive, or objectively offensive such that it alters the conditions of employment or limits, interferes with, or denies educational benefits or opportunities. A *Hostile Environment* can be created by a one-time act that is severe (i.e., a *Sexual Assault*), or it can be created by repeated acts of less severity (i.e., harassing comments made over a period of time).

Examples of a *Hostile Environment Caused by Sexual Harassment* include, but are not limited to:

1. Posting pictures of pornography;
2. Consistently telling sexual jokes or stories where it can be overheard by others;
3. Making sexually suggestive remarks about people within ear shot of others;
4. Persisting in unwanted sexual attention; and
5. Using derogatory terms with a sexual connotation.

✿ **Incapacitation*/Incapacitated**: An individual is considered to be *Incapacitated* if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to *Incapacitation*; however, someone who is drunk or intoxicated is not necessarily *Incapacitated*, as *Incapacitation* is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive or unconscious are *Incapacitated*. Other indicators that an individual may be *Incapacitated* include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

✦ **Initial Assessment**: is, after a report or complaint of *Prohibited Sexual Conduct*, the initial determination made by the Title IX Coordinator of whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct.

✦ **Interim Protective Measures**: are temporary actions taken by the University to ensure equal access to its education programs and activities and foster a more stable and safe environment during the process of reporting, *Investigation*, and/or adjudication.

Sample *Interim Protective Measures* include, but are not limited to:

1. Access to counseling services and assistance in setting up initial appointments, both on and off campus
2. Imposition of a campus “No-Contact Order”
3. Rescheduling of exams and assignments
4. Providing alternative course completion options
5. Change in class schedule, including the ability to drop a course without penalty or to transfer sections
6. Change in work schedule or job assignment
7. Change in student’s campus housing
8. Assistance from University support staff in completing housing relocation
9. Limiting access to certain University facilities or activities pending resolution of the matter
10. Voluntary leave of absence
11. Options for changing campus transportation arrangements

✦ **Intimidation**: is to place another person in reasonable fear of harm through the use of threatening words and/or other conduct.

✦ **Investigation**: is an impartial ascertaining of the facts related to the allegations of *Prohibited Sexual Conduct*, including interview of the parties and witnesses, as well as gathering available documents and other evidence. The *Investigation* is conducted by an investigator appointed by the Title IX Coordinator.

✦ **Investigative Finding**: is a formal judgment rendered on whether a Policy violation has occurred, based on the *Investigation*.

✦ **Prohibited Sexual Conduct**: is *Sexual Misconduct* or *Sexual Behavior Between Individuals in Certain Roles*, which is prohibited by this Policy.

✦ **Respondent**: is the person alleged to have engaged in *Prohibited Sexual Conduct* in violation of the Policy. The *Respondent* is referred to as the Alleged Offender in the Board of Regents' definitions.

✦ **Responsible Employee***: The University shall designate and publish the names and contact information for easily accessible University employees as *Responsible Employees* who have the authority to take action to redress sexual violence and have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee. However, the University's decision to make all employees mandatory reporters of suspected or known *Sexual Harassment* or *Sexual Misconduct* to the Title IX Coordinator or other appropriate school designee does not render all University employees to be *Responsible Employees*. Employees who are authorized or required by law to keep information confidential by virtue of the employee's professional role such as Counseling Staff or similar shall not be designated as mandated reporters of *Sexual Harassment* or as *Responsible Employees*.

✦ **Retaliation*/Retaliatory**: Acts or attempted acts for the purpose of interfering with any report, *Investigation*, or proceeding under this Policy, or as retribution or revenge against anyone who has reported *Sexual Misconduct* or Relationship Violence [or *Prohibited Sexual Conduct*] or who has participated (or is expected to participate) in any manner in an *Investigation*, or proceeding under this Policy. Prohibited *Retaliatory* acts include, but are not limited to, *Intimidation*, threats, *Coercion*, or discrimination. Title IX prohibits *Retaliation*. For purposes of this Policy, an attempt requires a substantial step towards committing a violation.

✦ **Sexual Assault***: is:

a. **Sexual Assault as defined by the Clery Act**: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

b. **Sexual Assault as defined by Louisiana State Law**:

i. **Non-Consensual Sexual Intercourse**: Having or attempting to have sexual intercourse, cunnilingus, or fellatio without *Consent*. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.

ii. **Non-Consensual Sexual Contact**: Any intentional sexual touching, or attempted sexual touching, without *Consent*.

✦ **Sexual Behavior Between Individuals in Certain Roles**: Sexual advances, acts, or contact, whether *Consensual* or not, involving individuals where, by virtue of roles or position in the University, one individual is in a position of direct academic or supervisory authority with respect to the other are prohibited. These roles include, but are not limited to, the following examples:

a. A faculty member and any student in his or her class;

b. A faculty member and any undergraduate major in his or her department;

- c. A faculty member and any graduate student in a departmental program;
- d. A graduate assistant who has teaching or other classroom duties and all students in the class or classes that he or she teaches or assists;
- e. A departmental, college, or University administrator and any member of the faculty in his/her chain of command;
- f. A laboratory supervisor and those using or working in his/her lab;
- g. A supervisor of civil service employees and his/her employee; or
- h. A department head and a staff member of his/her chain of command.

✦ **Sexual Exploitation***: An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of *Sexual Exploitation* include, but are not limited to, non-*Consensual* observation of individuals who are undressed or engaging in sexual acts, non-*Consensual* audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or *Consent* of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.

✦ **Sexual Harassment***: Unwelcome conduct of a sexual nature when i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or iii) such conduct has the purpose or effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. *Sexual Harassment* also includes non-*Sexual Harassment* or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this Policy, the various forms of prohibited *Sexual Harassment* are referred to as "*Sexual Misconduct*."

✦ **Sexual Misconduct***: is a sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the *Consent* of the other person(s), or that occurs when the person(s) is unable to give *Consent* or whose *Consent* is coerced or obtained in a fraudulent manner. For the purpose of this Policy, *Sexual Misconduct* includes, but is not limited to, *Sexual Assault*, *Sexual Abuse*, violence of a sexual nature, *Sexual Harassment*, *Non-Consensual Sexual Intercourse*, *Sexual Exploitation*, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express *Consent* [of] the persons depicted therein, as well as *Dating Violence*, *Domestic Violence* and *Stalking*.

✦ **Sexually Oriented Criminal Offense***: Any sexual assault offense as defined in La. R.S. § 44:51 and any sexual abuse offense as defined in La. R.S. § 14:403.

✦ **Stalking***: is:

- a. **Stalking as defined by Clery Act:** (1) Intentional and repeated following OR harassing that would cause a reasonable person to feel alarmed OR that would cause a reasonable person to suffer emotional distress OR (2) Intentional and repeated uninvited presence at another person's: home, work place, school, or any other place which would cause a reasonable person to be alarmed OR would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, *Sexual Assault*, kidnapping or any other statutory criminal act to the victim [here, *Complainant*] OR any member of the victim's family OR any person with whom the victim is acquainted. 34 CFR 668.46(a)
 - b. **Stalking as defined by Louisiana state law:** *Stalking* is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. *Stalking* shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written, or behaviorally implied threats of death, bodily injury, *Sexual Assault*, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. R.S. § 14:40.2(A). "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. R.S. § 14:40.2(C).
- ✦ **Support Person:** is someone who can provide emotional, logistical, or other kinds of assistance to a *Complainant* or *Respondent*. The *Support Person* is a non-participant who is present to assist a *Complainant* or *Respondent* by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or delay any proceeding.
- ✦ **Voluntary Resolution:** is an outcome of a report or complaint willingly agreed to by *Complainant*. It is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preferences of *Complainant* and the safety and welfare of the campus community. If *Voluntary Resolution* involves either notification to or participation by *Respondent*, it is *Respondent's* decision whether to accept *Voluntary Resolution*.