



# SEXUAL MISCONDUCT COMPLAINT POLICY

Effective: July 9, 2012

Revised: August 31, 2015

## FORWARD

It is the policy of the University of Louisiana at Monroe that all employees, students, visitors, and authorized users of the University's facilities be able to enjoy a campus environment free from all forms of harassment based upon race, sexual orientation, age, gender, national origin, religion, color, disability, or veteran status.

Politeness and friendliness are virtues that members of the University community seek to demonstrate in their day-to-day interactions. Rude and/or hostile behaviors not only violate the University's tradition of respect for others, but also they undermine rational discourse and interfere with the educational process.

The University of Louisiana at Monroe is committed to offering all employees, students, visitors, and authorized users of University facilities a campus environment free from all forms of sexual misconduct and workplace harassment. No employee (i.e., staff, faculty, or administrator) or student, male or female, should be subjected to unsolicited and unwelcome verbal or physical overtures or conduct. All members of the University community should be treated with dignity and fairness without harassing conduct, which stifles productivity and hampers academic and professional motivation.

The University of Louisiana at Monroe offers education and prevention programs that are intended to prevent and reduce sexual misconduct, prevent violence, promote safety and bystander intervention and reduce risk. These programs include, but are not limited to: awareness programs, bystander intervention, ongoing prevention and awareness campaigns, primary prevention programs and education on risk reduction. The University is committed to providing comprehensive, intentional programming, initiatives, strategies and campaigns.

All students, faculty, staff, administrators, and contracted personnel will be held accountable for compliance with this policy; any violation of this policy may lead to disciplinary action to include suspension or removal. Every member of the University community is hereby apprised that sexual misconduct may subject an individual not only to institutional discipline but also to personal liability. In cases where it is determined that sexual misconduct may have occurred, the University will take appropriate disciplinary action with or without the concurrence of the Complainant.

Further, it is incumbent upon all members of the University community to report documentable instances of sexual misconduct. Failure to do so could result in disciplinary action up to and including suspension or termination. Any person who receives or becomes aware of a complaint of sexual misconduct or other violation of this policy should report the complaint to the Title IX Coordinator as soon as possible (within two work days of being made aware of the violation).

The health, safety, and well-being of students, employees, campus visitors, and authorized users are the University's primary concern. If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance.

**Filing a complaint of harassment, discrimination (including sexual misconduct) and retaliation:**

Employees, students and non-students may file a complaint of harassment, discrimination, sexual misconduct, sexual assault, dating violence, stalking or retaliation 24 hours a day by accessing ULM's on-line "Complaint Reporting Form" for this purpose. This form entitled "Harassment, Discrimination (Including Sexual Misconduct), and Retaliation On-Line Complaint Form" may be accessed on ULM's website using the following link:

<http://www.ulm.edu/titleix>

Alternatively, if the University is open, employees, students and non-students may file a report in person during regular business hours (7:30 a.m. to 5:00 p.m., Monday - Thursday; 7:30 a.m. to 11:30 a.m., Friday) by contacting ULM's Title IX Coordinator:

**Title IX Coordinator**  
**Ms. Treina Landrum**  
**Special Projects Officer and Title IX Coordinator**  
University of Louisiana Monroe  
Library Suite 612  
**Monroe, LA 71209**  
**(318) 342-5215 (office)**  
[landrum@ulm.edu](mailto:landrum@ulm.edu)

Employees, students and non-students may choose to access the assistance of a Confidential Advisor. The following persons are designated Confidential Advisors:

Ms. Karen Foster – ULM Counseling Center (318)342-5220  
Ms. Traci Clark – ULM Counseling Center (318) 342-5220  
Ms. Melanie Clark - The Wellspring (318) 323-1505

In addition, students have on-campus access to medical services, guidance, and support at the ULM Counseling Center (318)342-5220 and the ULM Health Clinic (318) 342- 1651. Both facilities are located at 1140 University Avenue, Monroe, Louisiana, 71209.

Employees, students and non-students may also access assistance 24 hours a day, 7 days a week from the following:

University Police Department:

- 1 -911 emergency; on-campus
- (318) 342-5350, off campus

Local Hospitals:

- Glenwood Regional Medical Center: (318) 329-4200
- St. Francis Medical Center: (318) 966-4000
- University Health Conway: (318) 330-7000

## OVERVIEW AND PURPOSE

This policy covers complaints of alleged sexual misconduct that involve a student or employee either as an alleged perpetrator (Respondent) or as an alleged victim (Complainant). Sexual misconduct, as defined by the University's Sexual Misconduct Complaint Policy ("Policy"), comprises a broad range of behaviors that will not be tolerated in the University's community of trust.

Sexual misconduct violates University policy and federal civil rights law and may also be subject to criminal prosecution. The University is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct, as well as timely and fair resolution of sexual misconduct complaints. Creating a safe environment is the responsibility of all members of the University community.

As a public institution, the University also must provide due process to students or employees accused of alleged sexual misconduct. This Policy is designed to provide a fair process for both parties while ensuring a Complainant's protections under Title IX. Consistent with due process, the Respondent is presumed not responsible until proven otherwise under this Policy.

The University is required and committed to upholding the following federal and state Laws:

Title IX of the 1972 Education Amendments which (i) prohibits discrimination on the basis of sex in educational institutions and (ii) requires colleges and universities receiving federal funding to combat gender-based violence and harassment, and respond to survivors' needs in order to ensure that all students have equal access to education;

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires (i) policies and procedures for sexual assault and (ii) requires timely warning and external reporting of crimes; and

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

ACT 172 of the 2015 Louisiana Legislative Session and any other applicable state laws.

The University is also required and committed to upholding the First Amendment of the United States Constitution. Nothing in this policy is intended to abridge the rights or freedoms guaranteed by the First Amendment.

## DEFINITIONS

**Sexual misconduct:** is a sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent or the persons depicted therein, as well as dating violence, domestic violence and stalking.

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

**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:**

**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 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:** Intentional and repeated following OR harassing that would cause a reasonable person to feel alarmed OR that would cause a reasonable person to suffer emotional distress OR Intentional and repeated uninvited presence at another person's: home, 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 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)

**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)

**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)

**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.

**Dating Violence definition in Louisiana law:** "Dating violence" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C) For purposes of this Section, "dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship.
- (2) The type of relationship.
- (3) The frequency of interaction between the persons involved in the relationship.

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

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

**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.

**Consent:** Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate Consent. Consent must be knowing and voluntary. To give Consent, a person must be of legal age. Assent does not constitute Consent if obtained through Coercion or from an individual whom the Alleged Offender knows or reasonably should know is Incapacitated. The responsibility of obtaining Consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain Consent. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent. A current or previous consensual dating or sexual relationship between the Parties does not itself imply Consent or preclude a finding of responsibility.

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

**Coercion:** is the use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to Consent prior to engaging in sexual activity.

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

**Sexually 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.

**Complainant:** an individual whose report of sexual misconduct has not yet been investigated and validated.

**Victim:** an individual who, after all due investigation and/or adjudication, have been found to be the target of sexual misconduct.

**Respondent:** an individual against whom a sexual misconduct complaint is brought, which complaint has not yet been validated through investigation and/or adjudication.

**Perpetrator:** an individual found guilty of sexual misconduct.

**Confidential Advisors:** individuals designated by the University to serve as confidential advisors who shall, to the extent authorized by law, provide confidential services to students.

**Appeals Committee:** three or four individuals who will be appointed by the University president from a group of trained employees to hear appeals of determinations of complaints regarding sexual harassment. The composition of the Appeals Committee will include full-time faculty and staff employed by the University. The faculty members of the Appeals Committee should be tenured and hold a nine- or twelve-month appointment.

**Clery Act:** the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f) 34 C.F.R. Part 668.46.

**Force:** physical force, violence, threat, intimidation, or coercion.

**Hostile Environment:** environment created by harassment based upon sex or on gender stereotypes which, because it is so severe or pervasive, unreasonably interferes with a person's University employment, academic performance or participation in University programs or activities *and* creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile, or offensive.

**Human Resources Office:** the office of Human Resources, located in Coenen Hall, Room 115.

**Investigators:** the individuals designated by the president to conduct investigations of alleged sexual misconduct, and to determine whether there is good cause to grant a hearing as further described below.

**Preponderance of Evidence:** the information shows that it is "*more likely than not*" that the Respondent violated this Policy.

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

**Sexual 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 contact or penetration.

**Standards of Conduct:** - the University's Standards of Conduct.

**Title IX Coordinator:** - the University employee whose responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of

such complaints.

**University:** the University of Louisiana at Monroe.

## **JURISDICTION**

### **Personal Jurisdiction**

Any person may file a complaint of sexual misconduct against employees, students, visitors, and authorized users of University facilities and/or resources under this Policy. A University student means any student who is registered or enrolled at the University (a) at the time of the alleged sexual misconduct, including sexual misconduct that is alleged to have occurred during any academic recess, provided that there is an expectation of such student's continued enrollment at the University at the time that a formal complaint is delivered to the Investigators.

### **Geographic Jurisdiction**

This Policy applies to any allegation of sexual misconduct that involves a University student or employee regardless of where the alleged sexual misconduct occurred. Although there is no geographical limitation to invoking this Policy, sexual misconduct that is alleged to have occurred at a significant distance from the University may be more difficult to investigate. In addition, with respect to any complaint (a) by a person who is not a member of the University community and (b) relating to conduct that occurs off of the physical property of the University but which is sufficiently related to the University, the University reserves the right to determine, in its sole discretion, whether the conduct described in the complaint constitutes a sufficient risk to the University community to warrant investigating the complaint.

## **TIMING**

### **Timing of Complaints and Availability of Procedures**

If it is determined that there is personal jurisdiction over the student accused of alleged sexual misconduct, there is no time limit to invoking this Policy in responding to complaints of alleged sexual misconduct. Nevertheless, individuals are encouraged to report alleged sexual misconduct immediately in order to maximize the University's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. Failure to promptly report alleged sexual misconduct may result in the loss of relevant evidence and witness testimony and may impair the University's ability to enforce this Policy.

## **RETALIATION AND RELATED MISCONDUCT**

### **Retaliation**

It is a violation of this Policy, as well as state and federal laws, to retaliate against any person making a complaint of sexual misconduct or against any person cooperating in the investigation of any allegation of sexual misconduct, including testifying as a witness. The University will not tolerate any form of retaliation against any employee, student, or others for filing a bona fide complaint under this Policy or for assisting in a complaint investigation. 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. Retaliation should be reported promptly to the Title IX Coordinator and may result in disciplinary action independent of the sanctions or interim measures imposed in response to the underlying allegations of sexual misconduct.

### Other Related Misconduct

In accordance with this Policy, the Title IX Coordinator is empowered to hear allegations of sexual misconduct *and* any violations of the University's Standards of Conduct directly related to the alleged sexual misconduct or any alleged violations of this Policy, as well as to recommend sanctions in response. Such related misconduct may include, without limitation, violations of rules of privacy, violations of University directives, and/or violations of other Standards of Conduct that occurred in the course of the alleged sexual misconduct.

Amnesty Policy: Individuals who participate in the investigation process, whether as parties to the investigation or as witnesses, are expected to provide truthful information in accordance with the University's Standards of Conduct. It is the policy of the University to provide amnesty for any student who reports in good faith, sexual violence. The University shall not sanction the student for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of such a report.

## **CRIMINAL PROCEEDINGS**

### Effect of Criminal Proceedings

Since sexual misconduct may constitute *both* a violation of University policy *and* criminal activity, the University encourages individuals to report alleged sexual misconduct promptly to law enforcement agencies. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are *not* determinative of whether sexual misconduct for purposes of this Policy has occurred. In other words, conduct may constitute sexual misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a complaint of sexual misconduct under this Policy is independent of any criminal investigation or proceeding. Except that the University's investigation may be delayed temporarily while criminal investigators are gathering evidence, the University will not wait for the conclusion of the criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Complainant and the University community as necessary.

Victims of domestic violence, dating violence, sexual assault, or stalking have a right to notify or not notify proper law enforcement authorities, including on-campus and local police and may also opt to be assisted by campus authorities in notifying such authorities if the student or employee so chooses. In the event that incidents which meet the definition of domestic violence, dating violence, sexual assault, or stalking are reported through this complaint policy, additional information will be provided to the Complainant in

accordance with the Clery Act.

## **ROMANTIC RELATIONSHIPS IN POWER DIFFERENTIALS**

The University does not prohibit romantic relationships between: faculty and students, teaching assistants and students, supervisors and subordinates, or employees and students; but such relationships are deemed unwise and inappropriate and therefore are strongly discouraged. Employees and students should be aware that such consensual romantic relationships could lead to charges of misconduct, particularly if these relationships involve a significant power differential, as they place the individuals involved in a working or learning environment which may be uncomfortable or negative.

If a personal relationship should develop between two people with power differentials, anyone with a supervisory or educational responsibility for the employee, faculty member, or student should arrange with his or her supervisor to divest himself/herself of that responsibility. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other students or employees. Further, such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship.

## **ACADEMIC FREEDOM**

It is important to safeguard academic freedom and protect the openness and integrity of the teaching process inside the classroom. As such, it is understood that discussion of certain sexual topics and/or non-sexual touching of students within certain classroom settings may well be professionally appropriate and do not necessarily constitute sexual misconduct. The context of the actions will be considered in determining whether allegations are appropriately addressed under this Policy or another University policy.

## **THE COMPLAINT RESOLUTION PROCESS**

Upon delivery of a complaint to the Title IX Coordinator, the complaint will be reviewed to determine its validity and identify options for possible resolution. All proceedings will be kept confidential to the extent required under state and federal law and to the extent possible under each specific set of circumstances.

### **Informal Resolution**

Introduction: A Complainant who wishes to file a formal complaint but does not wish to pursue Formal Resolution may request a less formal proceeding, known as "Informal Resolution." Although less formal than Formal Resolution, Informal Resolution is an appropriate resolution process; it is not mediation.

Purpose of Informal Resolution: **Informal Resolution is not acceptable for acts of sexual violence or sexual assault.** Informal resolution provides an opportunity for the Complainant to ensure that the Respondent is made aware of his or her complaint by the University. The Title IX Coordinator or delegate will notify the Respondent of the complaint. Additionally, the Complainant can be offered an opportunity to confront the Respondent, if they so wish, in the presence of and facilitated by the Title IX Coordinator and to communicate his or her feelings and perceptions regarding the incident, the impact of the incident, and his or her wishes and expectations regarding protection in the future. The respondent will have an opportunity to respond during this meeting.

Informal Resolution Where Respondent Acknowledges Responsibility: If, during the course of the

Informal Resolution, the Respondent elects to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct, the Title IX Coordinator will propose a sanction(s). If both the Complainant and the Respondent agree to such proposed sanction(s), the complaint will be resolved without any further rights of appeal by either party. If the Respondent fails to agree to the proposed resolution, the Formal Resolution process will be initiated.

Informal Resolution Where Respondent Contests Responsibility: If the Respondent contests the complaint, the Title IX Coordinator may impose temporary remedial measures if determined necessary. Based on information derived from the Informal Resolution proceedings and any other relevant information known to the University at the time of the Informal Resolution, Formal Resolution processes may be initiated.

Temporary Remedial Measures: As early as possible, the Title IX Coordinator will determine whether temporary remedial measures are warranted for the Complainant and/or Respondent. These remedial measures can include reasonably available options for changing academic, campus transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders. If immediate action is required to protect the Complainant, the Title IX Coordinator shall work with the appropriate administrator or administrators to implement such measures.

Advisors: The Complainant and the Respondent may each bring an advisor to the Informal Resolution if desired. This individual can serve in a supportive capacity or may speak on the party's behalf during the resolution meeting. The Title IX Coordinator or delegate will preside over the Informal Resolution and may elect to be assisted by a trained member of the University staff.

Election of Formal Resolution: The University or the Complainant may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate a Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

Privacy of Informal Resolution: In order to promote honest, direct communication, information disclosed during Informal Resolution must remain private while the Informal Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the University.

## **Formal Resolution**

Purpose of Formal Resolution: In the event that Informal Resolution is not utilized or is ineffective in resolving the complaint, a preliminary investigation will be conducted by the Title IX Coordinator as part of the Formal Resolution process. The Title IX Coordinator will determine whether there is sufficient evidence to support the sexual misconduct allegations and will provide the parties with a written decision as to whether there is sufficient evidence to indicate that the allegation of sexual misconduct has merit.

See the "[Sexual Misconduct Formal Complaint Resolution Procedure](#)" for a detailed description of the Formal Complaint process.

Investigation Process: The Title IX Coordinator may transfer the complaint to a different complaint process or may initiate a formal investigation if it is determined that sufficient evidence exists to warrant further investigation. Both the Complainant and the Respondent will receive information from the Title IX

Coordinator in writing relative to any instructions regarding the investigation process to include an

anticipated timeline for completion.

Parties to the complaint are not to conduct their own investigations such as gathering witness statements and evidence but are encouraged to provide any relevant information to the Title IX Coordinator for consideration in the investigation process, including names of potential witnesses. Both parties are encouraged to provide information to the Title IX Coordinator including relevant documents and names of potential witnesses to be contacted by a University appointed investigator.

Timeline: The anticipated timeline to complete such an investigation will depend on the complexity of the investigation and the severity and extent of the harassment. In general it is anticipated that the investigation and determination will be complete within a sixty (60) day period. Cases that involve multiple parties and extenuating circumstances may require a longer duration for completion. The parties will be informed by the Title IX Coordinator if the time period for the investigation extends past the timeline that is initially anticipated.

Determination: The Title IX Coordinator will receive the investigation reports and will make a recommendation regarding a determination that is designed to bring an end to any discriminatory conduct, reasonably prevent its reoccurrence, and remedy any effects on the victim. Both parties will be notified in writing regarding the Title IX Coordinator's determination through the issuance of a *Determination Letter* as well as a *Memorandum Opinion*. Upon written request, either party to the complaint has the opportunity to review the information that was considered by the Investigator at a mutually-agreeable time and location on the University campus as determined by the Title IX Coordinator. In the event the determination is that faculty or employee employment actions should take place, such actions will conform with all required employee/faculty procedures and requirements that are relevant to the particular individual's employment.

Appeal: The Title IX Coordinator's *Determination Letter* can be appealed in writing by either party to the Appeals Committee within seven (7) business days. The Appeals Committee will consider all information generated in the investigation and any additional information provided by either party before rendering a written recommendation to the University president. The president will either uphold or overturn the Title IX Coordinator's determination or put forward a combination thereof.

The Appeals Committee will provide the opportunity for the Complainant and Respondent to appear before the committee to provide a verbal or written statement. The Appeals Committee also may ask either party to provide additional information to the committee.

Advisors: Legal counsel or advisors may be present at this time on behalf of either party. Such counsel may consult privately with and advise the parties during the process but may not directly address the Appeals Committee on behalf of either party. An advisor/legal counsel may not direct questions or comments to the Appeals Committee but may consult with the individual being assisted. Members of the Appeals Committee may ask clarifying questions.

Confidential Advisors: Designated individual who has 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.

The confidential advisor may, as appropriate, serve as a liaison between an alleged victim and the institution or local law enforcement when directed to do so in writing by an alleged victim who has been fully and accurately

informed about what procedures shall occur if information is shared, and assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement. The confidential advisor is authorized to liaise with appropriate staff at the institution to arrange reasonable accommodations through the institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations. (The same accommodations that are offered to the alleged victim may be offered to the accused.) Any requests for accommodations shall not trigger an investigation by the institution. The confidential advisor is authorized to accompany the alleged victim when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings. The confidential advisor is authorized to advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issues by a court of competent jurisdiction or by the institution. The confidential advisor is not be obligated to report crimes to the institution or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law.

Final Determination: The Appeals Committee will generate a report to the University president, who will review the Appeals Committee's report and make a decision regarding the status of the employee or student. This decision may be appealed to the University Of Louisiana System Board Of Supervisors pursuant to any University of Louisiana System Appeals Process that may be in effect.

All written determinations and reports shall comply with Title IX and Clery Act requirements, as well as any other applicable laws and regulations.

Privacy of Formal Resolution: In order to promote honest, direct communication, information disclosed during Formal Resolution must remain private while the Formal Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the University.

**Amendments:**

This policy may be amended in writing by the president or the president's designee at any time.

**Adopted:**

  
\_\_\_\_\_  
Authorizing Agent's Signature

9/3/15  
\_\_\_\_\_  
Date

Nick J. Bruno  
\_\_\_\_\_  
Name

President  
\_\_\_\_\_  
Title