



*Policy Title:*  
**SOUTHERN UNIVERSITY SYSTEM UNIFORM POLICY ON  
POWER-BASED VIOLENCE, SEXUAL MISCONDUCT AND  
TITLE IX**

POLICY NUMBER:  
*12-001*

<b>Responsible Unit:</b> <i>Office of the President-Chancellor</i>	<b>Effective Date:</b> <i>10/15/2021</i>
<b>Responsible Official:</b> <i>System Director of Equity Inclusion and Title IX</i>	<b>Last Reviewed Date:</b> <i>10/14/2020</i>
<b>Policy Classification:</b> <i>Safety and Security Policies</i>	<b>Origination Date:</b> <i>08/2015</i>

**I. POLICY STATEMENT AND RATIONALE**

The Southern University System (SUS) is committed to the highest quality and most impactful educational experiences for all students attending public postsecondary campuses (Campuses) in the state. The inclusion of Power-Based Violence in this uniform policy, promulgated pursuant to Act 472 of the 2021 Regular Legislative Session of the Louisiana Legislature, and sets forth processes and procedures to guide the Southern University System stakeholders in maintaining safety and protection for students and employees.

The Southern University System has established this comprehensive policy to address the reporting of power-based violence in addition to sexual misconduct and Title IX violations on all campuses, the prevention of such violence, communication between campuses regarding incidents of all the aforementioned conducts, and the provision of medical and mental health care for these alleged victims. This policy shall be effective October 15, 2021.

Upon the effective date of this Policy, all campuses shall immediately begin complying with this Policy as well as the institutional grievance procedures, once adopted, under the supervision and control of the Board of Supervisors. All policies and processes shall be posted on institutional websites as required in this Policy. Each Management Board shall ensure that its member campuses' policies comply with applicable federal and state laws and regulations and must be amended to reflect any changes to federal and state laws and regulations.

## **II. NOTICE OF NON-DISCRIMINATION**

The Southern University System forbids discriminating or harassing conduct that is based on an individual's race, color, religion, sex, ethnicity, national origin or ancestry, age, physical or mental disability, sexual orientation, gender identity, gender expression, genetic information, veteran or military status, membership in Uniformed Services, and all other categories protected by applicable state and federal laws. This commitment applies but is not limited to decisions made with respect to hiring and promotion, the administration educational programs and policies, scholarship, and loan programs, and athletic or other College administered programs. Discriminatory acts of any kind are strictly forbidden.

## **III. POLICY SCOPE AND AUDIENCE**

The comprehensive scope of this Policy includes procedures to address both power-based violence (which includes sexual misconduct) and Title IX conduct (see Title IX Formal Grievance Procedures). It outlines procedures mandated by state law and identifies best practices that address both Title IX Conduct and power-based violence which includes sexual misconduct.

This policy applies to all members of the University community, including faculty, staff, students, volunteers, organizations, or any other affiliate that participates in activities associated with a campus within the Southern University System in accordance with federal and state law, including Act 472 of the 2021 Legislative Session of the Louisiana Legislature (Act 472), Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII), the Violence Against Women Act (VAWA), The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and other applicable laws.

In this policy, "Southern University" or "University" refers to all campuses within the Southern University System to include Southern University and A&M College, Southern University Law Center, Southern University at New Orleans, Southern University at Shreveport, and Southern University Agricultural Research Extension Center, and any program or activities sponsored by or under the supervision of any of the campuses.

This policy covers conduct that occurs:

- During university operations
- On campus or any other University owned, leased, controlled, or operated location.
- Within the bounds of the United States.
- At any Southern University sponsored event or organizational activity whether on or off campus; and/or
- Where Southern University exercised substantial control over the respondent in the context of where or how the alleged incident occurred.

Students are responsible for their conduct from notice of admission to the University through the awarding of a degree or departure from the University. Employees are covered by this policy when representing Southern University (or deemed to be a representative of Southern

University) whether before, during or after work. This policy also applies to any person who is both a student and an employee at Southern University.

Anyone subjected to sexual misconduct is encouraged to file a complaint with the campus Title IX Office. Persons who have experienced sexual misconduct are also urged to utilize supportive measures available through the University whether the person(s) who caused the harm is a university community member. Supportive measures are available whether a formal complaint is filed.

There is no time limit for reporting allegations of sexual misconduct, however, the University strongly encourages the prompt reporting of sexual misconduct to allow the University to respond promptly and effectively. If the reported Respondent is not a member of the University community or is no longer associated with the University at the time of the report or at the time a resolution process is initiated, the University may be unable to investigate or take disciplinary action and may be required to dismiss the Formal Complaint for a lack of jurisdiction.

Combined, SUS's and Louisiana's public postsecondary education systems and their Campuses' policies and procedures are intended to ensure that all students impacted by an incident or Formal Complaint of power-based violence receive appropriate support and fair treatment, and that allegations of power-based violence are handled in a prompt, thorough and equitable manner.

This policy is not intended to infringe on or restrict rights guaranteed by the United States Constitution, including free speech under the First Amendment, due processes clauses of the Fifth and Fourteenth Amendments, or the Fourth Amendment.

#### **IV. POLICY COMPLIANCE**

Title IX is a federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits use of federal money to support sex discrimination in education programs and provides individuals protection against such practices. As part of SUS' commitment to maintaining a community free of discrimination, and in compliance with Title IX's mandate, all campuses shall address allegations of power-based violence, including sexual harassment and sexual assault, in a timely and effective manner. Further, campuses will provide resources as needed for affected persons (Reporters, Complainants, Respondents and third parties within a Campus's community), and will not tolerate retaliation against any person who reports or participates in the investigation of alleged power-based violence or sex/gender discrimination.

All campuses subject to this policy shall adopt this policy as its institutional policy in accordance with all applicable laws, this policy, and its campus policy on policies. Each campus Title IX Coordinator is the campus responsible official for implementation of this policy on the campus level.

#### **V. POLICY DEFINITIONS**

For purposes of this Policy, the following terms will have corresponding definitions.

- A. **Actual Knowledge:** Any reasonable information of sexual misconduct or allegations of sexual misconduct provided to a Title IX Coordinator, Deputy Coordinator, or any other Responsible Official. Notice would also include personal observation of such conduct by any employee.
- B. **Advisor:** May be any person the complainant or respondent chooses or appointed by Southern University should the party not select someone. The advisor's function shall be to support and/or consult with the party during any proceeding or meeting under this policy. The advisor may, but is not required to, be an attorney.
  - 1. Participation shall be limited as stated herein.
    - a. The advisor may not act as a spokesperson except:
    - b. During a pre-hearing conference or
    - c. During the Hearing when conducting questioning of the opposing party or witnesses.
  - 2. Once a party shares the identity and contact email address for their advisor, that advisor will be copied on correspondence from Southern University on the case in accordance with the procedures section of this policy. A party may change advisors at any time but must provide notice to the campus Title IX Coordinator.
- C. **Burden of Proof:** refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of the University to satisfy the burden of proof. The Respondent does not have the burden to prove that a violation did not occur. Respondents may decide not to share their side of the story or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. Additionally, Decision-Maker(s) shall not make an adverse inference against a Respondent for the Respondent's refusal to participate in an investigation or hearing, nor will Respondent's refusal to participate result in increased sanctions if the Respondent is found responsible for the violation(s).
- D. **Chancellor:** The chief executive officer of a public postsecondary education Campus.
- E. **Coercion:** The use of express or implied threats, intimidation, or physical force, which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.
- F. **Complainant:** An individual who is alleged to be the victim of behavior that could constitute power-based violence under this policy (or an individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX) irrespective of whether a Formal Complaint has been filed.
- G. **Confidential Advisor:** A person designated by a Campus to provide emergency and ongoing support to students who are alleged victims of power-based violence.

- H. **Consent:** Clear, knowing, and voluntary, demonstrated through mutually understandable words or actions clearly indicating willingness to engage in a specific sexual activity, and any conditions on the activity. It is active, not passive, and silence, absent actions evidencing permission, is not consent. Responsibility for obtaining consent lies with the individual initiating the sexual activity.
1. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent is expressed, the sexual activity must immediately cease. Consent is automatically withdrawn by a person incapable of giving consent. A current or previous consensual intimate relationship between the parties does not itself infer consent or preclude a finding of responsibility.
  2. To give consent, a person must be of legal age. Consent cannot be obtained through coercion, fraud, or from a person who the alleged offender knows or should reasonably know is incapacitated. Use of alcohol or drugs does not diminish the responsibility to obtain consent.
- I. **Decision Maker:** An individual selected by the campus and charged with determining ~~equity~~ for an allegation of power-based violence.
- J. **Disciplinary Sanction:** The penalty imposed on an individual for violating this Policy. For Students, Disciplinary Sanctions are subject to applicable University/System policies, up to and including expulsion from the University. For Employees, Disciplinary Sanctions are subject to applicable collective bargaining agreement or University/System policies, up to and including separation from employment. For Officials or Volunteers, this may include the removal or the request for removal of the Official or Volunteer from their respective position.
- K. **Employee:** An employee is defined as: (a) An administrative officer, official, or employee of the Southern University System; (b) Anyone appointed to the Southern University Board of Supervisors; and/or (c) anyone employed by a foundation or association related to a campus or the Southern University System Management Board. The employee category does not include a student enrolled at a public postsecondary Campus unless the student works for the Campus in a position such as a teaching assistant or residential advisor.
- L. **Final Rule** – The Final Rule issued on May 19, 2020, by the U.S. Department of Education under Title IX of the Education Amendments of 1972.
- M. **Formal Complaint:** A signed document filed by a Complainant or signed by the Title IX Coordinator alleging power-based violence, retaliation, or sexual misconduct against a Respondent and requesting initiation of the process set forth in this Policy to investigate the allegation of sexual misconduct. A third party who knows of or witnessed an incident of power-based violence but who did not suffer such conduct themselves may request that the University treat their third-party Report as a Formal Complaint. At the time of filing, a complainant must be participating in or attempting to participate in an educational program or activity of Southern University.
- N. **Hearing Officer:** Administrative Hearing Officer, Adjudicator, Hearing Officer, or Conduct Board shall mean any person or group given the authority to review and adjudicate disciplinary matters.
- O. **Informal Resolution:** A voluntary process that is separate and distinct from a Campus's investigation and adjudication processes that allows the parties (i.e., Complainant and Respondent) to reach a mutually agreeable resolution.

- P. **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. 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.
- Q. **Investigator:** The Title IX Coordinator or the individual designated by the Title IX Coordinator to perform an investigation under this Policy. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer or Advisor to any Party in the same matter.
- R. **Mandatory Reporter:** An individual who is obligated by law to report any knowledge they may have of power-based violence. For purposes of this Policy, mandatory reporters include Responsible Employees. (See definition of Responsible Employee.)
- S. **Notice of Allegations:** The written notice the Title IX Coordinator is required to provide to the Parties following receipt of a Formal Complaint. See Notice of Allegations section below.
- T. **Notice of Hearing:** The written notice the Director of Student Conduct and Community Standards or other designee is required to provide the Parties prior to the hearing. See Notice of Hearing section below. Notice is the written communication either by mail or E-mail correspondence that provides information to a student. Notice is conclusively presumed to be final when such communication is sent to the student by official University email, and/or mailed to the address appearing on either the student's current local address or permanent address on record with the University at the discretion of SCCS.
- U. **Parties or Party** - A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.
- V. **Power-based Violence:** Any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person, to include the following:
- Dating violence (R.S. 46:2151(C)).
  - Domestic abuse and family violence ([R.S. 46:2121.1\(2\)](#) and [2132\(3\)](#)). For the purpose of this Part, domestic abuse shall also include any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.
  - Nonconsensual observation of another person's sexuality without the other person's consent, including voyeurism ([R.S. 14:283.1](#)), video voyeurism ([R.S. 14:283](#)), nonconsensual disclosure of a private image ([R.S. 14:283.2](#)), and peeping tom activities ([R.S. 14:284](#)).
  - Sexual assault ([R.S. 14:41](#), [42](#) through [43.5](#), [89](#), [89.1](#), and [106](#)).

- Sexual Battery ([14:43.1](#))
  - Misdemeanor sexual battery ([14:43.1.1](#))
  - Second degree sexual battery ([14:43.2](#))
  - Oral sexual battery ([14:43.3](#))
  - Female genital mutilation ([14:43.4](#))
  - Intentional exposure to HIV ([14:43.5](#))
  - Crime against nature ([14:89](#))
  - Aggravated Crime against nature ([14:89.1](#))
  - Obscenity ([14:106](#))
- Sexual exploitation means an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person's sexuality including prostituting another person ([R.S. 14:46.2](#) and [82](#) through [86](#)).
- Human Trafficking ([14:46.2](#))
  - Prostitution ([14:82](#))
  - Prostitution of person under 18 ([14:82.1](#))
  - Purchase of commercial sexual activity ([14:82.2](#))
  - Solicitation for prostitutes ([14:83](#))
  - Inciting prostitution ([14:83.1](#))
  - Promoting prostitution ([14:83.2](#))
  - Prostitution by massage ([14:83.3](#))
  - Sexual massages ([14:83.4](#))
  - Pandering (sexual) ([14:84](#))
  - Letting premises for prostitution ([14:85](#))
  - Enticing persons into prostitution ([14:86](#))
- Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course or academic research.
- Stalking ([R.S. 14:40.2](#)) and cyberstalking ([R.S. 14:40.3](#)).
- Unlawful communications ([R.S. 14:285](#)).
- Unwelcome sexual or sex- or gender-based conduct that is objectively offensive and has a discriminatory intent.

W. **Respondent:** An individual who has been accused in a Report or Formal Complaint of conduct that could constitute power-based violence prohibited under this Policy (or, under the Title IX Grievance policy, an individual alleged to be the perpetrator of conduct that could constitute sexual harassment under Title IX).

X. **Responsible Employee:** An employee who receives a direct statement regarding or witnesses an incident of power-based violence. Responsible Employees do not include an employee designated as a Confidential Advisor pursuant to R.S. 17:3399.15(B) or an employee who has privileged communications with a student as provided by law.

- Y. **Standard of Proof:** Consistent with requirements set forth in the Louisiana Code pertaining to student disciplinary due process requirements, the University will use the preponderance of the evidence standard in investigations of formal complaints alleging sexual misconduct violations under this Policy. This means that the individual(s) charged with making a finding must determine whether it is more likely than not that a violation of the Policy occurred.
- Z. **Student:** Any person: (1) seeking admission to the University through the formal University application process; (2) admitted to the University, (3) eligible to register or schedule for classes, or (4) living in University or University-affiliated residence halls even though they are not enrolled at the University. The term “Student” shall include Employees, Volunteers and Officials where the Employee, Volunteer or Official otherwise meets the enrollment criteria set forth in this definition.
- AA. **System:** A Louisiana public postsecondary management board.
- BB. **System President:** The president of a public postsecondary education system.
- CC. **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Campus’s educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures.
- DD. **Third Party:** refers to any other participant in the process, including a witness to the incident or an individual who makes a Report on behalf of someone else.
- EE. **Title IX Coordinator:** The individual designated by a public postsecondary education campus as the official for coordinating the Campus's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 and Act 472 the 2021 Regular Legislative Session of the Louisiana Legislature.
- FF. **Title IX Grievance Procedure:** A process for addressing and resolving a “Formal Complaint” that satisfies requirements set forth in 34 C.F.R. §106.30. See accompanying Title IX Grievance Procedure for key terms.
- GG. **Title IX Sexual Harassment:** For the purposes of determining whether power-based violence will be treated as a potential violation of Title IX in accordance with the Title IX Grievance Procedure, Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
- HH. **Volunteer:** A recognized volunteer or any individual who represents or acts on



behalf of the university or whose actions may bind the university, regardless of whether the individual receives monetary or other compensation. For purposes of this Policy, employees and officials of recognized affiliated entities, ROTC instructors, visiting professors and unpaid camps and conference personnel will be considered volunteers.

- II. **Witness:** A person who has knowledge related to specific aspects of a case and may have reported such aspects to the campus.

## VI. SAFETY EDUCATION

A healthy and prevention-minded campus culture allows students to learn to the best of their abilities on a safe and nurturing campus. Robust education and training programs for both students and employees are the cornerstone of these efforts and essential to building a culture in which sexual misconduct is rare and both Complainants and Respondents are well supported. Prevention depends on clear and well-communicated guidelines, underpinned by regular education on understanding of sexual misconduct and power-based violence, positive versus harassing behaviors, tools for reporting harassment and adjudicating disputes, and sanctions for violations.

Each campus' Title IX Coordinator is responsible for developing and distributing information to students regarding power-based violence, campus safety, and internet and cell phone safety and online content that is a potential threat to school safety.

The information shall include the following:

1. Instruction on how to identify and prevent power-based violence and how to detect potential threats to school safety exhibited online, including on any social media platform;
2. How to report incidents of power-based violence, crimes on campus, violations of the student code of conduct, and possible threats to campus safety; and
3. Where to find reports regarding campus safety.

The information shall be distributed as part of new student orientation and shall be posted on an easily accessible page of each Campus's website.

This policy requires that for every report of an incident of power-based violence or a safety threat received the actions taken by the campus and the campus law enforcement agency or security officers be documented. The policies shall also provide for guidelines on referring the reports to the appropriate law enforcement agencies.

## VII. RETALIATION PROHIBITION

Retaliation is expressly prohibited under this Policy. Retaliation includes, but is not limited to, intimidation, harassment, threats, or other adverse action or speech against the person who reported the misconduct, the parties, and their witnesses.

The Southern University System campuses prohibit retaliation against anyone who: 1) in good faith reports what they believe is power-based violence, 2) cooperates with an investigation or

proceeding under this Policy, or 3) opposes conduct that they believe to violate this Policy. However, an individual who reports an incident of power-based violence or participates in an investigation or proceeding and has perpetrated or assisted in the perpetration of committing the power-based violence reported, is still subjected to an investigation for a potential violation of this policy and may be subject to disciplinary action

Campuses will not only take steps to prevent retaliation but will also take strong corrective action if it occurs. Anyone who believes they have been retaliated against shall immediately report it to the Title IX Coordinator, who will treat it as a Report. Any individual found to have retaliated against another individual will be in violation of this Policy and will be subject to disciplinary action. Employees who are mandatory reporters (i.e., Responsible Employees) under this Policy are required to report retaliation.

Anyone who knowingly makes a false accusation of unlawful discrimination, harassment, or retaliation of any form will be subject to an investigation for a potential violation of this Policy and may be subject to disciplinary action, up to and potentially including termination for employees and expulsion for students.

## **VIII. DETERMINATION OF APPROPRIATE PROCEDURE & PURVIEW**

The accompanying Title IX Formal Grievance Procedure covers a narrow sub-set of conduct (i.e., Title IX Conduct) that must be addressed under the formal grievance policy required by the U.S. Department of Education under the new Title IX regulations, effective August 14, 2020. When power-based violence meets the criteria specified in the Title IX regulations, the complaint must be addressed under the Title IX Formal Grievance Procedure and not under the Power-Based Violence Policy.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.

Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Title IX applies to schools, local and state educational agencies, and other institutions that receive federal financial assistance from the Department. These recipients include approximately 17,600 local school districts, over 5,000 postsecondary institutions, and charter schools, for-profit schools, libraries, and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories of the United States.

Louisiana State Laws on Power-Based Violence states:

Act 472 of the 2021 Legislative Session of the Louisiana Legislature set forth the mandatory establishments of processes and procedures should an incident reported, fall under the more expansive definition of Power-based violence as defined by this policy. Power-based violence is defined as any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person. (See Section V. Policy Definitions)

Upon Actual Knowledge of a Report of alleged conduct, the Title IX Coordinator shall perform an initial assessment which includes making initial contact with the potential Complainant of the Report and offering the following information:

1. The process for filing a formal complaint;
2. The availability of supportive measures; and
3. The complainant's wishes with respect to filing a complaint or seeking supportive measures

If the initial assessment reveals that the alleged conduct does meet the definition of sexual harassment as contained within the USDOE's Title IX Regulations, the investigation must proceed pursuant to the Title IX Formal Grievance Procedures below. If the alleged conduct does not meet the USDOE's definition of sexual harassment, the investigation will proceed pursuant to the institution's Power-Based Violence Policy or move the complaint to Human Resources for evaluation or to the institution's Student Code of Conduct.

## **IX. REPORTING POWER-BASED VIOLENCE AND TITLE IX**

This policy provides that anyone can report an incident of power-based violence (to include Sexual Misconduct and Title IX Conduct).

A report can be made by any individual who has:

1. Experienced or been affected by power-based violence (i.e., First-Party Reporter);  
or
2. Knowledge of or witnessed power-based violence happening to or affecting someone else (i.e., Third-Party Reporter).

Southern University System strongly encourages all individuals to report incidents of power-based violence even if the individual does not intend to pursue a Formal Complaint. In addition, the Campus shall take prompt action to provide Supportive Measures for the safety and well-being of any affected person as well as the system community.

### **A. Reporting Incidents of Power-Based Violence**

Any individual, including a third party, may make a report concerning sexual misconduct. Complainants and third parties are encouraged to report sexual misconduct as soon as possible to allow the University to respond promptly and effectively.

To make a Report, a reporting individual shall report the incident to the **Title IX Coordinator or Deputy Coordinator**. Campuses are required to make available contact information for the Title IX Coordinator and any Deputy Coordinator(s), as well as methods for reporting power-based violence. Reporting methods may vary slightly by campus but shall include, at a minimum;

1. in-person reporting,
2. reporting by mail, and

3. reporting via email or some other digital format.

The Title IX Coordinator (or designee) and any other University employees with authority to institute corrective measures have authority to report alleged violations of this Policy. Mandated reports to the Title IX Coordinator by Officials, Volunteers and Employees shall not automatically result in corrective measures being instituted. Individuals are encouraged to report sexual misconduct directly to the Title IX Coordinator, through the University's electronic and anonymous reporting systems or by filing a Formal Complaint.

After making a Report, an individual may choose to file or request a Formal Complaint and pursue resolution (under this policy or the Title IX Formal Grievance Procedure, as applicable) or, if applicable, an Informal Resolution involving the Respondent; may choose to be involved or not be involved in a Campus's investigation and any related proceedings; or may choose to end involvement in the process.

The University's Title IX Coordinator is trained to work with individuals who report sexual misconduct and have knowledge about resources and services, both on and off campus, including the availability of Supportive Measures. If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely warning to the community to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant.

**Please Note:** Title IX Coordinators are not a confidential source of support. While they will address matters reported with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. To speak with an individuals designated as having confidentiality, please contact campus Counseling Services.

**Please Also Note:** Making a report is different from filing a Formal Complaint A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator by any person. A report may be accompanied by a request for

1. Supportive Measures
2. no further action
3. filing a Formal Complaint, a request to initiate an informal resolution process; and/or
4. a request to initiate an informal resolution process after filing a Formal Complaint. Filing a Formal Complaint initiates, the University's formal investigation process.

B. Online reporting

Each SUS campus provides an online reporting system to collect anonymous disclosures of incidents of power-based violence and crimes, and track patterns of power-based violence and crimes on campus. The online system shall also include information regarding how to report an incident of power-based violence or crime to a Responsible Employee and law enforcement and how to contact a Confidential Advisor.

C. Mandatory Reporting for Employees

An employee who receives a direct statement regarding or witnesses an incident of power-based violence committed by or against a student is a Responsible Employee (unless they are designated specifically as a Confidential Advisor). A Responsible Employee shall promptly report the incident to the Campus's Title IX Coordinator. (See [Section V.](#) for definition of Responsible Employee.)

A Responsible Employee must report the following to the Title IX Coordinator:

1. The identity of the alleged victim;
2. The identity of the alleged perpetrator;
3. The type of power-based violence or retaliation alleged to have been committed;
4. Any other information about witnesses, location, date, and time that the incident occurred; and
5. Any other relevant information.

However, according to state law a Responsible Employee is not required to make a report if information involving power-based violence was received in the following circumstance:

1. During a public forum or awareness event in which an individual discloses an incident of power-based violence as part of educating others;
2. Disclosure made in the course of academic work consistent with the assignment;  
or
3. Disclosure made indirectly, such as during the overhearing of a conversation.

If an individual chooses to make an initial report to an employee other than the Title IX Coordinator, that employee must refer the information to the Title IX Coordinator because the Title IX Office bears responsibility for responding to reports of power-based violence. Once the information is received by the Title IX Coordinator, it shall constitute a Report.

SUS recommends as a best practice that, if an employee believes an individual may intend to share any information regarding an instance of power-based violence, the employee shall seek to confirm that the reporting party understands the employee's obligations as a mandatory reporter. If the reporting party would prefer to speak with a confidential resource, the employee shall direct the reporting party to a confidential resource. Campuses must provide a list of confidential resources in their policies.

#### D. Confidential and Anonymous Reporting

In accordance with state law, unless waived in writing by the alleged victim, the identity of an alleged victim of an incident reported under R.S. 17:3399.13 is confidential and not subject to disclosure except to:

1. A person employed by or under contract with the Campus to which the report is made, if the disclosure is necessary to conduct the investigation of the report or any related hearings;

2. A law enforcement officer as necessary to conduct a criminal investigation of the report;
3. A person alleged to have perpetrated the incident, to the extent required by law; or
4. A potential witness to the incident as necessary to conduct an investigation of the report.

**Note:** Consistent with FERPA's prohibition on re-disclosure of confidential information, any person who receives another person's confidential information solely as a result of participation in any investigation or proceeding under this Policy is prohibited from using or disclosing such confidential information outside of such forums without express consent or for any improper purpose. This provision only applies to other people's confidential information, as a party is never restricted from discussing their own experience. This provision does not apply to any information learned outside of an investigation or proceeding under this Policy.

An alleged victim shall be advised of the right to seek a Confidential Advisor.

#### E. Administrative Reporting

In accordance with state law, a Campus's Title IX Coordinator, Chancellor, System President, and System Management Board are required to submit summarized reports on power-based violence incidents and to publish those reports on their respective websites.

The campus' Title IX Coordinator and Chancellor are required to submit summarized reports on power-based violence and to publish those reports on the University's website.

Not later than October Tenth (10) and April Tenth (10) of each year, the Title IX Coordinator of the campus shall submit to the Chancellor a written report on the reports received in accordance with the information required in the BOR Policy.

The Title IX Coordinator of the campus shall immediately report to the Chancellor an incident reported to the Title IX Coordinator if the Title IX Coordinator has cause to believe as a result of the incident that the safety of any person is in imminent danger.

The Chancellor of each Campus shall submit a report to the Campus's Management Board and System President within fourteen (14) days of receiving the report from the Title IX Coordinator in accordance with the BOR Policy. The report shall be posted on the Campus's website.

The System President shall submit a system-wide summary report within fourteen (14) days of receiving the reports from the Chancellors to the System Management Board in accordance with the information required by the BOR. The report shall be published on the website of the system.

SUS shall annually submit a report to the Governor, the president of the Senate, the January Fifteenth (15) which shall include the statewide information. The report shall also include any recommendations for legislation. The report shall be published on SUS's website.

**Note:** *Truthfulness*

All participants in the reporting and resolution processes have the responsibility to be truthful with the information they share at all stages of the process. A report of a violation under this Policy is not considered a bad faith report merely because the evidence does not ultimately support the allegation. Individuals are prohibited from knowingly making a false report, filing a false Formal Complaint, or making misrepresentations. If an investigation results in a finding that a person has willfully filed a bad faith report, filed a false Formal Complaint, or made misrepresentations as part of the reporting or resolution process, the person may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy and collective bargaining agreements in the case of Officials, Employees or Volunteers.

F. Employee's Failure to Report or False Reporting

A Responsible Employee who is determined by the Campus's disciplinary procedures to have knowingly failed to make a Report or, with the intent to harm or deceive, made a Report that is knowingly false **shall be terminated**.

G. Student's False Reporting

Any student who knowingly and in bad faith makes a false accusation of power-based violence or retaliation of any form will be subject to an investigation for a potential violation of this Policy and may be subject to disciplinary action.

H. Immunities and Amnesty

An individual acting in good faith who reports or assists in the investigation of a report of an incident of power-based violence, or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident may not be subjected to any disciplinary action by the Campus in which the individual is enrolled or employed for any violation of the Code of Conduct and/or other applicable university policies reasonably related to the incident for which suspension or expulsion from the campus is not a possible punishment.

Immunity shall not apply to an individual who perpetrates or assists in the perpetration of power-based violence.

Each Campus shall provide an amnesty policy for any student who reports, in good faith, power-based violence to the Campus. Such student shall not be sanctioned by the Campus for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of making such a report.

**X. POWER-BASED VIOLENCE GRIEVANCE PROCEDURES**

This Section describes the investigation and resolution process for cases in which the Respondent is a student, employee, and/or both in which the conduct alleged does not fall within the scope of the Title IX Conduct.

Each system Campus shall investigate all Reports of power-based violence reported to the Title IX Coordinator regardless of whether the Report becomes a Formal

Complaint. The investigation and adjudication procedures (if needed) will be prompt, fair, and impartial.

#### A. Initial Contact with Potential Complainant

After receiving a Report of power-based violence, a Campus's Title IX Office will notify the individual who is the alleged victim in the Report of the option to have an Advisor accompany them to any meeting or interview related to the power-based violence process.

In initial contact with a potential Complainant, the Title IX Office shall also:

1. Give the potential Complainant a copy of the relevant policies;
2. Explain the process for filing a Formal Complaint with the Title IX Office;
3. Provide the potential Complainant with information regarding the rights/responsibilities as a party in this matter;
4. Explain the process for investigating and resolving a power-based violence Formal Complaint (including the available appeal procedures);
5. Explain the procedural differences based on Title IX vs power-based violence conduct;
6. Instruct the potential Complainant not to destroy any potentially relevant documentation in any format;
7. Inform the individual of the availability of Supportive Measures with or without the filing of a Formal Complaint;
8. Discuss the potential Complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
9. Explain the prohibition against retaliation; and
10. Communicate necessary details of the report to the campus police department for entry into the Campus's daily crime log.

#### B. Supportive Measures

If the Title IX Coordinator receives notice of alleged power-based violence, whether through online reporting or other reporting methods, the Title IX Coordinator or designee shall contact the Complainant to discuss the availability of Supportive Measures with or without the filing of a Complaint (or Formal Complaint under the Title IX Grievance Procedure) and consider the Complainant's wishes with respect to Supportive Measures. Supportive Measures shall also be made available to the Respondent.

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent regardless of whether a Complaint (or Formal Complaint) has been filed. Such measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus, and other similar measures.



Supportive Measures shall be designed to restore or preserve access to the Campus's education program or activity, including measures designed to protect the safety of all parties and the Campus's educational environment.

#### C. Formal Complaints

If a potential Complainant wishes to pursue an incident of power-based violence beyond simply reporting it, they may file a Formal Complaint. The filing of a Formal Complaint means that the individual is asking a Campus to take further steps, such as a full investigation and possibly an adjudication to resolve the alleged issue. Any Complainant (i.e., an alleged victim or survivor or someone who has otherwise been directly affected by power-based violence) may file a Formal Complaint, and the Campus will treat it as such.

An individual who is alleged to have been subjected to an incident of power-based violence (i.e., a victim or a person who has been directly affected by power-based violence) and subsequently files a Formal Complaint will be referred to as a Complainant.

Any Third-Party Reporter (i.e., someone who has knowledge of or witnessed power-based violence) may request for a Campus to treat their Report as a Formal Complaint, but that request would not make the Third-Party Reporter into a Complainant.

Similarly, the fact that the Title IX Coordinator converts a Report to a Formal Complaint does not make the Title IX Coordinator a Complainant. However, the Title IX Coordinator reserves the right to initiate a Formal Complaint in order to meet a Campus's Title IX obligations to provide a safe and nondiscriminatory environment and if the Campus determines that it must take additional steps to protect the campus community. Depending on the conduct alleged and the location of the incident, a Formal Complaint and subsequent investigation will be governed by either this Policy or the Title IX Formal Grievance Procedure.

#### D. How to File a Formal Complaint

Individuals seeking to file a Formal Complaint may do so with the Title IX Coordinator. Formal Complaints shall be in writing, signed and include all information the individual believes to be relevant (e.g., time, location, and nature of incident, names of individuals involved, witnesses to the incident, names of other persons affected by the incident, etc.).

Individuals seeking to file a Report shall be allowed to submit in electronic form, or in person, whereby the individual can file a Formal Complaint by meeting with the Title IX Coordinator (or Deputy Coordinator) to provide a verbal description of the power-based violence which the Title IX Office will use to draft a written document that the individual will review, verify, and sign to constitute a Formal Complaint.

**Note:** If the Complaint filed satisfies the requirements of a Title IX Formal Complaint as defined by 34 CFR §106.30, the Title IX Office *shall proceed under the Title IX Formal Grievance Procedure.*

#### E. Withdrawal of Formal Complaint

Campuses shall allow for a Complainant to withdraw their Formal Complaint. If a Formal Complaint is withdrawn, the Title IX Office shall assess the information provided and proceed accordingly. Withdrawal of the Formal Complaint shall ordinarily end the Formal Complaint and resolution process. However, the Title IX Office shall reserve the right to proceed with the Formal Complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the Campus's community. In such cases, the Complainant shall be notified immediately of the Campus's decision to proceed.

Individuals seeking to file a Formal Complaint may do so with the Title IX Coordinator. Formal Complaints shall be in writing, signed and include all information the individual believes to be relevant (e.g., time, location, and nature of incident, names of individuals involved, witnesses to the incident, names of other persons affected by the incident, etc.).

Individuals seeking to file a Report shall be allowed to submit in electronic form, or in person, whereby the individual can file a Formal Complaint by meeting with the Title IX Coordinator (or Deputy Coordinator) to provide a verbal description of the power-based violence which the Title IX Office will use to draft a written document that the individual will review, verify, and sign to constitute a Formal Complaint.

**Note:** If the Complaint filed satisfies the requirements of a Title IX Formal Complaint as defined by 34 CFR §106.30, the Title IX Office shall proceed under the Title IX Formal Grievance Procedure.

#### F. Notice to Respondent

The person alleged to have committed power-based violence is called the Respondent. The Respondent shall be notified in writing that a Formal Complaint alleging power-based violence has been filed against them. The Respondent shall be advised that they may have an Adviser accompany them to any meeting or interview related to the investigation and resolution process.

Within seven (7) business days of receiving notice of the Formal Complaint, the Respondent shall arrange to meet with the Title IX Office. The Title IX Office is required to provide the same information that was presented to the Complainant during their initial contact.

After reviewing the Formal Complaint and meeting with the Title IX Office and appropriate decision makers, the Respondent may choose to end the resolution process by accepting responsibility for the conduct alleged in the Formal Complaint. If the Respondent accepts responsibility for the conduct alleged in the Formal Complaint, the appropriate decision makers shall determine the appropriate sanction for the Respondent. If the Respondent disputes the allegations in the Formal Complaint, the matter will proceed to an investigation.

#### G. Investigation Process

The Title IX Office shall designate Investigators specifically trained in power-based violence investigations to conduct a prompt, thorough, and fair investigation. Assigned Investigators shall not be the Title IX Coordinator or the Decision Makers.

The process shall begin with intake meetings conducted by the Title IX Coordinator. The investigation phase shall include interviewing the Complainant or Reporter, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents and evidence.

As a part of the investigation, the Campus shall provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence.

Both Complainants and Respondents shall be advised of the utilization of Advisors throughout the investigation process. Parties shall be advised that Advisors are not permitted to participate directly in Resolution Hearings or Informal Resolution Conferences, except to the extent an Advisor's participation is required during Title IX grievance hearings; they may be present solely to advise or support the party and are prohibited from speaking directly to the Investigator, the power-based violence Adjudicator, other parties, or witnesses.

#### H. Findings and Investigative Report

At the conclusion of the investigation, Investigators shall prepare a report (the "Investigative Report") summarizing and analyzing the relevant facts determined through the investigation, with reference to any supporting documentation or statements. The report shall be delivered to the Title IX Coordinator, who shall analyze the report to ensure that the investigation was prompt, impartial, thorough, and consistent with this Policy. Before the Investigative Report is finalized, the Complainant and Respondent shall be given the opportunity to review one another's statements and may also be provided with a written summary of other information collected during the investigation if the information is requested and the Title IX Office deems it appropriate to disclose.

A Complainant or Respondent shall submit any comments about their own statement, or on any investigation summary that might be provided, to the Investigators within five (5) calendar days after the statement or summary was provided. Following the receipt of any comments submitted, or after the five-day comment period has lapsed without comment, the Investigators shall address any identified factual inaccuracies or misunderstandings, as appropriate.

The final Investigative Report shall provide a summary of the Investigators' impressions, including context for the evidence collected, but shall not make a final determination as to whether a violation of the Power-Based Violence Policy occurred, reserving that decision (and any sanctions) for the appropriate decision maker(s). The parties shall be provided with a copy of the final Investigative Report simultaneously.

#### I. Resolution

##### 1. Informal Resolution

For Formal Complaints with a student Respondent, at the discretion of the Title IX Coordinator, the parties shall be advised of their option to pursue an Informal Resolution as an alternative to a Formal Resolution. An Informal Resolution shall involve a remedies-based, non-judicial process designed to eliminate or address potential power-based violence. This process shall aim to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties. Campuses shall not compel face-to-face confrontation between the parties or participation in any particular form of Informal Resolution.

The Title IX Coordinator shall make an initial decision about whether a case qualifies for an Informal Resolution. If both parties then agree to pursue that path, the Campus will halt any investigation or scheduled Resolution Hearing so that the parties can explore the possibility of Informal Resolution. Participation in an Informal Resolution is voluntary, and either party can request to end the Informal Resolution process at any time and commence or resume the investigation process. If the parties agree to a resolution during an Informal Resolution process, the Title IX Coordinator shall oversee its implementation, the Formal Complaint shall be deemed withdrawn, and the matter shall be terminated. An appeal of the process and its result shall not be permitted. The resolution shall be considered binding, and its breach would give rise to a new Formal Complaint.

## 2. Formal Resolution

Campuses must provide for a process to resolve Formal Complaints. That process shall be delineated in their policy. Campuses shall avoid the “single investigator” or “sole investigator” model and ensure that the Title IX Coordinator and investigator(s) do not serve as the decision-maker(s) for a Formal Complaint.

The formal resolution process is the procedure by which allegations are presented in a formal hearing for a determination as to whether this policy was violated.

### The Investigation

The Title IX Office will designate an investigator(s) to conduct a prompt, thorough, and fair investigation. During the course of the investigation, all parties are allowed to present written statements, identify witnesses, and submit any other relevant evidence. Both parties are allowed to have advisors of their choice. However, parties need to be advised that advisors are not permitted to participate directly in resolution hearings or informal resolution conferences. The advisor may be present solely to advise or support the party and are prohibited from speaking directly to the investigator, the power-based violence adjudicator, other parties, or witnesses.

### The Investigation Report

At the conclusion of the investigation, investigator(s) shall prepare a report (the “investigative report”) summarizing and analyzing the relevant facts determined through the investigation with reference to any supporting documents or statements. The report shall be delivered to the Title IX Coordinator within seven (7) days of the completion of the investigation. The Title IX Coordinator will analyze the report to ensure that the investigation was prompt, impartial, thorough, and consistent with the policy.

Before the investigation report is finalized, the complainant and the respondent will be given the opportunity to review and present any edits, changes, or discrepancies to the report. All changes must be submitted to the investigator(s) within five (5) calendar days after the statement or summary was provided.

Following the five (5) day period or after any comments are submitted, the investigator(s) will address any identified factual inaccuracies or misunderstandings, as appropriate.

The final investigative report will provide a summary of the investigator’s impressions, including context for the evidence collected, but shall not make a final determination as to whether a violation occurred. Both parties shall be provided with a copy of the final investigative report simultaneously.

After the final report is submitted, a hearing panel will be convened to hear the complaint. The hearing panel will consist of three (3) trained members with one member selected by the Title IX Coordinator to serve as the Chair of the hearing committee. The hearing panel will be convened no later than thirty (30) days after the final report has been submitted to both parties unless there are documented circumstances that prevent the hearing from moving forward within that time frame.

### The Hearing

The hearing panel will receive a copy of the final investigative report within seven (7) days before the hearing is to occur.

- Pre-Hearing Conference: A pre-hearing conference shall be coordinated by the campus Title IX Coordinator and chaired by a hearing panel chair. Parties and advisors are encouraged, but not required, to be present.
- This conference shall be conducted at least two business days prior to a scheduled hearing panel and 10 business days post the finalized investigative report being sent to the parties and advisors, if applicable.
- The purpose of the pre-hearing conference shall be to: (1) Identify the panelists and address any objections to members of the panel; (2) Address evidentiary issues or questions to be posed at the hearing (i.e. numbers of witnesses, use of documents, expected length of hearing, etc.); (3) Ensure parties will have advisors available to conduct cross examination and that the advisor is familiar with the hearing process under this policy; (4) Provide a forum to address any questions related to the hearing panel

process and procedures.

- Hearing Panel: The panel shall consist of one chair and two other campus employees trained in adjudication. It shall afford each party an opportunity to present evidence and question opposing parties and witnesses.
- Advisors: The parties are permitted to be represented by an advisor. If a party does not have an advisor at the hearing, one shall be provided by Southern University at no cost to the party. The advisor may be, but is not required to be, an attorney. The advisor is the only person who may conduct direct or cross examination on behalf of a complainant or respondent.
- Direct and Cross Examination:
  - At the hearing, the questioning of witnesses or opposing parties must be conducted directly, orally and in real time by the party's advisor and never by a party personally.
  - Each party's advisor will be permitted to ask the other party and any witness's relevant questions and follow-up questions, including those challenging credibility.
  - Only questions relevant to determining the veracity of the allegations will be allowed.
  - Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant, unless: (1) offered to prove that someone other than the respondent committed the conduct alleged in the complaint, (2) concern specific incidents of the complainant's prior sexual behavior with respondent and are offered to prove consent.
  - The panel chair will have the sole authority to determine whether the question is relevant and whether it will be permitted. The chair must explain any decision to exclude a question as not relevant.
- Failure to Appear/Answer: The Panel cannot draw an inference about the determination regarding responsibility based solely on: (1) A party's or witness's absence from the hearing or (2) Refusal to answer questions. However, the panel can consider any evidence even if not presented at the live hearing. This evidence can include prior interview statements, written reports, or any other relevant evidence available in the case.
- Deliberations
  - The panel shall deliberate in closed session with only panelists present.
  - The panel shall make a finding of responsible, not responsible, or insufficient evidence based on the preponderance of the evidence.
  - Upon reaching a decision, the panel will invite the parties and advisors to return to hear of the panel's finding regarding responsibility for a violation of this policy.
  - If the respondent is found in violation, the panel shall move to address sanctions.

## J. Sanctions

Each campus shall describe the range of sanctions for employees and students.

1. If the respondent is found responsible, the panel may choose to hear from the parties or ask questions of the parties in evaluating possible sanctions. Prior conduct history of the respondent will be considered in sanctioning.
2. Upon reaching a sanctioning decision, the panel will share with the parties and advisors any sanctions imposed. The panel will prepare and provide to the campus Title IX Coordinator, within five business days of the hearing, a written determination which must include;
  - Identification of the allegations constituting sexual misconduct;
  - A description of the procedural steps taken from receipt of the formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, evidence gathered, and hearings held;
  - Findings of fact supporting the determination;
  - Conclusions regarding the application of the policy to the facts;
  - A statement explaining the sanction for each policy violation found “responsible”;
  - Whether additional remedies designed to restore or preserve equal access will be provided by Southern University to the complainant.
3. The campus Title IX Coordinator is responsible for effective implementation of any remedies and sharing of outcomes. The written determination prepared by the panel chair shall be shared electronically by the campus Title IX Coordinator with the parties and advisors within 3 business days of receipt from the panel chair.
4. The determination regarding responsibility and sanctions becomes final either:
  - If appealed, the date written notice is provided to the parties of the appeal result, or
  - If not appealed, the date on which an appeal would no longer be considered timely.
5. An audio or audiovisual recording, or transcript, shall be created and available to the parties for inspection and review.

#### K. Possible Corrective Actions

1. Students found responsible for violating this policy may expect the range of sanctions to include, but not be limited to, disciplinary probation, deferred suspension, suspension, expulsion, psychological assessment, counseling, social restrictions, limited presence on campus, revocation of admission. Additional sanctions may also be imposed when appropriate.
2. An employee found responsible for violating this policy may expect the range of sanctions to include, but not be limited to, suspension, administrative leave, demotion, psychological assessment, counseling, restricted presence on campus or termination of employment.
3. Both the Complainant and Respondent will be informed of the outcome of any corrective action or disciplinary process.

## **XI. POWER-BASED VIOLENCE PROCEDURE FOR APPEALS**

Any party may appeal a hearing panel determination, a dismissal of a complaint or an emergency dismissal. Appeals shall only be raised on one or more of the following grounds:

- a. a procedural irregularity that affected the outcome of the matter;
- b. to consider new facts or information that were not known or knowable to the appealing party before or during the time of the resolution and that are sufficient to alter the decision;
- c. the Title IX Coordinator, Investigator, or Adjudicator(s) had a conflict of interest or bias that affected the outcome of the matter;
- d. the decision reached was not supported by a preponderance of evidence; or
- e. the sanctions were disproportionate to the findings.

Written Notice of Appeal shall be forwarded to the campus Title IX Coordinator within ten business days of email notification of the hearing panel decision, any dismissal of the claim or after an emergency dismissal. The Notice of Appeal shall contain the following information:

- Name of the complainant and respondent;
- A copy of the hearing panel outcome report or any written documentation of the decision;

As to all appeals the campus shall, at a minimum:

- Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;
- Ensure the decision maker(s) for the appeal is/are not the same individual(s) who reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;
- Give both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome;
- Issue a written decision describing the result of the appeal and the rationale for the result; and
- Provide a written decision simultaneously to both parties.

The Associate Vice Chancellor of Equity, Inclusion and Title IX on each campus or if no such person exists on the campus, the System Executive Director of Compliance and Ethics, or designee, (herein referred to as reviewer) shall, within ten business days of notice, review the Notice of Appeal and determine if grounds for appeal exist. If no grounds for appeal exist, the designee shall notify the parties and advisors and close the file. If grounds for appeal exist, the reviewer shall:

- Determine scope of review;



- Notify the parties of the scope of review; and
- Provide the parties five days to challenge for conflict of interest or bias. (The General Counsel, or designee in conjunction with the respective campus Title IX Coordinator will determine if cause exists to excuse the System Executive Director of Compliance and Ethics, or designee.)

The campus Title IX Coordinator shall forward the appellate record to the reviewer within five business days. The record shall include, but is not limited to:

- All evidence introduced at the hearing;
- Any pre-hearing determinations from the hearing officer;
- The written findings of the hearing panel; and
- The recording or transcript of the formal hearing.

Within ten business days of receipt of the record, reviewer shall consider the appellate record, render a written decision including finding and rationale and forward to the campus Title IX Coordinator. The reviewer may;

- Uphold the Hearing Panel outcome; or
- Modify the Hearing Panel outcome for responsibility and/or sanctions; or
- Overturn the Hearing Panel outcome and remand for a new hearing.

The reviewer, or designee shall notify the respective campus Title IX Coordinator who shall then notify the parties and advisors within two business days of receipt of the decision.

Appeal decisions are final. In the event of remand for rehearing, the subsequent hearing panel outcome may be appealed in accordance with the provisions herein. Any appeal right exercised under this policy shall complete the process.

For a transferring student for whom a final decision has been rendered, and the student has been found to be responsible for power-based violence, the notation on the transcript shall read: "STUDENT FOUND RESPONSIBLE IN VIOLATION OF CODE OF CONDUCT".

## **XII. TRANSCRIPT WITHHOLDING, NOTATION, AND COMMUNICATION**

In accordance with state law, the Southern University System has implemented a transcript notation and communication policy to effectuate communication regarding the transfer of a student who is the subject of a power-based violence Formal Complaint or who has been found responsible for an incident of power-based violence pursuant to an Institution's investigative and adjudication process. The following Section(s), which include procedures relative to the withholding or notation of transcripts during the investigative and adjudication processes, were developed by BOR in consultation with the System Management Boards.

### **A. Withholding Student Transcripts**

Upon the filing of a Formal Complaint, the University shall place an administrative hold on the transcript of a student who is the subject of the Formal Complaint. For a

student who is the subject of a power-based violence Formal Complaint that also constitutes sexual harassment under Title IX, the Institution should commence an investigation and place a notation on the student's transcript, rather than withholding the transcript.

When a student transcript is withheld, the institution to which the student seeks to transfer ("Receiving Institution") must make a timely inquiry directed to the Institution from which the student seeks to transfer ("Sending Institution") regarding the purpose of the transcript hold. Upon such an inquiry, the Sending Institution must timely disclose appropriate and factual information, consistent with the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

The transcript hold shall be released upon the determination that the student is not responsible for power-based violence, or the transferring student prevails in a request to appeal the withholding of a transcript or notation pursuant to this policy, whichever occurs first.

#### B. Notating Student Transcripts

For any student who is the subject of a power-based violence Formal Complaint that also constitutes sexual harassment under Title IX, the Sending Institution should commence an investigation and place a notation on the student's transcript, rather than withholding the transcript. The notation on the transcript shall read: **"ADMINISTRATIVE MATTER PENDING"** or other notation sufficient to place the Receiving Institution on notice and trigger an inquiry regarding the notation directed to the Sending Institution.

For a transferring student for whom a final decision has been rendered, and the student has been found to be responsible for power-based violence, the notation on the transcript shall read: **"STUDENT FOUND RESPONSIBLE IN VIOLATION OF CODE OF CONDUCT"** or other notation sufficient to place the Receiving Institution on notice and trigger an inquiry regarding the notation directed to the Sending Institution.

When a student transcript is notated as described above, the Receiving Institution must make a timely inquiry directed to the Sending Institution regarding the purpose of the transcript notation. Upon such an inquiry, the Sending Institution must timely disclose appropriate and factual information, consistent with the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

For a transferring student found to be responsible for power-based violence, the Sending Institution will determine how long the notation will remain on the student's transcript.

If a student is not found responsible, the Sending Institution must remove the notation and must send an updated version of the student's transcript to the Receiving Institution (if known).

#### C. Withholding and Notation Appeals Process

A student whose transcript has been withheld or notated as described above may request a release of the hold or an expungement of the notation for good cause shown. Cause may include, but is not limited to, when (1) a student who transferred while under investigation was found not responsible or (2) a student was initially found responsible and later evidence showed that the student was in fact not responsible. In the second instance, an Institution must send an updated version of the student's transcript.

Such request shall be submitted in writing to the appropriate decision makers, to be designated by the Institution. The Institution shall notify the requesting student of its decision no later than seven (7) business days from the date that the appeal request is made.

### **XIII. RIGHTS OF COMPLAINANT AND RESPONDENT**

Reports and Formal Complaints are different, and any individual has a right to make a report of sexual misconduct to the University, which may be accompanied by a request for Supportive Measures. An individual also has a right to make a Formal Complaint of sexual misconduct, which is a request to initiate the University's informal resolution process or a formal disciplinary process, which includes an investigation and may proceed to a hearing.

- A. Both the complainant and the respondent have EQUAL rights as defined by the following actions:
- To be treated with dignity and respect by Southern University officials;
  - To take advantage of supportive measures;
  - To receive timely notice of proceedings, processes, and outcomes under this policy;
  - To have an advisor present at any meeting or hearing under this policy;
  - To refuse to engage in informal resolution of a complaint;
  - To present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
  - To receive amnesty for certain student misconduct, such as drug or alcohol violations, that occurred ancillary to the complaint at hand and consistent with this policy;
  - To be free from retaliation for reporting violations of this policy or cooperating with an investigation;
  - To be informed in writing of the outcome or resolution of the complaint, any sanctions, and the rationale for the outcome, where permissible;
  - To exercise a right of appeal as afforded in this policy.

- To file civil actions in court or with administrative agencies.
- B. The complainant shall have the right to at all times decide if or when to file a complaint, report to law enforcement, and determine whether to proceed with a complaint, at the individual's discretion.

Prior to the conclusion of a sexual misconduct investigation, the Complainant may request to withdraw the Formal Complaint by contacting the Title IX Coordinator/designee in The Title IX Coordinator/designee will determine whether to close the case or conclude the investigation without the Complainant's continued participation.

- C. The respondent shall have the right to be presumed not responsible of all allegations until found responsible for the alleged conduct by a hearing panel under this policy.

The form of the investigation may vary depending on whether the alleged conduct falls within the scope of power-based violence/sexual misconduct or Title IX Conduct. If the alleged power-based violence satisfies the USDOE's definition of Title IX sexual harassment (i.e., Title IX Conduct), the Title IX Coordinator shall ensure investigation and adjudication of the allegation pursuant to the Title IX Formal Grievance Procedure. However, if the alleged conduct does not satisfy the USDOE's definition of Title IX Sexual Harassment, the Title IX Coordinator will refer to the part of this Policy that addresses SUS's best practices, outlined in the Sections below.

Following an investigation, the Title IX Coordinator has authority to resolve a Report, including the implementation of any Supportive Measures, and shall close the case if the Report does not constitute or become a Formal Complaint.

#### **XIV. MISCELLANEOUS PROVISIONS**

- A. **Title IX Coordinators:** The System President has designated the System Director for Equity Inclusion, and Title IX, who shall oversee, on all Southern University campuses, the implementation, enforcement, and coordination of Title IX policies and procedures. Each campus Chancellor shall designate, a campus Title IX Coordinator to oversee on-campus Title IX compliance for their respective campus that reports directly to the Chancellor. Campuses may appoint Deputy Title IX Coordinator(s) to assist the Title IX Campus Coordinator in their duties. A listing of campus designees must be found on the campus Title IX webpage.

The Chancellor shall also designate a Deputy Title IX Coordinator for Athletics. In consultation with the Chancellors and Athletic Directors for each campus, this individual will monitor sports equity, including offerings, participation, and scholarships on all campuses for Title IX compliance. Complaints, supportive measures, or other concerns related to issues of sexual misconduct involving student athletes or Athletics personnel (other than those involving sports equity) shall be addressed in accordance with this policy.

B. **Confidentiality:** Southern University shall maintain the confidentiality; as permitted by FERPA, required by law, or to carry out the purposes of any proceeding arising under this policy; of any individual under this policy who:

- Has made a report or complaint;
- Has been named as a perpetrator;
- Has been named as a respondent; or
- Has been named as a witness.

Southern University may be required to disclose information on a need-to-know basis in order to properly address a complaint, when there is a threat to others, pursuant to subpoena, or other court or administrative order, or as may be required by applicable law. Violations of confidentiality or privacy by any other persons involved in the resolution, investigation, or administration of the complaint, including any employee, faculty, staff, or student may result in disciplinary or corrective action.

C. **Preemption:** To the extent a conflict exists between State or local law and Title IX, the obligation to comply with Title IX is not obviated or alleviated by any State or local law. To the extent other Southern University or campus-based policies may conflict with this policy, the provisions of this policy shall supersede and govern.

D. **Task Force:** Each campus shall establish a task force to address sexual misconduct. Each task force shall invite student members to be represented through their respective student government body or other student organizations. The Task Force shall be chaired.

E. **Campus Climate Survey:** Each campus shall administer a Campus Climate Survey every three years (2022-2023, 2025-2026, etc.) to assess the knowledge, perceptions and behaviors of its students, faculty, and staff regarding sexual misconduct. Each campus is encouraged to supplement the statewide survey with additional information specific to its unique characteristics that may assist in preventing sexual misconduct and administering strategies dealing with sexual misconduct. The annual Campus Climate Survey shall be submitted to the System Director for Equity Inclusion and Title IX by June 1 of each year the survey is required.

F. **Sex Crimes Data Report:** By **February Fifteenth (15)** of each year, each Campus's campus police department shall submit a report containing the information required to the System President, the Campus's Chancellor, and the Campus's Title IX Coordinator. The System Director for Equity, Inclusion, and Title IX shall ensure the report is posted on the Campus's website.

G. **Record Keeping:** Records created or received under this policy will be maintained for seven (7) years from the date each case is closed. The following shall be kept as a part of the record:

- Each investigation including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript of a hearing;

- Any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to Southern University's education program or activity;
- Any appeal and result therefrom;
- Any informal resolution and result therefrom;
- All materials used to train campus Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process; and
- Records of any actions, including supportive measures, taken in response to a report or formal complaint.

## **XV. MEMORANDUM OF UNDERSTANDING**

Southern University System and law enforcement and criminal justice agency located within the parish of each campuses, including the campus policedepartment, if any, the local district attorney's office, and any law enforcement agency with criminal jurisdiction over the campus, shall enter into and maintain a written memorandum of understanding (MOU) to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about power-based violence committed by or against students of the Campus. This MOU must be signed by all parties and shall include:

- A. Delineation and sharing protocols of investigative responsibilities;
- B. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
- C. Agreed-upon training and requirements for the parties to the MOU on issues related to power-based violence for the purposes of sharing information and coordinating training to the extent possible;
- D. A method of sharing general information about power-based violence occurring within the jurisdiction of the parties to the MOU in order to improve campus safety; and
- E. A requirement that the local law enforcement agency include information on its police report regarding the status of the alleged victim as a student at a Campus.

Each executed MOU shall be reviewed annually by each Campus's Chancellor, Title IX Coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

Nothing in this Section or any MOU shall be construed as prohibiting an alleged victim or Responsible Employee from making a Formal Complaint to both the Campus and a law enforcement agency).

## **XVI. POLICY RELATED INFORMATION**

- A. *United States Department of Education, Office of Civil Rights:*

- Title IX Regulations Addressing Sexual Harassment (Unofficial Copy)  
<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>
- Title IX: Fact Sheet: Final Title IX Regulations  
<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-fact-sheet.pdf>
- Title IX: Summary of Major Provisions of the Department of Education's Title IX Final Rule  
<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>
- Title IX: Summary of Major Provisions of the Department of Education's Title IX Final Rule and Comparison to the NPRM  
<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-comparison.pdf>
- Title IX Regulations Addressing Sexual Harassment (Length: 01:11:29) 05/06/2020  
<https://www.youtube.com/watch?v=TdfT5R8ibm4&feature=youtu.be>

**B. Louisiana Board of Regents' Uniform Policy on Power-Based Violence:**

- [https://regents.la.gov/wp-content/uploads/2021/08/BOR-POLICY-ON-POWER-BASED-VIOLENCE\\_-1.pdf](https://regents.la.gov/wp-content/uploads/2021/08/BOR-POLICY-ON-POWER-BASED-VIOLENCE_-1.pdf)

**XVII. POLICY HISTORY AND REVIEW CYCLE**

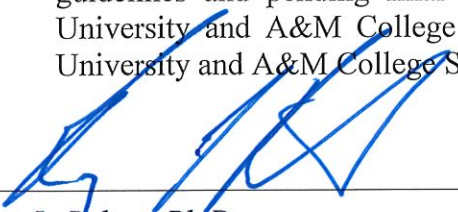
This is an existing policy that has been modified pursuant to federal guidance and regulations. This policy was created in August 2015, amended on August 14, 2020, and October 15, 2021. This policy is subject to a five-year policy review cycle or as needed by legislative or regulatory changes.

**XVIII. POLICY URL(s)**

- *Southern University System Uniform Title IX policies and procedures*  
<http://www.sus.edu/page/su-board-policies>
- *Southern University and A&M College Title IX website (include SUAREC & SULAB)*  
<http://www.subr.edu/subhome/64>
- *Southern University Law Center Title IX website*  
<http://www.sulc.edu/page/title-ix-policies-procedures>
- *Southern University at New Orleans Title IX website*  
<http://www.suno.edu/page/title-ix>
- *Southern University at Shreveport Title IX website*  
<http://www.susla.edu/page/title-ix>

**XIX. POLICY APPROVAL**

The effective date of this policy October 15, 2021, pursuant to federal and state guidelines and pending final approval of the President-Chancellor of the Southern University and A&M College System and the Board of Supervisors of the Southern University and A&M College System.

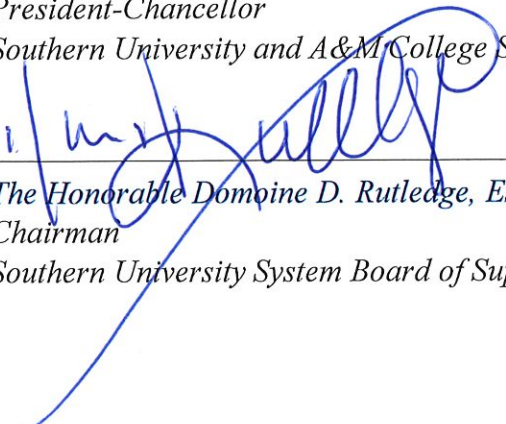


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*Ray L. Belton, Ph.D.*  
*President-Chancellor*  
*Southern University and A&M College System*

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*10/22/21*  
*Effective Date of Policy*



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*The Honorable Domoine D. Rutledge, Esq.*  
*Chairman*  
*Southern University System Board of Supervisors*

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*10/22/21*  
*Effective Date of Policy*