



Southern University at Shreveport Shreveport, LA

Sexual Misconduct (Title IX) Policy

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APPENDIX A-COMPLAINANT'S STATEMENT OF RIGHTS

APPENDIX B-RESPONDENT'S STATEMENT OF RIGHTS

APPENDIX C-FREQUENTLY ASKED QUESTIONS ABOUT THE SEXUAL MISCONDUCT POLICE (TITLE IX)

I. Introduction

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. These behaviors are clear impediments to creating an educational atmosphere which is free from discrimination. As a result, an institution receiving federal funds must promulgate strategies and policies which demonstrate its ability to uphold the law and comply with applicable regulations. When the Complainant or Respondent is a student, the violation falls under the provisions of Title IX.

This Southern University at Shreveport (SUSLA) campus policy utilizes the term “gender-based sexual misconduct” to encompass all behaviors that involve gender-based violations of an individual’s rights specifically manifested by sexual behavior and actions. Accordingly, this term is inclusive of conduct considered to constitute sexual harassment, non-consensual sexual contact or intercourse (of which sexual violence would be included), sexual exploitation, stalking, intimate partner violence, and other forms of inappropriate behavior that are linked with the sex/gender of the Complainant and/or Respondent. This behavior, when deemed to have occurred, deprives an individual of their rights, and/or access to an education or employment which constitutes a violation of this policy.

Members of the SUSLA campus community which includes students, faculty, administrators, guests, and visitors have the right to be free from sexual misconduct of any type. Therefore, SUSLA is firmly committed to maintaining a climate of respect and safety for everyone. All members of the SUSLA campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. As a result, this campus has a zero tolerance policy for gender-based sexual misconduct. When an allegation of sexual misconduct is brought to the attention of the appropriate Campus Representative, and a Respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions cease and are never repeated. In addition, SUSLA’s response will provide individuals who bring forth complaints with reasonable remedies that will insure full participation in their educational and/or employment activities. Nothing in this policy shall abridge academic freedom or SUSLA’s educational mission.

The Title IX Coordinator shall receive notice of all reports of sexual misconduct received by any individual deemed a “Responsible Employee” under this policy. No employee (other than law enforcement) is authorized to investigate or resolve reports of sexual misconduct without the involvement of the Title IX Coordinator.

SUSLA Title IX Coordinator

Dr. Tuesday W. Mahoney

3050 Martin L. King, Jr. Drive

Shreveport, 71107

Phone: 318-670-9201

Email: titleix@susla.edu or tuesdaywilliams@susla.edu

II. Notice of Nondiscrimination

In compliance with Title IX of the Education Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other federal, state, and local laws, Southern University at Shreveport forbids discriminating or harassing conduct that is based on an individual's race, color, religion, sex, ethnicity, national origin or ancestry, age, physical or mental disability, sexual orientation, gender identity, gender expression, genetic information, veteran or military status, membership in Uniformed Services, and all other categories protected by applicable state and federal laws. This commitment applies but is not limited to decisions made with respect to hiring and promotion, the administration educational programs and policies, scholarship and loan programs, and athletic or other College administered programs. Discriminatory acts of any kind are strictly forbidden.

Any member of the Southern University at Shreveport has the right to raise concerns or make a complaint regarding discrimination without fear of retaliation. Any and all inquiries regarding the application of this statement and related policies may be referred to: Tuesday W. Mahoney, Assistant Vice Chancellor for College Access, Title IX Coordinator, at (318) 670 – 9201. Complaints may also be made via email at titleix@susla.edu

III. Jurisdiction

All students, faculty, staff, administrators, affiliates and others participating in SUSLA programs and activities are subject to this policy. SUSLA has jurisdiction over, and will respond to allegations of sexual misconduct occurring on campus premises, at SUSLA affiliated activities and/or where the misconduct involves students, faculty, staff, administrators, guests and visitors of this campus.

Reports of incidents of sexual misconduct committed by a student, faculty or staff at a location other than the SUSLA campus and which affects the SUSLA campus community are covered by this policy. Discipline for violations of this policy may include, but are not limited to, termination, expulsion and/or other appropriate institutional sanctions; and affiliates and program participants may be removed from SUSLA programs and/or prevented from returning to campus.

IV. Overview of Policy Expectations With Respect to Physical Sexual Misconduct

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent must be a clear and sober "YES". Non-verbal consent is not as clear as discussing what is or isn't sexually permissible. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence—without actions demonstrating permission—cannot be assumed to show consent. Consent can also be withdrawn at any point during sexual activity.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent into question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if he/she cannot fully understand the details of a sexual interaction (who, what, when, where, why, how or how long) because he/she lacks the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Anything but a clear, knowing and voluntary "YES" to any sexual activity is equivalent to a "No".

V. Overview of Policy Expectations With Respect to Consensual Relationships There are inherent risks in any romantic or sexual relationship between individuals in unequal positions of power (such as professor and student or supervisor and student employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcomed may become unwelcomed. Even when both parties have consented at the outset to romantic or sexual involvement, this past consent may not remove grounds for a later charge of violation.

For the personal protection of members of this campus community, relationships in which power differentials are inherent (faculty-student, staff-student, or administrator-student, etc.) are generally discouraged. Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the individual/employee from the supervisory or evaluative responsibility, or shift them out of being supervised or evaluated by someone with whom they have established a consensual relationship. While no relationships are prohibited by

this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

VI. Definitions

Allegation: A statement by a Complainant that he/she believes an act of sexual misconduct has occurred.

Bullying: Typically is portrayed as aggressive behavior or intentional harm that is carried out repeatedly over time and occurs within an interpersonal relationship characterized by an imbalance of power. It often includes comments about race, color, national origin, sex, sexual orientation or disability and frequently involves an imbalance of power, aggression, and a negative repeated behavior.

Campus Representative: Any individual who, in the course of his/her duties as a SUSLA employee, is in the position to assist a member of the campus community who has been sexually assaulted.

Coercion: Unreasonable pressure for sexual activity. When someone makes it clear that he/she does not want to engage in sexual behavior, or that he/she does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive.

Complainant/Victim: The person making an allegation or complaint of sexual misconduct.

Complaint: A formal notification, either orally or in writing, of the belief that sexual misconduct has occurred.

Confidential Advisor: Designated individuals who have been trained to aid a student involved in a sexual misconduct complaint in the resolution process as a confidential resource. As suggested by the term "confidential advisor," confidential communications with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the communications under state and federal laws.

Consent: Consent must be clear, unambiguous, and a voluntary agreement between participants to engage in specific sexual activity. Consent is active, not passive, and is given by a clear and sober "YES". Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute, and consent to one form of sexual activity. It does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent. In some situations, an individual may be deemed incapable of consenting to sexual activity because of circumstances or the behavior of another, or due to their age. Examples of such situations may include, but are not limited to, incompetence, impairment from alcohol and/or other drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, or mental or physical impairment.

Cyber-Bullying: Cyber-bullying occurs when an individual is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another person using the Internet, interactive, and digital technologies, or mobile phones. Those who are electronically engaged can be cyber bullied at any time or location, making the effect of cyber-bullying ubiquitous and acute. Harassment, hazing and stalking often are used to encompass cyber-stalking or cyber-bullying

activities. The severity of the act and state law dictate what is criminal. Examples include flaming, harassment, hazing or stalking. The difference should be assessed through the: 1) kind of threat (e.g. name-calling, threat of harm, bomb, etc.); 2) frequency of threat (how often it occurs); and 3) source and nature of threats. Generally speaking, bullying is an on-going behavior. Hazing is often done once or twice during orientations or initiations, but may be more acute.

Dating Violence: Occurs when one person purposely hurts or scares someone they are dating. Dating violence happens to people of all races, cultures, incomes and education levels. It can happen on a first date, or during a long term relationship. It can happen whether the individual is young or old, and/or in a heterosexual or same-sex relationship. Dating violence can include physical abuse (hitting, shoving, kicking, biting, throwing things), emotional abuse (yelling, naming-calling, bullying, embarrassing), and sexual abuse (forcing a partner to do something sexual).

- 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. 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. 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, and
 - (3) The frequency of interaction between the persons involved in the relationship.

Domestic Violence: Occurs when one person in an intimate relationship or marriage tries to dominate and control the other person. Domestic abuse that includes physical violence is called domestic violence. Domestic violence and abuse are used for one purpose and one purpose only, for one person to gain and maintain total control over another person. An abuser does not "play fair". Abusers use fear, guilt, shame and intimidation to maintain power and control. The abuser may also threaten or hurt the individual or those around the victim or complainant. Domestic violence and abuse does not discriminate. It happens in heterosexual or same-sex relationships. It occurs within all age ranges, ethnic backgrounds and economic levels. While women are more commonly victimized, men can also be abused, especially, verbally and emotionally, although sometimes even physically as well.

a. 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

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a. **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)

b. **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.

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)

Force: The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance or produces consent. There is no requirement that a person has to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Gender-based harassment: Acts of verbal, nonverbal, or physical aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitute gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity or femininity. In order to constitute harassment, the conduct must be such that it has the effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, demeaning, or offensive academic or living environment.

Gender-based misconduct: Is comprised of a broad range of behaviors focused on sex and/or gender discrimination that may or may not be sexual in nature. Sexual harassment, sexual assault, gender-based harassment, stalking, and intimate partner violence are forms of gender based misconduct under this policy. Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Examples of gender-based misconduct include:

- Pressure for a date or a romantic or intimate relationship;
- Unwelcomed touching, kissing, hugging, or massaging;
- Pressure for or forced sexual activity;
- Unnecessary and unwelcomed references to various parts of the body;
- Belittling remarks about a person's gender or belittling remarks about a person's sexual orientation based in gender-stereotyping; • Inappropriate sexual innuendoes or humor;
- Videotaping and photographing someone or people without consent;
- Obscene gestures of a sexual or gender-based nature;
- Offensive sexual graffiti, pictures, or posters;
- Sexually explicit profanity; and/or
- Use of e-mail, the Internet, or other forms of digital media to facilitate any of the above referenced behaviors.

Gender Discrimination: Unequal or disadvantageous treatment of an individual or group of individuals based on gender. Sexual harassment is a form of illegal gender discrimination.

Impairment: The state of being diminished weakened or damaged, especially mentally or physically.

Incapacitation: Incapacity can result from mental disability, sleep deprivation, involuntary physical restraint, or from intentional or unintentional taking of alcohol and/or other drugs. An incapacitated person does not have the ability to give knowing consent. Sexual activity with a person who one should know to be or based on the circumstances, should reasonably have known to be mentally or physically incapacitated, constitutes a violation of this policy. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol and/or drugs on another's ability to give consent.

Inebriate: To be made drunk; to exhilarate, confuse or stupefy a person mentally or emotionally.

Intimate Partner Violence (IPV): Physical, sexual, or psychological harm by a current or former partner or spouse. This type of violence can occur in heterosexual or same-sex relationships, whether co-habiting or not, and does not require sexual intimacy. IPV can vary in frequency and severity, can occur on a continuum, and can include acts of physical violence, sexual violence, threats of physical or sexual violence, or psychological or emotional violence. Psychological or emotional violence is a broad term that results in trauma to a victim caused by acts, threats of acts, or coercive tactics, and can include acts of humiliation, intimidation, isolation, stalking, and harassment.

Intimidate: To make timid, fill with fear; to overcome or cow, as through the force of personality or a superior display of strength which can control an individual's actions.

Intoxication: Inebriation; drunkenness.

Investigator: Is the Title IX Coordinator, or his/her designee, who is officially responsible for administrative investigations of all reports and/or allegations pertaining to a violation of this Gender-Based Sexual Misconduct Policy filed by students and employees.

Rape: Is forced sexual intercourse that is perpetrated against the will of the complainant or when he/she is unable to or incapable of giving consent (i.e. unconscious, asleep or under the influence of alcohol or drugs) and may involve physical violence, coercion, or the threat of harm to the Complainant. Rape is complete at the point of penetration no matter how slight that penetration.

Reproductive Coercion: Explicit male behaviors to promote pregnancy (unwanted by a woman). Reproductive coercion can include "birth control sabotage" (e.g. interference with contraception) and/or "pregnancy coercion", such, as telling a woman not to use contraception and threatening to leave her if she doesn't get pregnant.

Respondent: The person whose actions are alleged to have violated this Gender-Based Sexual Misconduct Policy.

Responsible Employee: The Office of Civil Rights defines a responsible employee as an individual, (a) who has the authority to take action to redress sexual

harassment/misconduct, (b) who has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX Coordinator or other appropriate designee; or (c) who a student reasonably believes has this authority or duty.

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.

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.

Sexual Assault as defined by Louisiana State Law:

a. 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.

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

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.

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.

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 OR any member of the victim's family OR any person with whom the victim is acquainted. 34 CFR 668.46(a) (ii).

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 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)

Sexual Contact: The deliberate touching of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using force to cause a person to touch his or her own or another person's intimate parts.

Sexual Intercourse: Means penetration (anal, oral or vaginal) by a penis, tongue, finger, or an inanimate object.

Sexual Misconduct: Is the broad term encompassing, "Sexual Exploitation", "Sexual Harassment", "Non-Consensual Sexual Contact," and "Non-Consensual Sexual Intercourse", as defined in this policy. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Examples of sexual misconduct may include the following:

Sexual Misconduct Offenses:

• Sexual Harassment

Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from SUSLA's educational programs. The unwelcomed behavior may be based on power differentials [quid pro quo i.e. "you have to give something to get something"] which create a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious or unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking or genderbased bullying.

• Non-Consensual Sexual Contact [or attempts to commit same]

Any intentional sexual touching, however slight, with any object by a man or woman upon a man or woman that is without consent and/or by force. Sexual contact includes intentional contact with the breast, buttocks, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional

bodily contact in a sexual manner, though not involving contact with or by breast, buttocks, groin, genitals, mouth or other orifice.

- **Non-Consensual Sexual Intercourse [or attempts to commit same]**

Any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

- **Sexual Exploitation**

Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual video, photography or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting someone hide in a closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting a STD or HIV to another person;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals; and/or
- Sexually-based stalking and/or bullying.

Standard of Proof: The Department of Education's Office of Civil Rights has interpreted Title IX to require institutions to evaluate evidence of alleged Sexual Misconduct under a "*preponderance of the evidence*" standard and that is the standard adopted by this policy. A preponderance of the evidence means that the information shows that it is "*more likely than not*" that the accused student or Respondent violated this policy. In the context of a judicial hearing hereunder, the accused student or Respondent will be found to be responsible for the alleged sexual misconduct if it concludes, by a unanimous vote, that such sexual misconduct more likely than not occurred based upon careful review of all information presented. In making its determination, the SUSLA Office of Assistant Vice Chancellor of Students Affairs shall carefully consider all of the evidence presented and follow the procedures stated in this policy and the SUSLA University Student Judicial System and Procedures in order to ensure as fair a hearing as possible for all parties.

Stalking: Behavior where a person follows, places under surveillance, or contacts, another person without the consent of the other person for the purpose of harassing and intimidating the other person. The term "contact" means to make or attempt to make any communication, including, but not limited to, communication in person, by telephone, by mail, by broadcast, by computer or computer network, or by any other electronic device. "Harassing and intimidating" refers to communication directed at a person that causes emotional distress because of a

reasonable fear for the person's safety or safety of others, and which serves no legitimate purpose. It does not require that an overt threat of death or bodily injury be made.

Student: Any person currently or previously enrolled at the SUSLA campus pursuing undergraduate, graduate or professional studies, whether full-time or part-time, and a person who is registered for a future semester.

Title IX Coordinator: The Title IX Coordinator is responsible for implementing and monitoring Title IX compliance efforts on behalf of SUSLA.

University Judicial Committee (Hearing Board): This is an administrative body which, among other things, conducts hearings under this policy. It is comprised of students, faculty and staff.

University Judicial Process: Encompasses a series of actions and procedures administered by the SUSLA Office of Assistant Vice Chancellor of Students Affairs which are designed to safeguard a student's right to due process. This process does not include the observance and/or application of state and/or federal rules of civil procedures.

University Official: Any person employed by SUSLA, performing administrative or professional responsibilities.

VII. Institutional Requirements

a. Campus Climate Survey

SUSLA will administer a campus climate survey annually to its students in accordance with Louisiana State Law and other applicable laws to adequately assess perceptions and behaviors of sexual misconduct on the campus.

b. Education and Prevention Programs

SUSLA is committed to offering educational programs to promote awareness and prevention of sexual misconduct. Educational programs will include an overview of the University's policies and procedures and information and education on topics that include, but are not limited to:

- i. Awareness Programs:** These programs seek to increase knowledge on sexual misconduct, sexual violence prevention, general safety, and the reduction of sexual misconduct.
- ii. Bystander Intervention:** Consists of providing safe and positive options to prevent harm or intervene when there is a risk of sexual misconduct. This 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.

- iii. **Ongoing Prevention and Awareness Campaigns:** Consists of programming, initiatives, and strategies that seek to increase understanding of topics relevant to, and skills for addressing sexual misconduct.
- iv. **Prevention Programs:** These programs consist of strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop sexual misconduct 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.
- v. **Risk Reduction:** Consists of providing options that are 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.

c. Institutional Task Force

SUSLA will establish a campus-wide task force with the purpose of addressing sexual misconduct policy implementation, education, and prevention. The task force will consist of representatives from student services areas, academic units, and student representatives from the Student Government Association.

d. Training

SUSLA will conduct annual training sessions for all responsible employees and confidential advisors.

e. Coordination with Law Enforcement

SUSLA will comply with SUSLAPD (and other outside law enforcement agencies) requests for cooperation and such cooperation may require SUSLAPD to temporarily suspend its investigation while SUSLAPD is in the process of gathering evidence. SUSLA will promptly resume its investigation as soon as notified by SUSLAPD that it has completed the evidence gathering process. SUSLA may provide up to 10 business days to allow for the criminal investigation prior to resuming the Title IX aspect of the investigation.

f. Sexual Assault Response Team/Title IX Compliance Team

The Sexual Assault Response Team (SART), or Title IX Compliance Team is intended to coordinate campus and community resources to effectively respond to sexual assault incidents, collect evidence with sensitivity to the complainant and respondent, provide due process to the respondent, and provide the best possible care, when necessary, to involved parties. The SART is not an investigative or adjudicative body, but may be used in consultation by the Title IX Coordinator during investigations to ensure policies and procedures are being adhered to.

The SART includes representatives from a broad range of campus and community organizations concerned with the needs of sexual assault victims, including participation from the health care, counseling, housing and law enforcement. The SART is coordinated by the Title IX Coordinator. The SART is comprised of the following areas:

- Title IX Coordinator
- Southern University Police Department
- Office of Student Affairs
- Office of Human Resources
- Residential Life and Housing
- University Counseling Center
- Office of Disability Services
- Office of Academic Affairs
- Department of Athletics

Representatives from Project Celebration (PCR) and the Shreveport Police Department are also available to provide opportunities for community support. These units will provide support to campus procedures but are not active members of the SART.

VIII. Sexual Exploitation and Other Misconduct Offenses

- A.** Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person.
- B.** Discrimination which is defined as actions that deprive other members of the campus community of educational or employment access, benefits or opportunities on the basis of gender.
- C.** Intimidation which is defined as implied threats or acts that cause an unreasonable fear of harm in another.
- D.** Hazing which is defined as acts likely to cause physical or psychological harm or social ostracism to any person on the SUSLA campus, when related to admission, initiation, pledging, joining or any other group-affiliation activity.
- E.** Bullying which is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (That is not speech or conduct otherwise protected by the First Amendment).
- F.** Violence between those in an intimate relationship toward each other.
- G.** Stalking which is defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the SUSLA campus community; or the safety of any of the immediate faculty and/or staff family members of this campus.

IX. Reporting Sexual Misconduct

A. Complainant May or May Not Choose to Report

SUSLA will 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.

B. Formal Complaint

Any member of the SUSLA campus community, guest, visitor or other interested party may make a report of an alleged violation of the Gender-Based Sexual Misconduct Policy. Complaints must be in writing and submitted within one hundred and twenty (120) days following the date of the alleged incident of sexual misconduct. While SUSLA is firmly committed to protecting all students from harassment or discrimination in education programs and/or activities, failure to file a timely complaint may adversely affect the ability of SUSLA to take appropriate actions under this policy.

C. Reporting

SUSLA's primary concern is with the health, safety, and well-being of its students and the University community. Students who have experienced any form of gender-based sexual misconduct are urged to seek immediate assistance. Assistance can be obtained twenty-four (24) hours a day, seven (7) days a week from:

a) Sexual misconduct by faculty, staff, and third parties should be reported to:

- **Office of Vice Chancellor of Student Affairs & Enrollment Management**

(318) 670-9314

www.mwilliams@susla.edu or www.susla.edu/studentservices

- **Office of Human Resources**

(318) 670-9230 or (318) 670-9351 www.whbryant@susla.edu or

www.susla.edu/humanresources

- Incidents may also be reported confidentially to the following Confidential Advisors:

b) Sexual misconduct by faculty, staff, and third parties should be reported to:

- **Office of Assistant Vice Chancellor of Student Affairs**

(318) 670-9317 or (318) 670-9315 www.felliott@susla.edu or www.susla.edu/studentservices

- **Office of Residence Life and Housing** (318) 670-6702 or (318) 670-9700

www.kkennedy@susla.edu or www.susla.edu/housing

- Incidents may also be reported confidentially to the following Confidential Advisors:

- **Office of University Counseling -**

(318) 670-9474 - www.klwashington@susla.edu

- **Office of Disability Services**

(318) 670-9473 - www.jellis@susla.edu

c) Sexual misconduct, particularly sexual violence, may be a crime. SUSLA will assist complainants who wish to report sexual misconduct to the Southern University Police Department. Representatives of the Office of Student Life/Assistant Vice Chancellor of Student Affairs, Residence Life and Housing, and the Office of Human Resources are available to assist students in reporting to SUSLA PD. SUSLA PD will also assist complainants in notifying other law enforcement authorities in other jurisdictions, as appropriate.

d) Southern University at Shreveport Police Department (318) 670-9349 or (318)

2866647(emergency cell telephone) www.mnelson@susla.edu, www.jivey@susla.edu or

www.lspeed@susla.edu

D. Responsible Employee

A Responsible Employee must promptly notify the Title IX Coordinator of any report of sexual misconduct brought to their attention, including campus law enforcement. The Title IX Coordinator works collaboratively with the reporting entity, making every effort to operate with discretion and maintain privacy of the individuals involved.

E. Confidential Advisor

SUSLA has designated two (2) confidential advisors. The duties of the confidential advisor shall be:

a). To inform both the complainant and respondent of the following:

- i).** The rights of the complainant and respondent under federal and state law and the policies of SUSLA.
- ii).** The complainant's reporting options, including the option to notify the Title IX Coordinator, the option to notify local law enforcement, and any other reporting options.
- iii).** If reasonably known, the potential consequences of the reporting options.
- iv).** The process of investigation and disciplinary proceedings of SUSLA.
- v).** The process of investigation and adjudication of the criminal justice system.
- vi).** The limited jurisdiction, scope, and available sanctions of SUSLA student disciplinary proceeding, and that it should not be considered a substitute for the criminal justice process.
- vii).** Potential reasonable accommodations that SUSLA may provide to an alleged victim.
- viii).** The name and location of the nearest medical facility where an alleged victim 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.

b). To advise both the complainant and respondent of, and provide written information regarding, both the complainant and respondent's rights and SUSLA's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by SUSLA.

c). To serve as a liaison between the complainant and SUSLA 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 complainant in contacting and reporting to a responsible employee or local law enforcement.

d). To liaise with appropriate staff at SUSLA to arrange reasonable accommodations through SUSLA to allow the complainant to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations.

e). To accompany the complainant, when requested to do so by complainant, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.

f). The confidential advisor shall not be obligated to report crimes to SUSLA or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law. The confidential advisor shall, to the extent authorized under law, provide confidential services to students.

F. The Complaint Process

- a)** The individual accused of conduct violating this Gender-Based Sexual Misconduct Policy (Title IX) must be provided with a written notification of the formal investigation or otherwise be given a full and complete written statement of the allegations and a copy of the Gender-Based Sexual Misconduct Policy (Title IX) by the Title IX Coordinator or his/her designee.
- b)** The individual accused of conduct violating the Gender-Based Sexual Misconduct Policy (Title IX) must be provided with a written notification of the formal investigation or otherwise a review of relevant documents, as appropriate. Disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of the investigation.
- c)** Upon request, the Complainant and Respondent may each have either an advisor or attorney representative present when he or she is required to do so pursuant to the applicable provisions of SUSLA University Student Judicial System and Procedures.
- d)** At any time during the investigation, it may be recommended that interim protections or remedies for the Complainant and/or witnesses be provided by SUSLA.
- e)** The investigation shall be completed as promptly as possible and in most cases, within sixty (60) working days of the date that the request for formal investigation was filed. After the completion of the investigation, the Title IX Coordinator will prepare a written report.
- f)** An investigation will result in a written report that includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence and a recommendation for corrective or disciplinary action. If the investigation involves allegations of student-on-student sexual misconduct, and the investigation results in a finding that this policy has been violated, the Title IX Coordinator will file a complaint with the SUSLA Office of Assistant Vice Chancellor of Students Affairs & Enrollment Management and the complaint will be processed under the provisions of the SUSLA University Student Judicial System and Procedures. In such cases, the Title IX Coordinator will be identified as the Complainant and it will be the prerogative of the Complainant to determine in what capacity he/she will participate (i.e., co-complainant, witness, or no participation).

g) Within fifteen (15) business days of taking corrective and/or disciplinary action against a Respondent, or a decision not to take any action, the SUSLA Office of Assistant Vice Chancellor of Students Affairs shall provide written notification to the Title IX Coordinator of what action, if any has been taken, including the results of any appeals.

G. Special Complaint Process Provisions

a) Attempted violations: In most circumstances, SUSLA will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

b) SUSLA as Complainant: If the Complainant/Victim does not wish to release his/her name or file charges, then, as necessary, SUSLA reserves the right to initiate a complaint, to serve as a Complainant and to initiate the University Judicial Process without a formal complaint being made by the victim of sexual misconduct.

c) False Reports: SUSLA will not tolerate intentional false reporting of incidents. It is a violation of SUSLA University Policies and Student Code of Conduct to make an intentionally false report of any policy violation and it may also violate Louisiana criminal statutes and civil defamation laws.

d) Immunity for Victims and Witnesses: The SUSLA campus community encourages the reporting of sexual misconduct violations and crimes by victims and witnesses.

Sometimes, victims or witnesses are hesitant to report an incident to a Campus Representative or to participate in the University Judicial Process because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this campus community that as many victims as possible choose to report to Campus Representatives, and that witnesses come forward to share what they know. To encourage reporting, SUSLA pursues a policy of assisting victims of crimes and witnesses. Limited immunity is provided from specific policy violations related to the incident. While minor sexual misconduct violations cannot be completely overlooked, SUSLA will provide further education, rather than responses, in such cases.

e) Bystander Engagement: Welfare of SUSLA students is of paramount importance. At times, students on and off campus may need assistance. SUSLA encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others; for fear that they may get themselves in trouble (for example, as a student who is underage and has been drinking might hesitate to help take a sexual misconduct victim to the Southern University Police Department). SUSLA will pursue a policy of limited immunity for students who offer help to others in need.

f) Parental Notification: SUSLA's primary relationship is with the student and not the parent. It reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, and alcohol and other drug violations. Additionally, Campus Representatives will directly inform parents when requested to do so by a student, in a life-threatening situation or if a student has signed a permission form that

allows such communication. SUSLA also reserves the right to designate which University official may have a need to

know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

g) Notification of Outcomes: The outcome of sexual misconduct adjudication is part of the educational record of the accused student or Respondent, and is protected from release under federal law (FERPA), and SUSLA's confidentiality of records policies. Moreover, SUSLA observes legal exceptions as follows:

- Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking and relationship violence incidents have an absolute right to be informed of the outcome, essential findings and sanctions of the SUSLA Office of Assistant Vice Chancellor of Students Affairs, in writing, without conditions or limitations.
- SUSLA may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a "crime of violence", including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. SUSLA will release this information to the Complainant in any of these offenses regardless of the outcome.

h) Alternative Testimony Options: For sexual misconduct complaints, and other complaints of a sensitive nature, whether the alleged victim is serving as the Complainant or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify outside the physical presence of the accused individual, such as in another room or by electronic means such as videoconferencing. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student or Respondent.

i) Past Sexual History/Character: The past sexual history or sexual character of a party will not be admissible by the other party in the investigation or University judicial process unless such information is determined to be highly relevant. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance by the Title IX Coordinator. While previous conduct violations by the accused student or Respondent are not generally admissible as information in determining responsibility for the present alleged violation, the Title IX Coordinator may supply previous complaint information to be considered in sanctioning or may consider it himself/herself only if:

- The Respondent was previously found to be responsible;
- The previous incident was substantially similar to the present allegation; and/or
- Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student or Respondent.

H. Formal Resolution Procedures for Complaints against Faculty and Non- Faculty Employees

Title IX complaints filed by students against employees of SUSLA will follow procedures outlined in the Southern University System Personnel Handbook. A hard copy of this document can be obtained from the System Office of Human Resources on the SUSLA campus at the J.S. Clark Annex Building, 1st Floor.

I. Formal Resolution Procedures for Complaints against Students

1. Complaints against Students

- a)** Complaints will be assigned to the Title IX Coordinator, who will investigate the allegation(s). Following an investigation, a preliminary meeting will be held with the Respondent to review the complaint and other information gathered. After the complaint is investigated, the University judicial process is initiated. The SUSLA Office of Assistant Vice Chancellor of Students Affairs, through the University Judicial Committee, will administer the University judicial process in accordance with the SUSLA University Policies and Student Code of Conduct guidelines.
- b)** Complainants and Respondents have the right to have an adviser of his/her choice present during the University judicial process. An adviser may provide support and advice but not actively participate in the hearing. Attorneys may act as advisers, but may not argue a case or attempt to introduce legal procedures.
- c)** Hearings conducted by the University Judicial Committee will be closed to the public. SUSLA reserves the right to review individuals attending hearings based on their involvement with the incident. All information presented during these proceedings is confidential and will only be released if subpoenaed or with the Complainant's or Respondent's permission except for final results of nonconsensual sexual intercourse or other violent acts, which will only be released to the victim of the act.
- d)** Prospective witnesses, other than the Complainant/victim and Respondent may be excluded from a University judicial process hearing during statements made by other participants.
- e)** Oral and/or written statements may be considered and will be weighed as deemed appropriate. Complainants and/or Respondents are responsible for ensuring witnesses or documents are available at the time of the hearing.
- f)** Respondents will be afforded an opportunity to hear and respond to all information presented against them.
- g)** Complainants and/or Respondents may request the removal of any participants in the University judicial process they feel may be biased against them.
- h)** All participants are expected to act with integrity by providing honest answers, following established procedures and maintaining confidentiality.
- i)** University judicial hearings will be conducted in a civil manner with any participant disrupting the process being excluded from the remainder of the hearing.

j) Pending resolution of a complaint, a student's status may only be altered to protect SUSLA's interests and/or the safety and security of individual members of the campus community. Such actions may include interim suspensions, restriction of privileges including access to certain areas of the campus, and no-contact directives.

k) Determination of responsibility for violating this policy will be based on the standard of a preponderance of the evidence presented at the University judicial hearing.

l) If it is determined that the Respondent is responsible for sexual misconduct, i.e., the sexual misconduct more likely than not occurred, the Complainant may present a statement recommending a sanction (the "Impact Statement"). The respondent will be provided with an opportunity to respond to the Impact Statement. The Hearing Board is not bound by these statements in determining a sanction. Witnesses other than the parties normally are not permitted at the Impact Statement phase of the hearing; however, discretion may be applied to permit the presence of other persons.

m) Written notification of the outcome of the University judicial hearing, including the reasons for the decision, findings of fact and an explanation of the sanctions, will be sent within a reasonable time frame from the conclusion of the matter. Notifications will be sent to the Complainant and Respondent. Other notifications may be sent in order for SUSLA to comply with applicable victim notification laws for reporting the results of the University judicial hearing.

2. Student Appeal Process

a) The outcome of any University judicial hearing may be appealed by either the Complainant or Respondent. All appeals will be pursued in accordance with the SUSLA University Policies and Student Code of Conduct. Appeals must be based on at least one of the following reasons to be considered:

- Procedural errors in the operation of the University judicial process hearing were substantial enough to have effectively denied the student a fair hearing.
- Availability of new and significant evidence that was not available at the original hearing in spite of diligent efforts by the student to collect such information.
- Lack of substantial information presented at the hearing to support the decision on responsibility for a violation.
- Severity of the sanctions does not match the severity of the violation.

3. Student Sanctions

a) Any student found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous SUSLA Student Code of Conduct violations.

b) Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.

c) Any student found responsible for violating the Sexual Exploitation or Sexual Harassment provisions of this policy will likely receive a recommended sanction ranging

from warning to expulsion, depending on the severity of the incident, and taking into account any previous SUSLA Student Code of Conduct violations.

4. Range of Sanctions

The following sanctions comprise a range of official actions that may be imposed for violation of this policy by individuals or groups. One or more sanctions may be imposed at the discretion of the University Judicial Committee in an effort to promote behavioral change. Sanctions attempt to teach alternative behaviors; increase personal and social skills; increase a student's awareness of obligations to others; demonstrate implications of actions; and explain the rationale behind regulations. This list does not limit the actions available and is not inclusive of all possible actions that could be taken as a result of a violation of this policy. Students found responsible for violations will receive a minimum disciplinary warning with expulsion being the maximum sanction.

a) Disciplinary Warning: This action is taken when the individual's conduct or involvement merits an official admonition that can be either verbal or written. The student is warned that further misconduct may result in more severe disciplinary action. A disciplinary warning is intended to promote reflection on the decisions and behavior leading up to a violation and promotes an increased awareness of SUSLA's behavioral expectations.¹

¹ Supplements the "Disciplinary Warning" provision currently reflected in the *SUSLA University Policies and Student Code of Conduct* (Revised and Updated: June 2013) at pp. 10-11.

b) Disciplinary Probation: An indication to a student that his/her behavior has resulted in a sanction extremely close to suspension. It is imposed for a definite period of time. Any further misconduct while on Disciplinary Probation will usually result in suspension from SUSLA.

c) Residence Hall Reassignment or Removal: This action is an involuntary reassignment to another residence hall or removal from on-campus housing altogether for a designated period of time and may include restricted visitation privileges. Usually, a student is given forty-eight (48) hours to remove all belongings from an assigned space and reimbursement of room charges will be based on SUSLA's refund schedule for removals. This sanction is imposed to protect the welfare of a residence hall or floor community, and students having this sanction imposed should reflect on the behaviors necessary for an individual to be part of a residential community by respecting others, and developing critical thinking skills and mature decision-making skills

d) Restriction of Privileges: This action consists of an effort to assist students in developing an awareness of the responsibilities that go along with privileges and increase an awareness of appropriate behavior and how decisions impact themselves and others. Under this sanction, students may be restricted from entering certain buildings, attending certain events or using specific programs due to their behavior. Residence hall students may have their visitation privileges restricted or revoked for a certain time period, or holding office in organizations or other privileges can also be included under this sanction as deemed appropriate by the Office of Assistant Vice Chancellor of Students Affairs based on the incident.

e) No-contact Directive: This action is implemented at the discretion of the chairperson of the Hearing Board directing a student to avoid initiating contact with another member of the SUSLA campus community, it may include limiting access to certain areas to avoid incidental contact. A No-Contact Directive may be imposed at a student's request in the absence of a Hearing Board decision if it does not involve any accommodation changes. Contact includes direct interactions in person or through technology, as well as the use of third parties to interact. The No-Contact Directive is not limited by location. They can be issued open-ended and would only be considered if the person who originally requested it asked to have it canceled.

f) Suspension of Group Recognition: This action consists of the withdrawal of all or part of the official recognition of a group for a stated period of time and will include conditions for reinstatement of recognition. This sanction is intended to assist groups in developing a stronger sense of the responsibilities that go along with the privileges of SUSLA recognition and commitment to be a positive part of the campus community.

² Supplements the "Eviction" provision currently reflected in the SUSLA University Policies and Student Code of Conduct (Revised and Updated: June 2013) at p. 11.

g) Revocation of Group Recognition: This action is permanent cancellation of the official SUSLA recognition and privileges of a group found in violation of this policy.

h) Restitution Fines: A student or organization may be required to make payment to SUSLA or to another specified person(s) or group(s) for damages incurred as a result of a violation of this policy. Restitution fines may be imposed by SUSLA in addition to any other sanction to promote responsibility for actions and an awareness of the consequences of behavior.

i) Restitution Service: As part of the sanctioning process, students can be required to perform service to assist in developing increased awareness of the impact of their decisions and strengthen critical thinking abilities to identify appropriate behavior. These services can include performing assigned duties, sponsoring programs, etc.

- j) Educational Activity:** A student or organization may be required to complete an educational activity or project relating to a violation of this policy to assist in their developing increased awareness of the impact of their decisions, strengthen critical thinking abilities to identify appropriate behavior, and develop an increased sense of responsibility, integrity and civility.
- k) Registration Hold:** A hold may be placed on a student's registration if the student has failed to complete a sanction or withdraws prior to official resolution of a complaint. Holds are intended to be temporary until the sanction is complete. Registration holds may also be used during periods of interim suspension, suspension or expulsion.
- l) Emergency (Interim) Suspension:** The SUSLA Assistant Vice Chancellor of Students Affairs may recommend the suspension of a student for an interim period, pending the outcome of the University judicial process, whenever there is evidence that the continued presence of the student at SUSLA poses a substantial threat to the safety and/or well-being of any member of the SUSLA campus community or private property. The student shall be given an opportunity to appear personally before the Hearing Board within ten (10) business days from the effective date of the interim suspension unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. Both the student[s] and SUSLA must agree to an extension that may be left open-ended. By agreeing to an extension, the Respondent/student accepts the decision of interim suspension and any conditions imposed as part of it. During an interim suspension, the Respondent/student will be barred from all or part of SUSLA's premises, as designated by the SUSLA Assistant Vice Chancellor of Students Affairs. A Respondent/student under interim suspension who returns to a portion of the campus from which he/she was barred without permission from the SUSLA Assistant Vice Chancellor of Student Affairs will be subjected to dismissal and/or arrest for trespassing.
- m) Disciplinary Suspension:** This action is an involuntary separation of a Respondent/student from SUSLA for a designated period of time after which he/she is eligible to return. The SUSLA Assistant Vice Chancellor of Students Affairs may establish requirements for reinstatement, which must be fulfilled to his/her satisfaction. The Respondent/ student may not participate in any SUSLA sponsored activity and may be barred from SUSLA premises during the suspension period. Reimbursement of charges or fees for students removed from the campus due to sexual misconduct will follow the University's official refund schedule for withdrawals. This action is designed to protect members of the SUSLA campus community and their property, promote critical thinking and mature decision-making skills, and promote self-reflection on behavior and the impact it has had on the Respondent/student and others.⁴
- n) Disciplinary Expulsion:** The action entails involuntary and permanent separation from SUSLA. The Respondent/student will be barred from all campuses activities within the Southern University System and property following expulsion. Reimbursement of charges or fees for students removed from campus due to sexual misconduct will follow the official refund schedule for withdrawals.⁵

J. Transfer Procedures

If the respondent in a sexual misconduct investigation seeks to transfer to another institution during an investigation, SUSLA will withhold the student's transcript until the investigation or

adjudication is complete and a final decision has been rendered. SUSLA will inform the respondent of the institutions obligation to withhold the transcript during the investigation. If the student is found responsible for sexual misconduct and seeks to transfer to another institution, SUSLA is to communicate the violation, when it becomes aware of the student's attempt to transfer, with the institution(s) to which the student seeks to transfer.

K. Retention of Records

The Title IX Coordinator is responsible for maintaining records relating to sexual misconduct reports, investigations and resolutions. All written records associated with the resolution of a complaint pertaining to the formal investigation will be maintained in accordance with all pertinent SUSLA policies and procedures.

3 Supplements the "Emergency Administrative Suspension" provision currently reflected in the SUSLA University Policies and Student Code of Conduct (Revised and Updated: June 2013) at p. 11.

4 Supplements the "Disciplinary Suspension" provision currently reflected in the SUSLA University Policies and Student Code of Conduct (Revised and Updated: June 2013) at p. 11.

5 Supplements the "Disciplinary Expulsion" provision currently reflected in the SUSLA University Policies and Student Code of Conduct (Revised and Updated: June 2013) at p. 11.

L. Confidentiality and Privacy

Generally, it is not confidential when a person reports sexual misconduct. A complainant/victim may make a request for confidentiality/privacy at any point. This type of request means that the Complainant/victim does not want his/her identity known to the Respondent and witnesses, or that the Complainant/victim wishes to withdraw a report. If at any point the Complainant/victim requests privacy, SUSLA will make all reasonable attempts to comply with this request. In situations where a Complainant/victim requests confidentiality/privacy, SUSLA's ability to investigate and respond to the allegations may be limited.

SUSLA is required by Title IX to weigh the complainant/victim's request for confidentiality/privacy within its commitment to provide a reasonably safe and nondiscriminatory environment. The complainant/victim will be notified by a Confidential Advisor if it is determined that SUSLA cannot maintain her/his confidentiality/privacy. The Complainant/victim's identity will be revealed to those individuals who need to know the name of the Complainant in order for an investigation to commence.

In situations where SUSLA becomes aware of a pattern of behavior by a single student or Respondent, it will take all appropriate actions in an attempt to protect the campus from

genderbased misconduct by that individual. If the offender is unknown or is not a member of the campus community, SUSLA staff will assist individuals in identifying appropriate campus resources or local authorities, if that person would like to file a report.

When a report of gender-based sexual misconduct is filed, the complainant/victim, the Respondent and all identified witnesses who are named in the investigation, will be notified of SUSLA's expectation of confidentiality and privacy. SUSLA will make all reasonable efforts to maintain the confidentiality and privacy of parties involved in gender-based sexual misconduct investigations and hearings. Breaches of confidentiality and privacy against the complainant/victim or witnesses and may warrant a separate misconduct hearing.

If a person desires to keep an incident of sexual misconduct confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, person should always consider whether they want to discuss their concerns with a confidential resource. Unless there is an imminent threat to health or safety or other basis for disclosure, confidentiality applies when persons seek services from the following resources:

- **David Raines Community Health Center**

3041 Martin L. King, Jr. Drive
Shreveport, LA 71107
(318) 485-2252

- **Sexual Trauma Awareness & Response (STAR) Center** - www.brstar.org

- **Rape Crisis Agency and Hotline**

The Gingerbread House, 513 Jordan Street, Shreveport, LA

(318) 674-2900 or crisis hotline 1-888-854-2116 - 1-800-656-4673

Disclosures or reports made to any other entities except those listed above are NOT confidential. For example, incidents of sexual misconduct discussed with a supervisor, resident assistant, coach, staff, or faculty member, those persons are "Responsible Employees" and, as such, are obligated pursuant to this policy to report sexual misconduct to the Title IX Coordinator.

M. Amnesty

While SUSLA does not condone underage drinking or violation of any other policies, it considers reporting sexual assault and sexual misconduct to be of paramount importance. To encourage reporting and adjudication of sexual assault and misconduct, SUSLA will extend limited amnesty to students who have been the victim of sexual misconduct.

SUSLA will generally not seek to hold the student responsible for his/her own violations of the law (e.g. underage drinking), or of the SUSLA University Policies and Student Code of Conduct in which he or she may have been involved during the period immediately surrounding the sexual misconduct.

N. Retaliation

Retaliation against any person who alleges a violation of the Gender- Based Sexual Misconduct Policy or who reports or assists SUSLA in the investigation of a complaint under this policy may result in disciplinary action up to and including termination or expulsion by SUSLA. Retaliation against any person who is the Complainant/victim of sexual misconduct is prohibited as well. There will be no retaliation against those who report or assist the SUSLA campus in the investigation of a complaint. Retaliation against the Complainant/victim or witnesses may warrant a separate University judicial process hearing.

P. Freedom of Speech

SUSLA supports an individual's right to freedom of speech as guaranteed by the First Amendment to the United States Constitution. The intent of this Policy is to protect all members affiliated with Louisiana's postsecondary institutions, not to regulate protected speech. Thus, this institution will ensure that their policies and procedures do not infringe on any form of speech or conduct that is protected by the First Amendment.

X. Information and Assistance

The Title IX Coordinator's role is to oversee SUSLA's compliance with Title IX regulation and will:

- A.** Serve as a resource for students wishing to report any acts of sexual misconduct or genderbased discrimination, i.e. violations of Title IX.
- B.** Provide oversight for all Title IX activities and identify patterns, issues or problems regarding sexual misconduct complaints.
- C.** Review and support the informational initiatives enabling students, staff, administrators and faculty to fully understand sexual violence and sexual harassment as forms of sexual discrimination and further educate the SUSLA campus community about all related policies and procedures.
- D.** Conduct all initial investigations of sexual misconduct complaints and issue written copy of findings.

If a student believes that he/she has experienced sexual harassment and/or any form of sexual misconduct, they are strongly encouraged to file a complaint with SUSLA, with the police or with both.

X. Prevention and Awareness Program Strategies

The Office of Counseling Services, in partnership with Human Resources, Residential Life, Student Support Services, University Police and any other office deemed appropriate, along with subject matter specific persons, will present: prevention seminars, forums, and provide brochures throughout the year, or as the need arises, to promote awareness of rape, acquaintance rape, domestic violence, dating violence, stalking, retaliation and other forcible and non-forcible sexual offenses for incoming students and new employees. Additionally, University Police will routinely conduct safety and security programs, self- defense and avoidance courses, i.e. alcohol and drug awareness programs, for students with special attention to those in residential housing.

APPENDIX A - COMPLAINANT'S STATEMENT OF RIGHTS

1. The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith;
2. The right to be treated with respect by University officials;
3. The right of both the Complainant and Respondent to have the same opportunity to have others present (in support or advisory roles) during the University judicial process hearing;
4. The right not to be discouraged by University officials from reporting sexual misconduct offenses to both on-campus and off-campus authorities;
5. The right to be informed of the outcome and sanctions imposed as the result of a University judicial process hearing involving a sexual misconduct offense, usually within forty-eight (48) hours of the end of that hearing;
6. The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by Campus Representatives in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the Complainant/victim's desire;
7. The right to be notified of available counseling, mental health or student services for the Complainant/victim both on campus and in the community;
8. The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the Complainant/victim and if such changes are reasonably available. (No formal complaint, or investigation, campus or criminal, need occur before this option is available.)
Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location if space is available;

- Assistance from University support staff in completing the relocation;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an Incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal; and/or
 - Alternative course completion options.
9. The right not to have irrelevant prior sexual history admitted as evidence in the University judicial process hearing;
 10. The right to make an Impact Statement at the University judicial process hearing and to have that statement considered in determining a sanction;
 11. The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
 12. The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus law enforcement;
 13. The right to appeal the (finding and) sanctions imposed by the SUSLA Office of Assistant Vice Chancellor of Students Affairs, in accordance with the standards for appeal established by the institution;
 14. The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least forty-eight (48) hours prior to the University judicial process hearing;
 15. The right to be informed of the names of all witnesses who will be called to give testimony, usually within forty-eight (48) hours of the University judicial process hearing, except in cases where a witness's identity will not be revealed to the Respondent for compelling safety reasons (this does not include the name of the alleged Complainant/victim, which will always be revealed);
 16. The right to preservation of privacy, to the extent possible and allowed by law;
 17. The right to a hearing closed to the public;
 18. The right to petition that any member of the Hearing Board be removed on the basis of demonstrated bias;
 19. The right to bring a victim advocate or adviser to all phases of the investigation and University judicial process hearing;
 20. The right to give testimony in the University judicial process hearing by means other than being in the same room with the Respondent;
 21. The right to ask the investigator(s) to identify and question relevant witnesses, including expert witnesses;
 22. The right to be fully informed of the University judicial process rules and procedures, as well as the nature and extent of all alleged violations contained within the complaint;
 23. The right to have the University request the presence of student, faculty and staff witnesses, and the opportunity (if desired) to ask questions, directly or indirectly, of witnesses (including the Respondent) and the right to challenge documentary evidence;
 24. The right to be present for all testimony given and evidence presented before the Hearing Board;
 25. The right to have complaints heard by the Hearing Board members and appeal officers who have received annual sexual misconduct training;
 26. The right to have a Hearing Board comprised of representatives of both genders;

27. The right to have University policies and procedures followed without material deviation; 28. The right to be informed in advance of any public release of information regarding the complaint if possible; and
29. The right not to have released to the public any personally identifiable information, without his or her consent.

APPENDIX B - RESPONDENT'S STATEMENT OF RIGHTS

1. The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith;
2. The right to be treated with respect by University officials;
3. The right to be informed of, and have access to, campus resources for medical, counseling and advisory services;
4. The right to be fully informed of the nature, rules and procedures of the University judicial hearing process and to timely receive written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
5. The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
6. The right not to have irrelevant prior sexual history admitted as evidence in the University judicial process;
7. The right to make an Impact Statement during the University judicial process hearing and to have that statement considered in determining a sanction;
8. The right to appeal the finding and sanction of the Hearing Board, in accordance with the standards for appeal established by SUSLA;
9. The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, usually within forty-eight (48) hours prior to the University judicial process hearing;
10. The right to be informed of the names of all witnesses who will be called to give testimony, usually within forty-eight (48) hours of the University judicial process hearing, except in cases where a witness's identity will not be revealed to the Respondent for compelling safety reasons
(this does not include the name of the Complainant/victim, which will always be revealed);
11. The right to a hearing closed to the public;
12. The right to petition that any member of the Hearing Board be removed on the basis of bias;
13. The right to have the Hearing Board request the presence of student, faculty and staff witnesses, and the opportunity to ask questions, directly or indirectly, of witnesses and the right to challenge documentary evidence;
14. The right to have complaints heard and/or appealed by individuals who have received annual sexual misconduct adjudication training;
15. The right to have SUSLA policies and procedures followed without material deviation;
16. The right to have an adviser or advocate accompany and assist in the University judicial process. This advisor can be anyone but the adviser may not take part directly in the hearing itself, though he/she may communicate with the Respondent as necessary;
17. The right to a fundamentally fair hearing, as defined by SUSLA policies and procedures; 18. The right to an outcome based solely on evidence presented during the University judicial process hearing. Such evidence shall be credible, relevant, based in fact, and without prejudice;
19. The right to written notice of the outcome and sanction of the Hearing Board;

20. The right to have the Hearing Board comprised of representatives of both genders; and 21. The right to be informed, in advance when possible, of any public release of information regarding the complaint.

APPENDIX C - FREQUENTLY ASKED QUESTIONS ABOUT THE GENDER-BASED/SEXUAL MISCONDUCT POLICY (TITLE IX)

Some of the most commonly asked questions regarding a Gender-Based/Sexual Misconduct Policy and procedures are summarized below:

❖ **Does information about a complaint remain private?**

The privacy of all parties to a complaint of sexual misconduct must be respected, except insofar as it interferes with SUSLA's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the Complainant/victim or the Respondent may lead to action by SUSLA as it can be viewed as a form of retaliation if being done to malign or impinge a person's character. In all complaints of sexual misconduct, all parties will be informed of the outcome. If there is a report of an act of alleged sexual misconduct to a SUSLA Campus Representative and there is evidence that a felony has occurred, the Southern University Police Department will be notified. This does not mean charges will be automatically filed but that a victim must speak with the police, and the institution is legally required to notify law enforcement authorities. SUSLA must also statistically report the occurrence oncampus major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

❖ **Will my parents be told?**

No, not unless you tell them. Whether you are the Complainant/victim or the Respondent, SUSLA's disciplinary relationship is with the student and not his/her parent(s). University officials will directly inform parents when requested to do so by a student, in a life-threatening situation or if a student has signed a permission form that allows such communication.

❖ **Will the Respondent know my identity?**

Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the Respondent has a right to know the identity of the Complainant/victim. If there is a hearing, SUSLA does provide options for questioning without confrontation, including using a room divider or using separate hearing rooms.

❖ **Do I have to name the perpetrator?**

Yes, if you want formal disciplinary action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint (but you should consult the complete Confidentiality Policy contained in this policy to better understand SUSLA's legal obligations depending on what information you share with different University officials). Complainants should be aware that not identifying the

perpetrator may limit the institution's ability to respond comprehensively but will result in an investigation based on the information provided.

❖ **What do I do if I am accused of sexual misconduct?**

DO NOT contact the Complainant/victim. You may immediately want to contact someone in the campus community who can act as your adviser. You may also contact the Title IX Coordinator who can explain SUSLA's procedures for addressing sexual misconduct complaints. As a Respondent, you will be contacted for an interview by the Title IX Coordinator or his/her designee. You may ask any question you have during this interview. You may also want to talk to a confidential counselor at the SUSLA Counseling Center or seek other community assistance. See below regarding legal representation.

❖ **Will I (as a Complainant/victim) have to pay for counseling/medical care?** Not typically, if SUSLA provides these services already.

❖ **What about legal advice?**

Complainants/victims of criminal sexual misconduct need not retain a private attorney to pursue prosecution because representation will be handled by the East Baton Rouge Parish District Attorney's Office. You may want to retain an attorney if you are the Respondent or are considering filing a civil action. Respondents may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the University judicial process.

❖ **What about changing residence hall rooms?**

If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is typical institutional policy that in emergency room changes, the student is moved to the first available and suitable room. If you want the Respondent to move, and believe that you have been the victim of sexual misconduct, you must be willing to pursue a formal University complaint. No-Contact Directive can be imposed and temporary room changes for the accused student can usually be arranged quickly. Room changes can be accommodated if space is available. Other accommodations available to you might include:

- Assistance from University support staff in completing the relocation.
- Arranging to dissolve a housing contract and pro-rating a refund.
- Assistance with or rescheduling an academic assignment (paper, exams, etc.).
- Taking an Incomplete in a class.
- Assistance with transferring class sections.
- Temporary withdrawal.
- Assistance with alternative course completion options. Other accommodations for safety as necessary.

❖ **What should I do about preserving evidence of a sexual assault?**

Police are in the best position to secure evidence of a crime. Physical evidence of sexual misconduct must be collected from the Complainant/victim's person within one hundred and twenty (120) hours of the alleged incident, although evidence can often be obtained from towels, sheets, clothes, etc., for much longer periods of time. If you believe you

have been a victim of a sexual misconduct, you should go to a hospital emergency room before washing yourself or your clothing.

If a Complainant/victim goes to the hospital, local police will be called, but the victim is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to take any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the Complainant/victim later decide to exercise it.

For the Complainant/Victim: The hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections.

If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence.

You can take a support person with you to the hospital, and the person can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

❖ **Will a Complainant/victim be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?**

Usually not. The severity of the infraction will determine the nature of SUSLA's response, but whenever possible the University will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern and SUSLA does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

❖ **Will the use of drugs or alcohol affect the outcome of a sexual misconduct complaint?**

The use of alcohol and/or drugs by either party will not diminish the Respondent's responsibility. On the other hand, alcohol and/or drug use is likely to affect the Complainant/victim's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint. If the Complainant/victim does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the Respondent without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation of the sexual misconduct policy.

❖ **Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?**

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the current complaint.

❖ **What should I do if I am uncertain about what happened?**

If you believe that you have experienced sexual misconduct, but are unsure of whether it was a violation of SUSLA's sexual misconduct policy, you should contact the SUSLA Title IX Coordinator. The University provides advisers who can help you to define and clarify the event(s), and advise you of your options.