



SOUTHERN UNIVERSITY LAW CENTER
GENDER BASED SEXUAL MISCONDUCT POLICY

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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 Law Center (SULC) 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. These behaviors, when deemed to have occurred, deprive an individual of his or her rights and/or access to an education or to employment, which constitutes a violation of this policy.

Members of the SULC campus community, which includes students, faculty, administrators, guests, and visitors, have the right to be free from sexual misconduct of any type. Therefore, SULC is firmly committed to maintaining a climate of respect and safety for everyone. All members of the SULC 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, SULC’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 SULC’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.

SULC Title IX Coordinator

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II. Jurisdiction

All students, faculty, staff, administrators, affiliates, and others participating in SULC programs and activities are subject to this policy. SULC has jurisdiction over, and will respond to allegations of sexual misconduct occurring, on campus premises, at SULC 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 SULC campus, and which affect the SULC 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; further, affiliates and program participants may be removed from SULC programs and/or prevented from returning to campus.

III. 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.”

IV. 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 of removing the individual/employee from the supervisory or evaluative responsibility or shifting the individual/employee 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 against an employee.

V. 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 an SULC 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 consent, and consent to one form of sexual activity 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 the individual’s 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 intentions, but may be more acute.

Dating Violence: Occurs when one person purposely hurts or scares someone whom 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).

Dating Violence (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.

Dating Violence (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 Abuse (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)

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.

Domestic Violence (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 (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 cohabitating 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: 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.

Judicial Process: Encompasses a series of actions and procedures administered by the SULC Office of Student 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.

Non-Academic Misconduct 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.

Rape: 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 U.S. Department of Education Office for 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: Is engaging, or attempting to engage an individual in one or more of the following sexual actions with or directed against another person:

- a) Sexual penetration without the consent of the other person;
- b) Sexually explicit touching through the use of coercion or where the person is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity; and/or
- c) Sexual penetration through the use of coercion or where the person is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault (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 (Louisiana law):

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

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

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 gender. 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 SULC'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 creates 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 gender-based 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 breasts, 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 breasts, 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.

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.

Standard of Proof: The Department of Education's Office for 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 the hearing body 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 SULC Office of Student Affairs shall carefully consider all of the evidence presented and follow the procedures stated in this policy and the Southern University Law Center 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.

Stalking (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 (Louisiana 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, kidnaping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. RS § 14:40.2(A) "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. RS § 14:40.2(C)

Student: Any person currently or previously enrolled at the SULC campus, 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 SULC. The Title IX Coordinator's role is to oversee SULC's compliance with Title IX regulation and will:

- A. Serve as a resource for students wishing to report any acts of sexual misconduct or gender-based 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 SULC campus community about all related policies and procedures.

- D. Coordinate the investigation of sexual misconduct complaints and issue a written copy of findings.

University: Southern University Law Center (SULC)

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

VI. 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 SULC 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 SULC campus community; or the safety of any of the immediate faculty and/or staff family members of this campus.

VII. Reporting Sexual Misconduct

A. Freedom of Speech

SULC supports an individual's right to freedom of speech as guaranteed by the First Amendment to the United States Constitution. Nothing in this Policy is intended to infringe on any form of speech or conduct that is protected by the First Amendment.

B. General Guidelines for Reporting and Responding to Reports of Sexual Misconduct

a. Complainant May or May Not Choose to Report.

SULC allows 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. Confidentiality

SULC will take all reasonable measures to protect the privacy of the complainant and of the respondent, while promptly investigating and responding to the report. SULC will take appropriate action to maintain the confidentiality of the information reported, which information is subject to privacy requirements of the Family Educational Rights and Privacy Act ("FERPA"), while considering its responsibility to provide a safe and nondiscriminatory environment for students, including the complainant.

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

c. Support Services, including medical and mental health services

Upon receipt of a report of Sexual Misconduct, SULC will immediately provide to complainants and respondents the following: on- and off-campus resources, including but not limited to local advocacy, counseling, health and mental health services, as applicable. These support services will be offered regardless of whether the complainant chooses to formally report the incident.

d. Options for Changing Academic, Transportation and Working Arrangements

SULC will offer assistance to complainants and respondents of Sexual Misconduct, including but not limited to, reasonably available options for changing academic, campus transportation, housing or working situations, as well as honoring lawful protective or temporary restraining orders.

C. Formal Complaint

Any member of the SULC 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 SULC 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 SULC to take appropriate actions under this policy.

D. Reporting

SULC'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.

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

- **SUS Office of Human Resources** – (225) 771 – 2680;
www.sus.edu/humanresources
- **SULC Title IX Coordinator (Michelle Jackson)**– (225) 771 – 2552;
- **SULC Responsible Employees;**
- **SULC Confidential Advisors:**
 - Ms. Felicia Forman – (225) 771-4900
 - Ms. Lena Johnson– (225) 771-4976
 - Ms. Claudette Smith Brown – (225) 771-2315

Sexual misconduct committed by students may also be reported to:

- **SULC Title IX Coordinator (Michelle Jackson)**– (225) 771 – 2552;
- **SULC Responsible Employees;**
- **SULC Confidential Advisors:**
 - Ms. Felicia Forman – (225) 771-4900
 - Ms. Lena Johnson– (225) 771-4976
 - Ms. Claudette Smith Brown – (225) 771-2315
- ***Sexual misconduct, particularly sexual violence, may be a crime. SULC will assist complainants who wish to report sexual misconduct to the Southern University Police Department. The Title IX Coordinator and the designated Confidential Advisors are available to assist students in reporting to SUPD.***
 - **Southern University Police Department** – (225) 771 -2770;
www.subr.edu/supd

E. Responsible Employee

Responsible Employees must promptly notify the Title IX Coordinator of any report of sexual misconduct brought to their attention, including by 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.

The SULC Responsible Employees are:

- John K. Pierre, Chancellor
- Russell Jones, Vice Chancellor for Academic Affairs
- Roederick White, Vice Chancellor for Student Affairs
- Alfreda Diamond, Interim Vice Chancellor for Institutional Accountability
- Berryl Gordon-Thompson, Associate Vice Chancellor for Academic Support & Counseling
- Tavares Walker, Interim Director of Career Services
- Marla Dickerson, Academic Counselor
- Tamiko Chatman, Academic Counselor
- Rahim Smith, Academic Counselor

****FACULTY MEMBERS (OTHER THAN THOSE LISTED ABOVE) ARE NOT RESPONSIBLE EMPLOYEES. ****

F. Confidential Advisors

SULC has designated three confidential advisors.

- **SULC Confidential Advisors:**
 - Ms. Felicia Forman – (225) 771-4900
 - Ms. Lena Johnson– (225) 771-4976
 - Ms. Claudette Smith Brown – (225) 771-2315

The duties of the confidential advisor shall be:

- a. To inform the alleged victim and the alleged respondent of the following:
 - i. The rights of the alleged victim and the alleged respondent under federal and state law and the policies of SULC.
 - ii. The alleged victim's reporting options, including the option to notify SULC, 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 SULC.
 - v. The process of investigation and adjudication of the criminal justice system.
 - vi. The limited jurisdiction, scope, and available sanctions of SULC student disciplinary proceeding, and that it should not be considered a substitute for the criminal justice process.
 - vii. Potential reasonable accommodations that SULC may provide to an alleged victim and an alleged respondent.
 - 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 serve as a liaison between an alleged victim and/or an alleged respondent and SULC or local law enforcement, when directed to do so in writing by an alleged victim or an alleged respondent who has been fully and accurately informed about what procedures shall occur if information is shared, and assist an alleged victim or an alleged respondent in contacting and reporting to a responsible employee or local law enforcement.
- c. To liaise with appropriate staff at SULC to arrange reasonable accommodations through SULC to allow the alleged victim and/or the alleged respondent to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations.
- d. To accompany the alleged victim and the alleged respondent, when requested to do so by the alleged victim and the alleged respondent, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.
- e. To advise the alleged victim and the alleged respondent of, and provide written information regarding, both the alleged victim's and the alleged respondent's

rights and SULC's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by SULC.

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

G. 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 SULC 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 SULC.
- 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 SULC Office Student Affairs and the complaint will be processed under the provisions of the SULC 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 SULC Office

Student Affairs shall provide written notification to the Title IX Coordinator of what action, if any has been taken, including the results of any appeals.

H. Special Complaint Process Provisions

- a) **Attempted violations:** In most circumstances, SULC will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.
- b) **SULC as Complainant:** If the Complainant/Victim does not wish to release his/her name or file charges, then, as necessary, SULC reserves the right to initiate a complaint, to serve as a Complainant and to initiate the Judicial Process without a formal complaint being made by the victim of sexual misconduct.
- c) **False Reports:** SULC will not tolerate intentional false reporting of incidents. It is a violation of SULC Non-Academic 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 SULC 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 Judicial Process because they fear that they themselves may be accused of policy violations. It is in the best interest 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, SULC pursues a policy of assisting victims of crimes and witnesses. Limited immunity is provided from specific policy violations related to the incident.
- e) **Bystander Engagement:** Welfare of SULC students is of paramount importance. At times, students on and off-campus may need assistance. SULC 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. SULC will pursue a policy of limited immunity for students who offer help to others in need.
- f) **Parental Notification:** SULC'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. SULC 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 a 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 SULC's confidentiality of records policies. Moreover, SULC 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 SULC Office of Student Affairs, in writing, without conditions or limitations. However, where the outcome of the University judicial hearing reflects a failure of the Non-Academic Code of Conduct Judiciary Committee to reach a unanimous vote on either responsibility or lack of responsibility, findings of fact will not be included in the decision.
- SULC 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. SULC 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 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.

I. Formal Resolution Procedures for Complaints Against Faculty and Non-Faculty Employees

Title IX complaints filed by students against employees of SULC 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 Southern University Baton Rouge campus at the J.S. Clark Annex Building, 1st Floor.

J. Formal Resolution Procedures for Complaints Against Students

1. Complaints Against Students

- a)** Complaints will be assigned to the Title IX Coordinator, who will assign the investigation to the Title IX Investigatory Committee to 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 Judicial Process is initiated. The SULC Office of Student Affairs, through the Non-Academic Code of Conduct Judiciary Committee, will administer the Judicial Process in accordance with the SULC Judiciary Hearing Protocol and Non-Academic Code of Conduct guidelines.
- b)** Complainants and Respondents have the right to have an adviser of his/her choice present during the 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 Non-Academic Code of Conduct Judiciary Committee will be closed to the public. SULC 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 non-consensual 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 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 Judicial Process whom 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 SULC'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 Non-Academic Code of Conduct Judiciary Committee 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. However, where the outcome of the University judicial hearing reflects a failure of the Non-Academic Code of Conduct Judiciary Committee to reach a unanimous vote on either responsibility or lack of responsibility, findings of fact will not be included in the decision.
- n) Notifications will be sent to the Complainant and Respondent. Other notifications may be sent in order for SULC 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 SULC 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 SULC Non-Academic 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 SULC Non-Academic 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 Non-Academic Code of Conduct Judiciary 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:** An official notification to the student that his/her behavior has been unacceptable. Any further misconduct will result in the imposition of a greater sanction. This sanction is a part of the official record but is removed at the time the student completes his/her requirements for graduation.
- 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 SULC.
- c) **Disciplinary Suspension:** Prohibition from attending and from being present without permission on the property of SULC or any campus of Southern University for the duration of the sanction. The sanction shall not exceed a period of more than two full semesters following the effective date of suspension. If required by the sanction, students who have been suspended must petition for re-enrollment through the Non-Academic Code of Conduct Judiciary Committee.
- d) **Disciplinary Withdrawal:** The privilege of withdrawing from SULC under extenuating circumstances. Conditions may be established for readmission at the time of withdrawal.
- a) **Disciplinary Expulsion:** The action entails involuntary and permanent separation from SULC. 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.
- b) **Other Sanctions:** The Non-Academic Code of Conduct Judiciary Committee may impose any other appropriate sanction, including, but not limited to, restriction of student privileges, restriction on right of access to campus facilities, work fines

and monetary payment for purpose of restitution due to damage or misappropriation of SULC or University property.

K. Transfer Procedures

If the respondent in a sexual misconduct investigation seeks to transfer to another institution during an investigation, SULC will withhold the student's transcript until the investigation or adjudication is complete and a final decision has been rendered. SULC will inform the respondent of the institution's obligation to withhold the transcript during the investigation. If the student is found responsible for sexual misconduct and seeks to transfer to another institution, SULC will 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.

L. 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 SULC policies and procedures.

M. 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, SULC will make all reasonable attempts to comply with this request. In situations where a Complainant/victim requests confidentiality/privacy, SULC's ability to investigate and respond to the allegations may be limited.

SULC is required by Title IX to weigh the complainant/victim's request for confidentiality/privacy within its commitment to provide a reasonably safe and non-discriminatory environment. The complainant/victim will be notified by a Confidential Advisor if it is determined that SULC 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 SULC 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 gender-based misconduct by that individual. If the offender is unknown or is not a member of the campus community, SULC 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 SULC's expectation of confidentiality and privacy. SULC 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 a Confidential Advisor or individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, the individual should always consider whether he/she wants to discuss his or her concerns with a confidential resource. Unless there is an imminent threat to health or safety, or other basis for disclosure, confidentiality applies when individuals seek services from the following resources:

- **SULC Confidential Advisors:**
 - Ms. Felicia Forman – (225) 771-4900
 - Ms. Lena Johnson – (225) 771-4976
 - Ms. Claudette Smith Brown – (225) 771-2315
- **Southern University Counseling Center** – (225) 771 – 2480
- **Southern University Student Health Center** – (225) 771 – 4770
- **Sexual Trauma Awareness & Response (STAR) Center** - www.brstar.org
- **Rape Crisis Hotline** (225) 383-7278 prevention@brstar.org

Disclosures or reports made to any other entities except those listed above are NOT confidential. For example, if incidents of sexual misconduct are discussed with a supervisor 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.

N. Amnesty

While SULC does not condone violation of policies, it considers reporting sexual assault and sexual misconduct to be of paramount importance. To encourage reporting and adjudication of sexual assault and misconduct, SULC will extend limited amnesty to students who have been the victim of sexual misconduct. SULC will generally not seek to hold the student responsible for his/her own violations of the law, or of the SULC Non-Academic Code of Conduct, in which he or she may have been involved during the period immediately surrounding the sexual misconduct.

O. Retaliation

Retaliation against any person who alleges a violation of the Gender- Based Sexual Misconduct Policy or who reports or assists SULC in the investigation of a complaint under this policy may result in disciplinary action up to and including termination or expulsion by SULC. 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 SULC campus in the investigation of a complaint. Retaliation against the Complainant/victim or witnesses may warrant a separate Judicial Process hearing.

VIII. Information and Assistance

SULC’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.

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 SULC (Title IX Coordinator), the police, or with both.

SULC Title IX Coordinator

Michelle A. Jackson, Esq.
P.O. Box 9294
Baton Rouge, LA 70813
Phone: (225) 771-2552
Email:mjackson@sulc.edu

IX. Campus Climate Survey

To adequately assess perceptions and behaviors of Sexual Misconduct on campus, SULC will administer the statewide campus climate survey annually to students. Institutions are required to submit the results of the survey to the Louisiana Board of Regents (BoR) annually, no later than June 15. Efforts will be taken to ensure that the survey avoids known biases regarding the gender and/or sexual orientation of victims and perpetrators of Sexual Misconduct. The statewide survey is intended as a tool for SULC to assess campus safety and to identify vulnerabilities. SULC will supplement the statewide survey as needed by collecting additional information that can be utilized to develop appropriate prevention and intervention strategies.

X. Prevention and Awareness Programs

SULC will annually offer education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction.

(a) Awareness Programs

Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce Sexual Misconduct.

(b) Bystander Intervention

Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of Sexual Misconduct. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

(c) Ongoing Prevention and Awareness Campaigns

Ongoing prevention and awareness campaigns must consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing Sexual Misconduct using a range of strategies with audiences throughout the institution.

(d) Prevention Programs

Primary prevention programs must consist of initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop 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.

(e) Risk Reduction

Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence. Additional options may include designation and publication of “red zones” (i.e., times and places of high incidence of crimes, including sexual violence).

XI. Coordination with Law Enforcement

SULC shall make diligent efforts to enter into Memorandum of Understanding (MOU) with law enforcement and criminal justice agencies in East Baton Rouge parish in accordance with Louisiana ACT 172 or any other applicable state laws. The MOU will provide for joint or shared trauma-informed training specific to assisting sexual assault victims and will be updated every two years.

XII. Institutional Task Force

SULC will establish an institutional task force to address Sexual Misconduct. All student groups will be invited to be represented on the task force through the Student Bar Association.

APPENDIX A

COMPLAINANT'S STATEMENT OF RIGHTS

1. The right not to be discouraged by SULC officials from reporting sexual misconduct offenses to both on-campus and off-campus authorities;
2. 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;
3. The right to be treated with respect by University officials;
4. The right to be informed of, and have access to, campus and community resources for medical, counseling and advisory services;
5. The right to have allegations of sexual misconduct responded to quickly and with sensitivity by campus law enforcement;
6. The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith;
7. The right to be fully informed of the nature, rules and procedures of the Judicial Process;
8. The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
9. 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.
10. The right not to have irrelevant prior sexual history admitted as evidence in the Judicial Process hearing;
11. The right of both the Complainant and Respondent to have the same opportunity to have others present (in support or advisory roles) during the Judicial Process hearing;
12. The right to make an Impact Statement at the Judicial Process hearing and to have that statement considered in determining a sanction;
13. The right to be informed of the outcome and sanctions imposed as the result of a Judicial Process hearing involving a sexual misconduct offense, usually within forty-eight (48) hours of the end of that hearing;

14. 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;
15. The right to appeal the (finding and) sanctions imposed by the SULC Title IX Coordinator, in accordance with the standards for appeal established by the institution;
16. 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 Judicial Process hearing;
17. 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 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);
18. The right to preservation of privacy, to the extent possible and allowed by law;
19. The right to a hearing closed to the public;
20. The right to petition that any member of the Non-Academic Misconduct Judiciary Committee be removed on the basis of demonstrated bias;
21. The right to bring a victim advocate or adviser to all phases of the investigation and Judicial Process hearing;
22. The right to give testimony in the Judicial Process hearing by means other than being in the same room with the Respondent;
23. The right to ask the investigator(s) to identify and question relevant witnesses, including expert witnesses;
24. The right to be fully informed of the Judicial Process rules and procedures, as well as the nature and extent of all alleged violations contained within the complaint;
25. 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;
26. The right to be present for all testimony given and evidence presented before the Non-Academic Misconduct Judiciary Committee;
27. The right to have complaints heard by the Hearing Board members and appeal officers who have received annual sexual misconduct training;
28. The right to have a Non-Academic Misconduct Judiciary Committee comprised of representatives of both genders;
29. The right to have University policies and procedures followed without material deviation;
30. The right to be informed in advance of any public release of information regarding the complaint if possible; and
31. 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 be treated with respect by University officials;
2. The right to be informed of, and have access to, campus and community resources for medical, counseling and advisory services;
3. The right to have allegations of sexual misconduct responded to quickly and with sensitivity by campus law enforcement;
4. The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith;
5. The right to be fully informed of the nature, rules and procedures of the Judicial Process and to timely receive written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
6. The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
7. 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 Respondent and if such changes are reasonably 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;
8. The right not to have irrelevant prior sexual history admitted as evidence in the Judicial Process;
9. The right of both the Complainant and Respondent to have the same opportunity to have others present (in support or advisory roles) during the Judicial Process hearing;
10. The right to make an Impact Statement during the Judicial Process hearing and to have that statement considered in determining a sanction;
11. The right to be informed of the outcome and sanctions imposed as the result of a Judicial Process hearing involving a sexual misconduct offense, usually within forty-eight (48) hours of the end of that hearing;
12. 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;
13. The right to appeal the (finding and) sanctions imposed by the SULC Title IX Coordinator, 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 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 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 Non-Academic Misconduct Judiciary Committee be removed on the basis of demonstrated bias;
19. The right to bring an advocate or adviser to all phases of the investigation and Judicial Process hearing;
20. The right to give testimony in the Judicial Process hearing by means other than being in the same room with the Complainant;
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 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 Complainant) and the right to challenge documentary evidence;
24. The right to be present for all testimony given and evidence presented before the Non-Academic Misconduct Judiciary Committee;
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 Non-Academic Misconduct Judiciary Committee 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 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 SULC'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 SULC 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 an SULC 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. SULC must also statistically report the occurrence on-campus 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, SULC'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, SULC provides 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 SULC'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 SULC'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 SU 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 SULC 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 Judicial Process.

❖ ***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 that 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 that you are wearing as evidence. You can take a support person with you to the hospital, and the person can accompany you throughout 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 SULC'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 SULC 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 SULC's sexual misconduct policy, you should contact the SULC Title IX Coordinator. The University provides advisers who can help you to define and clarify the event(s), and advise you of your options.