

University of Louisiana System

**Title: SEXUAL MISCONDUCT**

**Effective Date: July 1, 2015**

**Cancellation: None**

**Chapter: Students**

**Policy and Procedures Memorandum**

All institutions shall prohibit sexual misconduct and shall be committed to providing a learning, working, and living environment that promotes integrity, civility, and mutual respect in an environment free from sexual misconduct as provided in Title IX and other applicable laws. All institutions shall implement policies and procedures to prevent acts of sexual misconduct in compliance with this Policy and shall take prompt and appropriate action to investigate and effectively discipline those accused of such conduct in a manner consistent with the law and due process. All institutions shall provide support and assistance to complainants of sexual misconduct and shall report instances of sexual misconduct in accordance with law. Institutions must strive to create and maintain safe learning, working, and living environments for all individuals who participate in the institutions' activities and programs, including online instruction. Any non-confidential report of sexual misconduct as defined herein must be investigated, addressed, and resolved by each institution under its respective policy and procedures in accordance with all applicable federal and state laws and regulations and this Policy. Each institution's policy must comply with applicable federal and state laws and regulations and must be amended to reflect any changes to federal and state laws and regulations.

Each institution must adopt a Policy that conforms with applicable laws and regulations as well as this policy on or before July 1, 2015. The institutional policy must be displayed at all times in an easily accessible manner on its website. The institutional policy shall thereafter be annually provided to all Title IX Coordinators, responsible employees, campus law enforcement officers, and security personnel. Further, the institutional policy shall be presented at student orientation and at student awareness and prevention trainings, and made broadly available at each campus.

## **I. DEFINITIONS**

**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.

Public universities in the state of Louisiana shall use the federal and state definitions of the following terms when making all decisions regarding sexual misconduct including publication of definitions, disciplinary decisions, Clery reporting decisions, campus climate decisions, and training and prevention decisions. If there are any changes to state and federal law, definitions must be amended to reflect any changes to federal and state laws and regulations.

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:**

**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.

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

c. **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.

d. **Stalking as defined by Clery Act:** 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 Intentional and repeated uninvited presence at another person's home, workplace, 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 OR any member of the victim's family OR any person with whom the victim is acquainted. 34 CFR 668.46(a)(ii)

- e. **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 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. RS § 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. RS § 14:40.2(C)
- f. **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 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.

- g. **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. RS § 46.2121.1(2)
- h. **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. RS 46:2132(3)
- i. **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. 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.
- j. **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. RS § 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 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.

Although the following definitions are not defined by state and/or federal law, the definitions shall also be used in institutional policy and in the implementation thereof by all Louisiana public postsecondary education institutions:

- k. **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.”

- l. **Retaliation:** 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 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.
  
- m. **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 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.
  
- n. **Incapacitation:** 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.
  
- o. **Coercion:** 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.

- p. **Responsible Employee:** Each institution must designate and publish the names and contact information for the Title IX Coordinator as well as easily accessible institution 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, an institutional decision to make all institution 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 institutional 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.
- q. **Sexual Oriented Criminal Offense:** Any sexual assault offense as defined in La. R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.
- r. **Other terms:**
- i. **Complainant** - an individual whose report of sexual misconduct has not yet been investigated and validated.
  - ii. **Victim** - an individual who, after all due investigation and/or adjudication, has been found to be the target of sexual misconduct.
  - iii. **Respondent** - an individual against whom a sexual misconduct complaint is brought, which complaint has not yet been validated through investigation and/or adjudication.
  - iv. **Perpetrator** - an individual found guilty of sexual misconduct.

## **II. COMPLIANCE WITH FEDERAL AND STATE LAWS**

Each institution's policy must comply with applicable federal and state laws and regulations, and must be amended to reflect any changes to federal and state laws and regulations including, but not limited to, the following:

- (A) Title IX of the 1972 Education Amendments which (i) prohibits discrimination on the basis of sex in educational institutions and (ii) requires colleges and universities receiving federal funding to combat gender-based violence and harassment, and respond to survivors' needs in order to ensure that all students have equal access to education;
- (B) The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires (i) policies and procedures for sexual assault and (ii) requires timely warning and external reporting of crimes; and

- (C) Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA), which extends the Clery Act to include dating violence, domestic violence and stalking.

Institutions' compliance with applicable laws and regulations and this policy may be monitored through the requirement of regular reporting to the system office or through other means.

A checklist released in April 2014 by the White House Task Force to Protect Students from Sexual Assault provides relevant guidance on the core components of an institutional policy. The checklist is attached hereto as Appendix A. Institutions may add supplemental provisions to those identified in the Checklist (or any future guidelines issued by the state or federal government) as necessary to protect the safety, privacy, and due process rights of all concerned.

### **III. MANDATORY STATE REQUIREMENTS**

In addition to compliance with federal and state laws and regulations, including those listed above, all institutions shall implement the following measures to prevent and address campus sexual misconduct:

#### **A. Campus Climate Survey:**

- a. To adequately assess perceptions and behaviors of sexual misconduct on each campus, each institution must administer the statewide campus climate survey to their students within 120 days of the adoption of a statewide survey and at least once every year thereafter. Each institution is encouraged to supplement the statewide survey by collecting additional information that can be utilized to develop prevention and intervention strategies appropriate for that institution. Such a survey must be voluntary and administered to students who choose to participate allowing students to decline to participate.
- b. The school-specific results of the statewide survey must be reported to the Board of Regents.
- c. In the event that no funding is provided by the state for a statewide climate survey, each institution is encouraged to administer such a survey on its own initiative.

**B. Prevention and Awareness Programs:** Each institution in the System must annually offer education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction. Each institution must provide and document all training programs.

- a. **Awareness Programs:** Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce sexual misconduct.
  - b. **Bystander Intervention:** Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
  - c. **Ongoing Prevention and Awareness Campaigns:** Ongoing prevention and awareness campaigns must consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
  - d. **Prevention Programs:** Primary prevention programs must consist of initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
  - e. **Risk Reduction:** Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence. Additional options may include designation and publication of “red zones” (i.e., times and places of high incidence of crimes, including sexual violence).
- C. Coordination with Local Law Enforcement:** Each institution must develop a Memorandum of Understanding (“MOU”) with local law enforcement and criminal justice agency located within the parish of the campus of the institution and other organizations such as crisis centers regarding the coordination of its efforts with those of local law enforcement agencies and other organizations such as crisis centers as appropriate to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws including, but not limited to, trends about sexually-oriented criminal offenses occurring against students of the institution and joint or shared trauma-informed training specific to assisting sexual

assault victims. This MOU must be updated at least every two years. It must specifically include:

- a. Delineation and sharing protocols of investigative responsibilities;
- b. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
- c. Agreed-upon training and requirements for the parties to the MOU on issues related to sexually-oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible;
- d. A method of sharing general information about sexually-oriented criminal offenses occurring within the jurisdiction of the parties to the MOU in order to improve campus safety.
- e. Assurances that local peace officers in addition to each full-time college or university police officer complete a sexual assault awareness training program required by state law. La. R.S. 17:1805(H); 40:2405.8(A); (C)(1)

**D. Institutional Task Forces:** Each institution must establish a task force to address sexual misconduct. All student stakeholder groups must be invited to be represented on the task force through the student body government.

**E. Confidential Advisors:** Each institution is required to designate individuals to serve as confidential advisors who shall, to the extent authorized under law, provide confidential services to students. The number of confidential advisors will vary by institution depending on enrollment and will be set by the Board of Regents.

- a. The confidential advisor may, as appropriate, serve as a liaison between an alleged victim and the institution or local law enforcement when directed to do so in writing by an alleged victim who has been fully and accurately informed about what procedures shall occur if information is shared, and assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement.
- b. The confidential advisor must be authorized by the institution to liaise with appropriate staff at the institution to arrange reasonable accommodations through the institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations. The same accommodations that are offered to the alleged victim may be offered to the accused. Any requests for accommodations shall not trigger an investigation by the institution.

- c. The confidential advisor shall be authorized to accompany the alleged victim, when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.
- d. The confidential advisor shall be authorized to advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issues by a court of competent jurisdiction or by the institution.
- e. The confidential advisor shall not be obligated to report crimes to the institution or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law.
- f. Those individuals designated as confidential advisors shall complete online training developed by the Attorney General in collaboration with the Board of Regents.
- g. Each institution shall list the contact information for obtaining a confidential advisor on its website.

#### **IV. MANDATORY ELEMENTS OF INSTITUTIONAL POLICIES**

In addition to the above requirements, each Institution's policy shall ensure prompt, fair, and thorough investigation, reporting, and resolution of any complaint of sexual misconduct.

Specific issues that must be addressed in each Institution's policy include:

- A. Freedom of Speech:** Institutions shall ensure that their policies and procedures do not infringe on any form of speech or conduct that is protected by the First Amendment.
- B. Retaliation:** Each institution must prohibit retaliation through its institutional policy and faithful enforcement of such policies. It must further ensure that any employee or student bringing a sexual misconduct complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint.
- C. Education and Prevention:** Each institution must offer education and prevention programs to students during the first semester of enrollment at that institution and on an ongoing basis throughout their enrollment. These programs must cover, at a minimum: (1) statements that the institution prohibits all forms of Sexual Misconduct,

as defined by this Policy, and the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by federal law; (2) the definitions of dating violence, domestic violence, sexual assault, and stalking under state law; (3) the definition of "Consent," as provided in this Policy; (4) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or to intervene when there is a real or perceived risk of dating violence, domestic violence, sexual assault, or stalking against a person other than the individual; (5) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; (6) information about the procedures that complainants should follow, and that the institution will follow, after an incident of dating violence, domestic violence, sexual assault, or stalking has occurred; and (7) any other content or resources that support prevention and reduction of sexual misconduct.

Every institution's education and prevention programs must reflect comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to prevent dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. These programs must be designed to consider environmental risk and preventative strategies at the individual, relationship, institutional, community, and societal levels.

**D. Procedures for Reporting and Responding to Reports of Sexual Misconduct:**

Institutions must ensure that procedures for reporting and responding to sexual misconduct contain the following components:

- a. **Complainant May or May Not Choose to Report:** Institutions must allow complainants to file both informal and formal complaints against the respondent. If the complainant chooses to file an informal complaint, the complainant must be notified of the right to end the informal process at any time and the right to pursue a formal complaint and/or take legal action. The institution may provide an online reporting system to collect anonymous disclosures of crimes and track patterns of crimes on campus. An individual may submit a confidential report about a specific crime to the institution using the online reporting system. If an online reporting system is used, it should include information regarding how to report a crime to a responsible employee and/or law enforcement as well as how to contact a confidential advisor.
- b. **Confidentiality:** Institutions that receive a report of sexual misconduct must take all reasonable measures to protect the privacy of the complainant and of the respondent, while promptly investigating and responding to the report. Institutions must take appropriate action to maintain the confidentiality of the information reported, which information is subject to privacy requirements of the Family Educational Rights and Privacy Act ("FERPA"), while considering its

responsibility to provide a safe and nondiscriminatory environment for students, including the complainant.

Confidential advisors must be designated by each institution. Health care staff, clergy, staff of a women's center or other such categories are appropriate individuals to serve as confidential advisors. Institutions are encouraged to partner with national, state, or local victim services organizations to serve as confidential advisors or in other confidential roles.

Confidential resources, such as on- or off-campus counseling and psychological services, health services providers, member(s) of the clergy, and local Sexual Assault Crisis Centers are protected under state statutes and professional ethics from disclosing information about reports without written releases. Information provided to a confidential resource by a complainant of sexual misconduct cannot be disclosed legally to any other person without consent, except under very limited circumstances, such as an imminent threat of danger to self or others and, if the complainant is a minor, efforts shall be taken to comply with any additional legal requirements. Therefore, any individual who seeks the fullest legal protections and discloses in full confidentiality must speak with a confidential resource.

Each institution must provide a list of such confidential resources within its campus geographic region to complainants as well as publish these resources online, and in various publications, including the student handbook.

- c. **Support Services, including medical and mental health services:** All institutions that receive a report of sexual misconduct must immediately provide to complainants and respondents the following: on- and off-campus resources including, but not limited to, local advocacy, counseling, health and mental health services, as applicable. These support services will be offered regardless of whether the complainant chooses to formally report the incident. All institutions shall develop and distribute contact information for this purpose as well as provide such information online. Institutions that do not have health clinics and resources available on campus are encouraged to make arrangements with local health organizations that should be reflected in an MOU.
- d. **Options for Changing Academic, Transportation and Working Arrangements:** All institutions will offer assistance to complainants and respondents of sexual misconduct, including but not limited to, reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders. Each institution shall create and provide information specific to its campus detailing the procedures to follow after the commission of such misconduct, including people or agencies to contact for reporting purposes or to

request assistance, and information on the importance of preserving physical evidence.

- e. **Amnesty Policy:** Each institution shall provide an amnesty policy for any student who reports, in good faith, sexual violence to the institution. Such student shall not be sanctioned by the institution for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of such a report.
- f. **Resolution Process:** The Title IX Coordinator and/or the investigator must provide information on the investigation and resolution process outlined in the institutional policy to the complainants and respondents. The process must be fair and timely, regardless of whether it is an informal administrative resolution phase or a formal adjudication, for complainants and respondents.

Disciplinary proceedings shall begin promptly, shall be conducted by an official trained in issues relating to sexual misconduct and shall use the preponderance of the evidence standard in making a determination concerning the alleged sexual misconduct. Both the complainant and respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of such sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled, and each shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding. Both the complainant and respondent are entitled to be informed in writing of the results of any disciplinary proceeding not later than ten (10) business days after the resolution. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity.

- g. **Training:** Individuals at each institution who are involved in implementing an institution's student grievance procedures, including each individual who is responsible for resolving complaints of reported sex offenses or sexual misconduct policy violations, and each employee of an institution who has responsibility for conducting an interview with an alleged victim of a sexually-oriented criminal offense must receive annual training developed by the Board of Regents/Attorney General starting with the beginning of the 2016-17 school year.
- h. **Inter-campus Transfer Policy:** The transcript of a student who has been accused of a sexually-oriented criminal offense and withdraws pending disciplinary action shall be withheld until investigation and adjudication of the matter by the institution is completed.

**E.** Each institutional website must list the following information:

- a. The contact information for obtaining a confidential advisor.
- b. Reporting options for alleged victims of a sexually-oriented criminal offense.
- c. The process of investigation and disciplinary proceedings of the institution.
- d. The process of the investigation and adjudication of the criminal justice system.
- e. Potential reasonable accommodations that the institution may provide to an alleged victim.
- f. The telephone number and website address for a local, state, or national hotline providing information to sexual violence victims, which shall be updated on a timely basis.
- g. The name and location of the nearest medical facility where an individual may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.

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*Policy References:*

Title IX of the 1972 Education Amendments; Title 20 U.S.C. Sections 1681-1688  
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime  
Statistics Act (Clery Act) as amended; 20 U.S.C. § 1092(f)  
Section 304 of the Violence against Women Reauthorization Act of 2013  
(VAWA); PL113-4 (March 7, 2013)  
Louisiana Revised Statutes, Titles 14 and 46  
La. R.S. 17:1805(H); 40:2405.8(A); (C)(1)  
La. R.S. 17:3351  
Louisiana Campus Accountability and Safety Act, La. R.S. 17:2299.11 et seq.  
La. Executive Order No. BJ 2014-14  
Louisiana Board of Regents Uniform Policy on Sexual Misconduct (“Policy”)  
Appendix A: Louisiana Campus Sexual Misconduct Policy

*Review Process:*

Legal Counsel  
System Executive Vice President

*Distribution:*

University Presidents