



# M E M O

**DATE:** December 4, 2023

**TO:** Title IX Coordinators

**FROM:** Jeremiah J. Sams, Esq., System Director for Compliance *J.J.S.*

**REF:** Supplemental Procedures and Forms to the System's Power-Based Violence/Sexual Misconduct Policy and Title IX Formal Grievance Procedures Policy

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The System's Power-Based Violence/Sexual Misconduct Policy (Policy Number 12-001) and Title IX Formal Grievance Procedure Policy (Policy Number 12-002) provides the System Office for Compliance with the authority to develop supplemental procedures and forms to further support the implementation of the policies among the institutions of the System. As such, the System Office for Compliance is instituting the following supplemental procedures:

1. Power-Based Violence/Sexual Misconduct Policy
  - a. Definitions: The following definitions shall be used to define the terms listed below:
    - i. Dating Violence for the purpose of Power-Based Violence is defined as:
      1. Including but 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. Dating partner means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. Dating partner shall not include a casual relationship or ordinary association between persons in a business or social context.
    - ii. Family Violence for the purpose of Power-Based Violence is defined as:
      1. Any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together.
    - iii. Domestic Abuse for the purpose of Power-Based Violence is defined as:
      1. Including but is not limited to physical or sexual abuse and any offense against the person, physical or non-physical, as defined in the Criminal Code of Louisiana, except negligent injury and

defamation, committed by one family member, household member, or dating partner against another.

iv. Voyeurism for the purpose of Power-Based Violence is defined as:

1. The viewing, observing, spying upon, or invading the privacy of a person by looking or using an unmanned aircraft system to look through the doors, windows, or other openings of a private residence without the consent of the victim who has a reasonable expectation of privacy for the purpose of arousing or gratifying the sexual desires of the offender. Unmanned aircraft system means an unmanned, powered aircraft that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable.

v. Video Voyeurism for the purpose of Power-Based Violence is defined as:

1. The use of any camera, videotape, photo-optical, photo-electric, or any other image recording device, or an unmanned aircraft system equipped with any camera, videotape, photo-optical, photo-electric, or any other image recording device, for the purpose of observing, viewing, photographing, filming, or videotaping a person where that person has not consented to the specific instance of observing, viewing, photographing, filming, or videotaping and either (a) it is for a lewd or lascivious purpose; or (b) the observing, viewing, photographing, filming, or videotaping is of any vaginal or anal sexual intercourse, actual or simulated sexual intercourse, masturbation, any portion of the female breast below the top of the areola or of any portion of the pubic hair anus, cleft of buttocks, vulva, or genitals and occurs in a place where an identifiable person has a reasonable expectation of privacy. The transfer of an image obtained by activity as previously described in the preceding sentence by live or recorded telephone message, electronic mail, the Internet, or a commercial online service. The manipulation of a victim who has not yet attained the age of seventeen or who is reasonably believed to have not yet attained the age of seventeen to use any camera, videotape, photo-optical, photo-electric, or any other image recording device or an unmanned aircraft system equipped with any camera, videotape, photo-optical, photo-electric, or any other image recording device to photograph, film, or videotape oneself to send to the person manipulating the victim for a lewd or lascivious purpose. Unmanned aircraft system means an unmanned, powered aircraft that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable.

vi. Nonconsensual Disclosure of a Private Image for the purpose of Power-Based Violence is defined as:

1. The person intentionally discloses an image of another person who is seventeen years of age or older, who is identifiable from the image or information displayed in connection with the image, and whose intimate parts are exposed in whole or in part; the person who discloses the image obtained it under circumstances in which a reasonable person would know or understand that the image was to remain private; the person who discloses the image knew or should have known that the person in the image did not consent to the disclosure of the image; and the person who discloses the image has the intent to harass or cause emotional distress to the person in the image, and the person who commits the offense knew or should have known that the disclosure could harass or cause emotional distress to the person in the image. Disclosure means to, electronically or otherwise, transfer, give, provide, distribute, mail, deliver, circulate, publish on the internet, or disseminate by any means. Image means any photograph, film, videotape, digital recording, or other depiction or portrayal of an object, including a human body. Intimate part means the fully unclothed, partially unclothed, or transparently clothed genitals, pubic area, or anus. If the person depicted in the image is a female, "intimate parts" also means a partially or fully exposed nipple, including exposure through transparent clothing.

vii. Peeping Tom Activities for the purpose of Power-Based Violence is defined as:

1. The acts that make a person a "Peeping Tom" on or about the premises of another, or go upon the premises of another for the purposes of becoming a "Peeping Tom." "Peeping Tom" means one who peeps through windows or doors, or other like places, situated on or about the premises of another or uses an unmanned aircraft system for the purpose of spying upon or invading the privacy of persons spied upon without the consent of the persons spied upon. Unmanned aircraft system means an unmanned, powered aircraft that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable.

viii. Sexual Assault for the purpose of Power-Based Violence is defined as:

1. The act of anal, oral, or vaginal sexual intercourse with a male or female person committed without the person's lawful consent. Oral sexual intercourse means the intentional engaging in (1) the touching of the anus or genitals of the victim by the offender using

the mouth or tongue of the offender or (2) the touching of the anus or genitals of the offender by the victim using the mouth or tongue of the victim. Anal sexual intercourse and vaginal sexual intercourse mean the intentional engaging in (1) the penetration of the victim's anus or vagina by the offender using the genitals of the offender; (2) the penetration of the offender's anus or vagina by the victim using the genitals of the victim; (3) the penetration of the victim's anus or vagina by the offender using any instrumentality, except that normal medical treatment or normal sanitary care shall not be construed as sexual intercourse; or (4) the penetration of the offender's anus or vagina by the victim using any instrumentality except that normal medical treatment or normal sanitary care shall not be construed as sexual intercourse.

- ix. Sexual Battery for the purpose of Power-Based Violence is defined as:
  - 1. The intentional touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when (1) the offender acts without the consent of the victim; (2) the victim has not yet attained fifteen years of age and is at least three years younger than the offender; or (3) the offender is seventeen years of age or older and (A) the act is without consent of the victim, and the victim is prevented from resisting the act because (i) the victim has paraplegia, quadriplegia, or is otherwise physically incapable of preventing the act due to a physical disability or (ii) the victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity, or (B) the act is without consent of the victim, and the victim is sixty-five years of age or older.
- x. Misdemeanor Sexual Battery for the purpose of Power-Based Violence is defined as:
  - 1. The intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim.
- xi. Second Degree Sexual Battery for the purpose of Power-Based Violence is defined as:

1. The intentional engaging in any of the following acts with another person when the offender intentionally inflicts serious bodily injury on the victim: (1) the touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing or (2) the touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing.
- xii. Oral Sexual Battery for the purpose of Power-Based Violence is defined as:
  1. The intentional touching of the anus or genitals of the victim by the offender using the mouth or tongue of the offender, or the touching of the anus or genitals of the offender by the victim using the mouth or tongue of the victim, when (1) the victim is under the age of fifteen years and is at least three years younger than the offender or (2) the offender is seventeen years of age or older and (A) the act is without the consent of the victim, and the victim is prevented from resisting the act because (i) the victim has paraplegia, quadriplegia, or is otherwise physically incapable of preventing the act due to a physical disability or (ii) the victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity or (B) The act is without the consent of the victim, and the victim is sixty-five years of age or older.
- xiii. Female Genital Mutilation for the purpose of Power-Based Violence is defined as:
  1. The person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of a female minor; the parent, guardian, or other person legally responsible or charged with the care or custody of a female minor allows the circumcision, excision, or infibulation, in whole or in part, of such minor's labia majora, labia minora, or clitoris; or the person knowingly removes or causes or permits the removal of a female minor from this state for the purpose of circumcising, excising, or infibulating, in whole or in part, the labia majora, labia minora, or clitoris of such female.
- xiv. Intentional Exposure to HIV for the purpose of Power-Based Violence is defined as:
  1. Intentionally exposing another to the human immunodeficiency virus (HIV) through sexual contact without the knowing and lawful consent of the victim, if at the time of the exposure the infected person knew he was HIV positive; intentionally exposing another to

HIV through any means or contact without the knowing and lawful consent of the victim, if at the time of the exposure the infected person knew he was HIV positive; or intentionally exposing a first responder to HIV through any means or contact without the knowing and lawful consent of the first responder when the offender knows at the time of the offense that he is HIV positive, and has reasonable grounds to believe the victim is a first responder acting in the performance of his duty. First responder includes a commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, and probation and parole officer, any licensed emergency medical services practitioner as defined by La. R.S. 40:1131, and any firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state or any volunteer firefighter of the state.

- xv. Crime Against Nature for the purpose of Power-Based Violence is defined as:
  - 1. The unnatural carnal copulation by a human being with another of the same sex or opposite sex or the marriage to, or sexual intercourse with, any ascendant or descendant, brother or sister, uncle or niece, aunt or nephew, with knowledge of their relationship. The relationship must be by consanguinity, but it is immaterial whether the parties to the act are related to one another by the whole or half blood.
- xvi. Aggravated Crime Against Nature for the purpose of Power-Based Violence is defined as any of the following:
  - 1. The unnatural carnal copulation by a human being with another of the same sex or opposite sex when (1) the victim resists the act to the utmost, but such resistance is overcome by force; (2) the victim is prevented from resisting the act by threats of great and immediate bodily harm accompanied by apparent power of execution; (3) the victim is prevented from resisting the act because the offender is armed with a dangerous weapon; (4) as a result of an intellectual or mental disability or any unsoundness of mind, either temporary or permanent, the victim is incapable of giving consent and the offender knew or should have known of such incapacity; (5) the victim is incapable of resisting or of understanding the nature of the act, by reason of stupor or abnormal condition of mind produced by a narcotic or anesthetic agent, administered by or with the privity of the offender; or when he has such incapacity, by reason of a stupor or abnormal condition of mind from any cause, and the offender knew or should have known of such incapacity; or (6) the victim is

under the age of seventeen years and the offender is at least three years older than the victim.

2. The engaging with a person, who is under eighteen years of age and who is known to the offender to be related to the offender as any of the following biological, step, or adoptive relatives: child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew, or niece, (1) in sexual intercourse, sexual battery, second degree sexual battery, carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile or a person with a physical or mental disability, crime against nature, cruelty to juveniles, parent enticing a child into prostitution, or (2) any other involvement of a child in sexual activity constituting a crime under the laws of this state or any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child, the offender, or both.

xvii. Obscenity for the purpose of Power-Based Violence is defined as any of the following:

1. The intentional exposure of the genitals, pubic hair, anus, vulva, or female breast nipples in any public place or place open to the public view, or in any prison or jail, with the intent of arousing sexual desire or which appeals to prurient interest or is patently offensive.
2. The intentional participation or engagement in, or management, operation, production, presentation, performance, promotion, exhibition, advertisement, sponsorship, electronic communication, or display of, hard core sexual conduct when the trier of fact determines that the average person applying contemporary community standards would find that the conduct, taken as a whole, appeals to the prurient interest; and the hard core sexual conduct, as specifically defined herein, is presented in a patently offensive way; and the conduct taken as a whole lacks serious literary, artistic, political, or scientific value. Hard core sexual conduct is the public portrayal, for its own sake, and for ensuing commercial gain of ultimate sexual acts, normal or perverted, actual, simulated, or animated, whether between human beings, animals, or an animal and a human being; masturbation, excretory functions or lewd exhibition, actual, simulated, or animated, of the genitals, pubic hair, anus, vulva, or female breast nipples; Sodomasochistic abuse, meaning actual, simulated or animated, flagellation, or torture by or upon a person who is nude or clad in undergarments or in a costume

that reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or in the condition of being fettered, bound, or otherwise physically restrained, on the part of one so clothed; actual, simulated, or animated touching, caressing, or fondling of, or other similar physical contact with a pubic area, anus, female breast nipple, covered or exposed, whether alone or between humans, animals, or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification; or actual, simulated, or animated stimulation of a human genital organ by any device whether or not the device is designed, manufactured, or marketed for such purpose.

3. The intentional sale, allocation, consignment, distribution, dissemination, advertisement, exhibition, electronic communication, or display of obscene material, or the preparation, manufacture, publication, electronic communication, or printing of obscene material for sale, allocation, consignment, distribution, advertisement, exhibition, electronic communication, or display. Obscene material is any tangible work or thing which the trier of fact determines that the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest, and which depicts or describes in a patently offensive way, hard core sexual conduct specifically defined above, and the work or thing taken as a whole lacks serious literary, artistic, political, or scientific value.
4. The intentional requiring as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, or publication to a purchaser or consignee that such purchaser or consignee also receive or accept any obscene material, as defined above, for resale, distribution, display, advertisement, electronic communication, or exhibition purposes; or, denying or threatening to deny a franchise to, or imposing a penalty, on or against, a person by reason of his refusal to accept, or his return of, such obscene material.
5. The intentional solicitation or enticement of an unmarried person under the age of seventeen years to commit any act prohibited by Paragraphs (i), (ii), or (iii) of this Section.
6. The intentional advertisement, exhibition, electronic communication, or display of sexually violent material. Violent material is any tangible work or thing which the trier of facts determines depicts actual or simulated patently offensive acts of violence, including but not limited to, acts depicting sadistic



conduct, whippings, beatings, torture, and mutilation of the human body.

7. The intentional transmission or causing the transmission by a person, knowing the content of an advertisement to be sexually explicit of an unsolicited advertisement containing sexually explicit materials in an electronic communication to one or more persons within this state without including in the advertisement the term "ADV-ADULT" at the beginning of the subject line of the advertisement. A subject line is the area of an electronic communication that contains a summary description of the content of the message. Sexually explicit means the graphic depiction of sex, including but not limited to sexual audio, text, or images; depiction of sexual activity; nudity; or sexually oriented language.
8. The intentional transmission or causing the transmission by a person, knowing its content to be sexually explicit as defined in this Paragraph, of an unsolicited text message containing sexually explicit materials to a wireless telecommunications device of one or more persons within this state. Sexually explicit means the graphic depiction of sex, including but not limited to sexual audio, text, or images, the depiction of sexual activity, nudity, or sexually oriented language and is obscene as defined above. Wireless telecommunications device means a cellular telephone, a text-messaging device, a personal digital assistant, a tablet computer, or any other substantially similar wireless device.

xviii. Human Trafficking for the purpose of Power-Based Violence is defined as:

1. Any person to (1) knowingly recruit, harbor, transport, provide, solicit, receive, isolate, entice, obtain, patronize, procure, purchase, hold, restrain, induce, threaten, subject, or maintain the use of another person through fraud, force, or coercion to provide services or labor; (2) knowingly recruit, harbor, transport, provide, solicit, sell, purchase, patronize, procure, hold, restrain, induce, threaten, subject, receive, isolate, entice, obtain, or maintain the use of a person under the age of twenty-one years for the purpose of engaging in commercial sexual activity regardless of whether the person was recruited, harbored, transported, provided, solicited, sold, purchased, received, isolated, enticed, obtained, or maintained through fraud, force, or coercion; (3) knowingly benefit from any of these prohibited activities; or (4) knowingly facilitate any of these prohibited activities by any means, including but not limited to helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the person.

Commercial sexual activity means any sexual act performed or conducted when anything of value has been given, promised, or received by any person, directly or indirectly, including the production of pornography. Debt bondage means inducing an individual to provide commercial sexual activity in payment toward or satisfaction of a real or purported debt or labor or services in payment toward or satisfaction of a real or purported debt if either the reasonable value of the labor or services provided is not applied toward the liquidation of the debt or the length of the labor or services is not limited and the nature of the labor or services is not defined. Fraud, force, or coercion shall, include but not be limited to, causing or threatening to cause serious bodily injury; physically restraining, isolating, confining, or threatening to physically restrain, isolate, or confine another person; abduction or threatened abduction of an individual; the use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of an individual; the abuse or threatened abuse of law or legal process; the actual or threatened destruction, concealment, removal, withholding, confiscation, or possession of any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; controlling or threatening to control an individual's access to a controlled dangerous substance as set forth in La. R.S. 40:961 et seq.; the use of an individual's physical or mental impairment, where such impairment has substantial adverse effects on the individual's cognitive or volitional functions; the use of debt bondage or civil or criminal fraud; extortion as defined in La. R.S. 14:66; exposing or threatening to expose any fact or information that would subject an individual to criminal or immigration proceedings; or causing or threatening to cause financial harm to an individual or using financial control over an individual. Labor or services means activity having an economic value.

- xix. Prostitution for the purpose of Power-Based Violence is defined as:
1. The practice by a person of indiscriminate sexual intercourse with others for compensation or the solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation. Sexual intercourse means anal, oral, or vaginal sexual intercourse.

- xx. Prostitution of Person Under 18 for the purpose of Power-Based Violence is defined as:
  - 1. The engagement in sexual intercourse of any person over the age of seventeen with any person under the age of eighteen who is practicing prostitution, and there is an age difference of greater than two years between the two persons or any parent or tutor of any person under the age of eighteen knowingly consenting to the person's entrance or detention in the practice of prostitution. Sexual intercourse means anal, oral, or vaginal sexual intercourse.
- xxi. Purchase of Commercial Sexual Activity for the purpose of Power-Based Violence is defined as:
  - 1. Any person to knowingly give, agree to give, or offer to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity. Sexual intercourse means anal, oral, or vaginal intercourse of any other sexual activity constituting a crime pursuant to the laws of the state.
- xxii. Solicitation for Prostitutes for the purpose of Power-Based Violence is defined as:
  - 1. The soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.
- xxiii. Inciting Prostitution for the purpose of Power-Based Violence is defined as:
  - 1. The aiding, abetting, or assisting in an enterprise for profit in which customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services, when the person knows or when a reasonable person in such a position should know that such aiding, abetting, or assisting is for prostitution; and when the proceeds or profits are to be in any way divided by the prostitute and the person aiding, abetting, or assisting the prostitute.
- xxiv. Promoting Prostitution for the purpose of Power-Based Violence is defined as:
  - 1. The knowing and willful control of, supervision of, or management of an enterprise for profit in which customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services.
- xxv. Prostitution by Massage for the purpose of Power-Based Violence is defined as:
  - 1. The erotic stimulation of the genital organs of another by any masseur, masseuse, or any other person, whether resulting in orgasm or not, by instrumental manipulation, touching with the hands, or other bodily contact exclusive of sexual intercourse or unnatural

carnal copulation, when done for money. Masseur means a male who practices massage or physiotherapy, or both. Masseuse means a female who practices massage or physiotherapy, or both.

xxvi. Sexual Massages for the purpose of Power-Based Violence is defined as:

1. The act of any masseur, masseuse, or any other person, while in a massage parlor or any other enterprise used as a massage parlor, by stimulation in an erotic manner, to expose, touch, caress, or fondle the genitals, anus, or pubic hairs of any person or the nipples of the female breast; or to perform any acts of sadomasochistic abuse, flagellation, or torture in the context of sexual conduct.

xxvii. Pandering for the purpose of Power-Based Violence is defined as any of the following:

1. Enticing, placing, persuading, encouraging, or causing the entrance of any person into the practice of prostitution, either by force, threats, promises, or by any other device or scheme.
2. Maintaining a place where prostitution is habitually practiced.
3. Detaining any person in any place of prostitution by force, threats, promises, or by any other device or scheme.
4. Receiving or accepting by a person as a substantial part of support or maintenance anything of value which is known to be from the earnings of any person engaged in prostitution.
5. Consenting, on the part of any parent or tutor of any person, to the person's entrance or detention in the practice of prostitution.
6. Transporting any person from one place to another for the purpose of promoting the practice of prostitution.

xxviii. Letting Premises for Prostitution for the purpose of Power-Based Violence is defined as:

1. The granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with such knowledge.

xxix. Enticing person into Prostitution for the purpose of Power-Based Violence is defined as:

1. When any person over the age of seventeen entices, places, persuades, encourages, or causes the entrance of any other person under the age of twenty-one into the practice of prostitution, either by force, threats, promises, or by any other device or scheme.

xxx. Stalking for the purpose of Power-Based Violence is defined as:

1. 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. 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. When the victim of the stalking is a child twelve years old or younger, pattern of conduct includes repeated acts of nonconsensual contact involving the victim or a family member. Family member includes a child, parent, grandparent, sibling, uncle, aunt, nephew, or niece of the victim, whether related by blood, marriage, or adoption or a person who lives in the same household as the victim. When the victim of the stalking is a child twelve years old or younger, nonconsensual contact means any contact with a child twelve years old or younger that is initiated or continued without that child's consent, that is beyond the scope of the consent provided by that child, or that is in disregard of that child's expressed desire that the contact be avoided or discontinued. Nonconsensual contact includes following or appearing within the sight of that child, approaching or confronting that child in a public place or on private property, appearing at the residence of that child, entering onto or remaining on property occupied by that child, contacting that child by telephone, sending mail or electronic communications to that child, and placing an object on, or delivering an object to, property occupied by that child. Nonconsensual contact does not include any otherwise lawful act by a parent, tutor, caretaker, mandatory reporter, or other person having legal custody of the child as those terms are defined in the Louisiana Children's Code. When the victim of the stalking is a child twelve years old or younger, victim means the child who is the target of the stalking.

xxxi. Cyberstalking for the purpose of Power-Based Violence is defined as:

1. The action of any person to accomplish any of the following: (1) use in electronic mail or electronic communication of any words or

language threatening to inflict bodily harm to any person or to such person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person; (2) electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying, or harassing any person; (3) electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify, or harass; (4) knowingly permit an electronic communication device under the person's control to be used for the taking of an action as described above. Electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by wire, radio, computer, electromagnetic, photoelectric, or photo-optical system. Electronic mail means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.

xxxii. Unlawful Communications for the purpose of Power-Based Violence is defined as:

1. The act of (1) engaging in or instituting a telephone call, telephone conversation, or telephone conference, with another person, or use any telecommunications device to send any text message or other message to another person directly, anonymously or otherwise, and therein use obscene, profane, vulgar, lewd, or lascivious language, or make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass any person; (2) making repeated telephone communications or send repeated text messages or other messages using any telecommunications device directly to a person anonymously or otherwise in a manner reasonably expected to abuse, torment, harass, embarrass, or offend another, whether or not conversation ensues; (3) making a telephone call and intentionally fail to hang up or disengage the connection; (4) engaging in a telephone call, conference, or recorded communication by using obscene language or by making a graphic description of a sexual act, or use any telecommunications device to send any text message or other

message containing obscene language or any obscene content, anonymously or otherwise, directly to another person, when the offender knows or reasonably should know that such obscene or graphic language is directed to, or will be heard by, a minor; or knowingly permitting any telephone or any other telecommunications device under his control to be used for any act as described above. Telecommunications device shall mean any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

- b. Safety Education
  - i. The Title IX Coordinator shall provide a monthly report to the System Director for Compliance of the safety education conducted or provided under this Section VI.1 (Safety Education) of the System's Power-Based Violence/Sexual Misconduct Policy (Policy Number 12-001). This report is due on the last business day of each month.
- c. Administrative Reporting
  - i. Chancellor's Data Report
    - 1. The Title IX Coordinator on behalf of the Chancellor shall prepare the Chancellor's data reports as required by the Board of Regents and La. R.S. 17:3399.13.1.
- d. Power-Based Violence Grievance Procedure
  - i. Non-Title IX Misconduct reports of power-based violence without a formal complaint or the withdrawal of a formal complaint shall be transferred to Student Affairs to be reviewed under the student code of conduct.
- e. Trainings
  - i. Employee Power-Based Violence Training
    - 1. Each employee must complete this training once each fiscal year (July 1 – June 30).
    - 2. The Title IX Coordinator shall maintain records evidencing this training in accordance with applicable retention schedules and must provide such evidence to the System Director for Compliance upon request.
  - ii. Confidential Advisors
    - 1. The Title IX Coordinator must maintain the required attestations in accordance with applicable retention schedules.
    - 2. The Title IX Coordinator must provide the System Director of Compliance with a current list of confidential advisors and the

required attestations. The Title IX Coordinator must provide the System Director for Compliance with updates regarding changes in confidential advisors as well as updated attestations as required.

iii. Sexual Harassment Training

1. The Title IX Coordinator shall maintain records evidencing this training in accordance with applicable retention schedules and must provide such evidence to the System Director for Compliance upon request.

f. Data Publications

i. Campus Security Report

1. This report shall be prepared by the respective campus police department.
2. For SUBR, SULC, and SUAREC, SUPD prepares a single report for the Baton Rouge Landmass.

2. Title IX Formal Grievance Procedure Policy

- a. Definitions: The following definitions shall be used to define the terms listed below:

i. Sexual assault for the purpose of Title IX Sexual Harassment is defined as any of the following:

1. Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instance in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (include due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
2. Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
3. Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
4. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is unable to give



- consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- 5. Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 6. Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- 7. Failure to Register as a Sex Offender: To fail to register or keep current a registration as required by state and federal laws.
- ii. Dating violence for the purpose of Title IX Sexual Harassment is defined as:
  - 1. Violence committed by a 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 consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- iii. Domestic violence for the purpose of Title IX Sexual Harassment is defined as:
  - 1. Felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner victim, or person similarly situated to a spouse of the victim; is cohabitating or has cohabitated with the victim as spouse or intimate partner; shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
- iv. Stalking for the purpose of Title IX Sexual Harassment is defined as:
  - 1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.
- b. Reports with No Formal Complaints
  - i. For reports of Title IX Misconduct in which the Title IX Coordinator closes with no formal complaint, the Title IX Coordinator must prepare a memorandum to the file explaining why the Title IX Coordinator chose not to

sign a formal complaint in the matter. If the Respondent is an employee, a copy of the memorandum shall be sent to the respective Human Resources Director.

- c. Informal Resolution
    - i. Informal resolution shall not be used in sexual harassment matters where the Complainant is a student, and the Respondent is an employee.
3. Power-Based Violence Reports Tracking List
  - a. The Title IX Coordinator shall maintain a Power-Based Violence Reports Tracking List using the template provided by the System Office for Compliance. All reports of power-based violence shall be tracked on this tracking list. This tracking list shall be updated contemporaneously with the happenings and status of the power-based violence matters and maintained in accordance with applicable retention schedules. The Title IX Coordinator shall send the System Director for Compliance a current and updated copy of the tracking list by close of business on the last business day of each week unless otherwise instructed by the System Director for Compliance. This tracking list shall begin with all reports filed on October 1, 2023, and onward. The first weekly tracking report is due close of business on Friday, December 8, 2023.
4. Maxient
  - a. All reports and formal complaints of power-based violence must be managed and tracked in Maxient. If the report or formal complaint is made outside of the Maxient platform (e.g., verbally or in writing), the Title IX Coordinator shall input the report or formal complaint into the Maxient platform and upload a scanned copy of the report or formal complaint if the request is in writing.
5. Formal Complaints
  - a. All formal complaints must utilize the Power-Based Violence/Title IX Formal Complaint Form.
6. Notification to Human Resources
  - a. The Title IX Coordinator shall copy the Human Resources Director on all correspondence to Respondents that are employees.
7. Supportive Measures regarding Employees
  - a. Any and all supportive measures affecting employees must be coordinated with and approved by the Human Resources Director.
8. Notification to Campus Police Department
  - a. Reports or formal complaints regarding allegations of the following must be reported by the Title IX Coordinator to the respective campus police department by submitting a Campus Security Authority Report to the respective chief of police or his/her designee.
    - i. Rape
    - ii. Sodomy
    - iii. Sexual Assault with an Object
    - iv. Fondling

- v. Incest
- vi. Statutory Rape
- vii. Failure to Register as a Sex Offender
- viii. Dating Violence – Title IX
- ix. Domestic Violence
- x. Stalking
- xi. Dating Violence – Power-Based Violence
- xii. Family Violence
- xiii. Domestic Abuse
- xiv. Voyeurism
- xv. Video Voyeurism
- xvi. Nonconsensual Disclosure of a Private Image
- xvii. Peeping Tom Activities
- xviii. Sexual Assault
- xix. Sexual Battery
- xx. Misdemeanor Sexual Battery
- xxi. Second Degree Sexual Battery
- xxii. Oral Sexual Battery
- xxiii. Female Genital Mutilation
- xxiv. Intentional Exposure to HIV
- xxv. Crime Against Nature
- xxvi. Aggravated Crime Against Nature
- xxvii. Obscenity
- xxviii. Sexual Exploitation
- xxix. Human Trafficking
- xxx. Prostitution
- xxxi. Prostitution of Person Under 18
- xxxii. Purchase of Commercial Sexual Activity
- xxxiii. Solicitation for Prostitutes
- xxxiv. Inciting Prostitution
- xxxv. Promoting Prostitution
- xxxvi. Prostitution by Massage
- xxxvii. Sexual Massages
- xxxviii. Pandering
- xxxix. Letting Premises or Prostitution
- xl. Enticing Person into Prostitution

9. Trainings

- a. The Title IX Coordinator is responsible for and required to train all Advisors, Confidential Advisors, Decision Makers, and Investigators for the Title IX Coordinator's respective campuses.

Additionally, the System Office for Compliance is instituting the following required forms which will be attached with this memorandum:

1. Power-Based Violence Reports Tracking List;
2. Power-Based Violence/Title IX Formal Complaint Form; and
3. Any forms and templates uploaded to Maxient and approved by the System Office for Compliance.