

---

# *Title IX Policy & Procedures*

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding. Title IX is a powerful tool for students who want to combat gender-based discrimination at school and on university campuses. Under Title IX, discrimination on the basis of sex includes sexual harassment, rape, and sexual assault.

## **BACKGROUND ON THE TITLE IX RULES:**

Key provisions of the Department of Education's Title IX regulation:

- Defines sexual harassment to include sexual assault, dating violence, domestic violence, and stalking, as unlawful discrimination on the basis of sex
- Provides a consistent, legally sound framework on which survivors, the accused, and schools can rely
- Requires schools to offer clear, accessible options for any person to report sexual harassment
- Empowers survivors to make decisions about how a school responds to incidents of sexual harassment
  - Requires schools to offer survivors supportive measures, such as class or dorm reassignments or no- contact orders
  - Holds colleges responsible for off-campus sexual harassment at houses owned or under the control of school-sanctioned fraternities and sororities
  - Restores fairness on college and university campuses by upholding a student's right to written notice of allegations, the right to an advisor, and the right to submit, cross-examine, and challenge evidence at a live hearing
  - Shields survivors from having to come face-to-face with the accused during a hearing and from answering questions posed personally by the accused
  - Requires schools to select one of two standards of evidence, the preponderance of the evidence standard or the clear and convincing evidence standard, and to apply the selected standard evenly to proceedings for all students and employees, including faculty
  - Provides "rape shield" protections and ensures survivors are not required to divulge any medical, psychological, or similar privileged records
- Requires schools to offer an equal right of appeal for both parties to a Title IX proceeding
- Gives schools flexibility to use technology to conduct Title IX investigations and hearings remotely
  - Protects students and faculty by prohibiting schools from using Title IX in a manner that deprives students and faculty of rights guaranteed by the First Amendment

Louisiana Christian University is committed to responsibly investigating all discrimination and harassment as outlined by Title IX. To do this, the Title IX Committee/committee adheres to the following rubric:

Investigation:	Thorough, Reliable, Impartial
Process:	Prompt, Effective, Equitable
Remedy:	End the Discrimination, prevent its Recurrence, Remedy the effects upon the victim & community

Below outlines information about LCU's sexual harassment policy and the associated grievance procedures is distributed as part of the University's compliance with Title IX and can be found in the student handbook.

### **WHAT IS SEXUAL HARASSMENT?**

Louisiana Christian University is committed to providing an environment that is free of sexual harassment. In keeping with this commitment, federal and state laws, and biblical standards, the University will not tolerate any form of sexual harassment.

#### **Sexual harassment is defined as:**

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or status in a course, program, or activity.
- Submission or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual; or such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from an education program or activity.

#### **Examples of Sexual Harassment:**

- Sexual advances, physical or implied, or direct propositions of a sexual nature.
  - A pattern of conduct, which can be subtle in nature, which has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliating another.

### **WHAT TO DO?**

If the incident(s) involve sexual assault or rape, immediately contact the Pineville Police Dept., at 318-442- 6603. Such crimes are also considered sexual harassment and as such may be reported under LCU's Policy on Harassment.

If students experience, observe, hear about, or believe someone has been sexually harassed in any way, they should make a report of the facts of the incident(s) in a timely manner:

- If the accused is a LCU employee, students should contact the Director of Human Resources at 318-487-7051.
- If the accused is a student, contact either the Title IX-Committee/committee or a reporting official listed at the conclusion of this policy under Campus Contacts. Students may report to any administrator or faculty/staff member (coach, Student Life personnel, etc.) on campus and those persons will move the information where it needs to go.

The University will not tolerate sexual harassment of its students and will investigate all allegations of sexual harassment. Where sexual harassment is found, steps will be taken to end it immediately.

Students who, in good faith, report what they believe to be sexual harassment, or who cooperate in any investigation, will not be subject to retaliation.

Any student who believes he/she has been the victim of retaliation for reporting sexual harassment or cooperating in an investigation should immediately contact the Title IX Committee/committee.

## WHAT TO EXPECT

- Any student who is a victim of sexual harassment can request assistance from Student Affairs of Louisiana Christian University.
- In dealing with sexual harassment and rape on campus, LCU strongly encourages the full prosecution of all local, state and federal laws.
- Victims should contact the Pineville Police Department by dialing 911 from a campus telephone. Victims may also choose to report the incident to Mr. John Dauzat, Director or any Campus Security at 318-308-6505 or 7233 from a campus telephone. LCU, in accordance with University policy, will file all necessary documents with the Pineville Police Department upon receiving a complaint of sexual assault.

## ADDITIONAL RESOURCES

Rapides Regional Medical Center 318-769-3000

Family Justice Center of Central Louisiana

**318-448-0884**

STAR Agency <https://star.ngo/> 1.855.435.7827

## Additional Campus Contacts

- |                                                                  |                              |
|------------------------------------------------------------------|------------------------------|
| • Title IX Committee                                             | 318-487-7597 or 318-487-7327 |
| • Dr. Mark Johnson, <i>President</i>                             | 318-487-7769                 |
| • Dr. Henry Robertson, <i>Vice President of Academic Affairs</i> | 318-487-7601                 |

• Mrs. Evelyn Dean, <i>CFO</i>	7=7318-487-7132 318-487-7597
• Dean Brian Manuel, <i>Dean of Students</i>	318-487-7154
• Mr. Zac Johnson, <i>Director of Residence Life</i>	318-487-7015
• Chief John Dauzat, <i>Director of Security &amp; Operations</i>	318-487-7138
• Mrs. KB Thomas, Executive <i>Director of Student Life</i>	318-487-7135 or 318-487-7291
• Dr. Joshua Dara, <i>Legal Affairs &amp; Special Projects</i>	318-487-7503
• Coach Reni Mason, <i>VP of Intercollegiate Athletics</i>	318-487-7750
• Ms. Janet Sanders, <i>Committee of Health Services</i>	318-487-7420
• Ms. Amy Dufrene, <i>Director of Mental Health Counseling &amp; FYE</i>	318-487-7302
• Dr. Victory Lindo-Lemons, <i>Dean, Dean of the School of Education</i>	318-487-7103
• Dr. Christine Reese, <i>Dean, Dean of the School of Humanities &amp; Social Sciences</i>	318-487-7243
• Dr. Justin Langford, <i>Dean, School of Christian Studies</i>	318-487-7147
• Drs. Shaina Goudea and Amelia Davis,, <i>Deans of the Saunders School of Nursing and the School of Allied Health</i>	318-487-7130
• Dr. Theo Chaisson <i>Interim Dean of the School of Sciences, Computing, and Artificial Intelligence</i>	

#### Title IX Committee 2025-2026

- Brian Manuel, Dean of students
- Barbara Cockerham, Music
- Adrienne Martin, CATS
- Brittany Salloum, Athletics
- Jasmine McWilliams, Registrar's Office
- John Dauzat, Director Safety and Security

#### Policy on "Who to Report To"

The University encourages individuals who have experienced Prohibited Sexual Conduct to talk about what happened so they can get the support they need and so the University can respond appropriately. This policy section identifies University employees who are authorized to receive reports, their roles, and their ability to maintain an individual's confidentiality. See that list above.

#### Responsible Employees Policy

A Responsible Employee is an University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably

believe has this authority or duty. When an individual tells a Responsible Employee about an incident of sexual violence, the individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A Responsible Employee must report to the Title IX Committee all relevant details about the alleged Prohibited Sexual Conduct shared by the individual, including the names of the individual who allegedly experienced Prohibited Sexual Conduct and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University's response to the report.

A Responsible Employee must report to the Title IX Committee all relevant details about the alleged Prohibited Sexual Conduct shared by the individual, including the names of the individual who allegedly experienced Prohibited Sexual Conduct and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University's response to the report.

*The following individuals are the University's Responsible Employees:*

- President Dr. Mark Johnson
- Title IX Committee members listed above
- Dean Brian Manuel, Dean of Students
- Dr. Joshua Dara, Special Assistant to the President for Legal Affairs & Special Projects
- Dr. Henry Robertson, VPAA
- Coach Reni Mason, Vice President of Collegiate Athletics
- Ms. Janet Sanders, RN, Director of Health Services
- Chief John Dauzat, Director of Safety and Security
- Amy S. Dufrene, LPC-S, NCC, BC-TMH, Director of Mental Health & First-Year Experience

#### Other Mandatory Reporters Policy

In addition to Responsible Employees, it is mandatory that all University employees (other than the Confidential Resources listed below) report Prohibited Sexual Conduct to the Title IX Committee, the individual's supervisor, or another Responsible Employee.

#### Confidential Reporting Resources Policy

Some individuals on and off the University are required to maintain near complete confidentiality. Talking to these individuals is sometimes called a privileged communication. The trained professionals designated below can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a patient/client (including whether that individual has received services) without the individual's express, written permission unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).

### Confidential Advisors Policy

Pursuant to La. R.S. 17:3399.15, no later than the beginning of the 2016-2017 academic year, the University shall designate Confidential Advisors. Contact information for the Confidential Advisors will be provided at that time on the University's website. Those individuals designated as Confidential Advisors shall complete online training developed by the Attorney General in collaboration with the OCR and LA Board of Regents.

The Confidential Advisor shall inform the Complainant of the following:

- Their rights under federal and state law, as well as University Policy;
- Reporting options and potential outcomes;
- Investigation and disciplinary/adjudication proceedings of the University and the criminal justice system;
- Potential accommodations; and
- Emergency response options.

The Confidential Advisor may liaise with the University on behalf of the Complainant, as appropriate. In addition, the Confidential Advisor may accompany the Complainant through various proceedings in the Investigation. The Confidential Advisor shall 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.

### Policy on How to Report

The University encourages all individuals, whether a Complainant, witness, or third party, to promptly report Prohibited Sexual Conduct directly to the Title IX Committee, the Office of the Dean of Students, or the LCU Department of Safety and Security or any mandatory reporter. After normal business hours, individuals are encouraged to report incidents of Prohibited Sexual Conduct to the LCU Department of Safety and Security. The reporting options are the same whether the reporter is a Complainant, a witness, third party, or other individual. In an emergency the person should call 911.

The University recognizes that deciding whether to make a report and choosing how to proceed are personal decisions that may evolve over time. At the time a report is made, a Complainant does not have to decide whether to request any particular course of action. Through a coordinated effort, staff from the offices listed below provide support to assist each individual in making these important decisions, and consistent with the goal of safety for all community members, will make every effort to respect an individual's autonomy in making the determination as to how to proceed. Any individual can also make a report to external law enforcement agencies, including those listed below. If a report is made to the police, the University and the police may share information under certain circumstances.

### **REPORTING (NOT ANONYMOUS)**

On Campus Reporting Options for University Action under the Policy Off Campus Reporting Options for External Law Enforcement Action

- 911 (for emergencies)
- Office of Student Support Services 318-487-7134  
1140 College Drive Pineville, LA 71359
- Pineville Police Department 318-442-6603

910 Main Street, Pineville, LA 71360

- LCU Department of Safety and Security 318-487-7233 or 318-308-6505

400 Cross Street, Pineville, LA 71359

- Rapides Parish Sheriff's Office 318-473-6700

701 Murray Street, Alexandria, LA 71301

### Anonymous Reporting Policy

Any individual may make a report of Prohibited Sexual Conduct to the University without disclosing his or her name and without identifying Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, LCU's ability to respond to an anonymous report may be limited. These reports will be referred to the Title IX Committee.

## **REPORTING CONSIDERATIONS**

### Timeliness and Location of Incident Policy

All individuals, including a Complainant, witness, or third party, are encouraged to report Prohibited Sexual Conduct regardless of when or where it occurred, as soon as possible to maximize the ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. If Respondent is no longer a student at the time of the report, or if the conduct did not occur on campus, in the context of an education program or activity of the University, or have continuing adverse effects on campus or in an off-campus education program or activity, the University may not be able to fully investigate nor take disciplinary action against Respondent. In each instance, the University will still provide any fair and reasonable support and resources to a Complainant designed to end the Prohibited Sexual Conduct, prevent its recurrence, and address its effects. The Title IX Committee will also help a Complainant identify external reporting options.

### Amnesty Policy

Any individual, including a Complainant, witness, or third party, who makes a report, will not be subject to disciplinary action by the University for his/her, personal consumption of alcohol or other drugs at or near the time of the incident.

## **PROCEDURE FOR RESOLUTION POLICY**

### Initial Assessment Policy

When a report is made, the Title IX Committee will conduct an Initial Assessment. The Initial Assessment will determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct.

### Preliminary Meeting Policy

The first step of the Initial Assessment will usually be a preliminary meeting between Complainant and the Title IX Committee or designee to gather facts that will enable the Title IX Committee to:

- Assess the nature and circumstances of the allegation;
- Address any immediate concerns about the physical safety and emotional well-being of the Complainant and Respondent;

- If the conduct is criminal in nature, notify Complainant of the option to notify law enforcement;
- Provide Complainant with information about:
  - On and off campus resources, including the availability of medical treatment to address any physical and mental health concerns, including counseling and support, and to preserve evidence, whether or not
  - Complainant chooses to make an official report or participate in the institutional disciplinary or criminal process;
  - The available range of Interim Protective Measures; and
  - Procedural options, including Voluntary Resolution, Investigation, and Appeal.
- Discuss Complainant's expressed preference for manner of resolution and any barriers to proceeding;
- Explain the University's policy prohibiting Retaliation;
- Explain the role of the Support Person and Advisor;
- Assess potential pattern evidence or other similar conduct

#### Requests for Confidentiality or No Formal Action Policy

Where a Complainant requests that his/her name or other identifiable information not be shared with Respondent or that no formal action be taken, the Title IX Committee will balance this request against the following factors in reaching a determination whether the request can be honored:

- The nature and scope of the alleged conduct;
- The respective ages and roles of Complainant and Respondent;
- The risk posed to any individual or to the campus community;
- Whether there have been other reports of misconduct by Respondent;
- Whether the report reveals a pattern of misconduct at a given location or by a particular group;
- Complainant's wish to pursue disciplinary action;
- Whether the University possesses other means to obtain relevant evidence;
- Considerations of fundamental fairness and due process with respect to Respondent should the course of action include disciplinary action against Respondent;
- The University's obligation to provide a safe and non-discriminatory environment.

Where possible based on the facts, circumstances, and the factors listed above, the Title IX Committee will seek action consistent with Complainant's expressed preference for manner of resolution, recognizing that the University must move forward with cases. LCU's ability to fully investigate and respond to a report may be limited if Complainant requests that their name not be disclosed to Respondent or declines to participate in an Investigation.

#### Determination of Resolution Route

At the conclusion of the Initial Assessment, the Title IX Committee will determine the appropriate resolution route. Resolution may include: (1) no further action; (2) Voluntary Resolution; or (3) the initiation of an Investigation that may lead to disciplinary action.

Regardless of the manner of resolution, a Respondent may choose to accept responsibility at any stage in the process.

#### Nondisclosure Policy



The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of proceedings under this Policy.

### Voluntary Resolution Policy

Voluntary Resolution is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of Complainant and the safety and welfare of the campus community. Voluntary Resolution does not involve an Investigation or disciplinary action against a Respondent and is not appropriate for all forms of conduct under the Policy.

If a Complainant requests Voluntary Resolution, and the Title IX Committee concludes that Voluntary Resolution is appropriate based on the Initial Assessment, the Title IX Committee will take appropriate action designed to protect Complainant's access to employment, educational, and extracurricular opportunities and benefits at the University. A Complainant may request and decide to pursue Voluntary Resolution at any time. In those cases in which the Voluntary Resolution involves either notification to or participation by Respondent, it is Respondent's decision whether to accept Voluntary Resolution.

Voluntary Resolution may include the following: establishing Interim Protective Measures; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting between Respondent and Complainant (in cases that do not involve Sexual Assault); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. In some forms of Voluntary Resolution, the remedies will focus on supporting Complainant with no participation or involvement by Respondent. In other forms of Voluntary Resolution, Respondent may agree to participate. Depending on the remedy employed, it may be possible for a Complainant to maintain anonymity.

Voluntary Resolution may also include the option to allow a Respondent to accept responsibility for misconduct and acknowledge harm to Complainant or to the University community.

As the title implies, participation in Voluntary Resolution is a choice, and either party can request to withdraw and pursue an Investigation at any time, including if Voluntary Resolution is unsuccessful. Similarly, a Complainant can request to end an Investigation and pursue Voluntary Resolution at any time. Either party may request Interim Protective Measures regardless of whether any particular course of action is sought.

Voluntary Resolution is not mediation. Mediation is never appropriate in Sexual Misconduct cases.

### Investigation Policy

Following the Initial Assessment, and in consultation with Complainant, the University will initiate a prompt, thorough, and impartial Investigation of conduct that is a potential violation of the Policy and is not being addressed through Voluntary Resolution. The Title IX Committee will designate an investigator(s) who has training and experience investigating allegations of Prohibited Sexual Conduct. The investigator will coordinate the gathering of information to make an Investigative finding regarding whether the alleged conduct constitutes a violation of the Policy by a preponderance of the evidence. A preponderance of the evidence means that it is more likely than not that the conduct occurred.

Information gathered during the Investigation will be used to evaluate the appropriate course of action, provide for individual and campus safety, and identify the need for additional Interim Protective Measures and other remedies to eliminate the alleged conduct and to address its effects.

### Time Frame for Resolution Policy

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the Investigation and resolution, the Title IX Committee seeks to resolve all reports within one academic semester, depending on when the report is received. In general, an Investigation will typically last up to sixty (60) days, from the date the Title IX Committee determines there is sufficient information to determine if the allegation raises a potential violation of this Policy and that Investigation is the appropriate route for Resolution. This

time frame does not include Appeals. The Title IX Committee may set reasonable time frames for required actions under the Policy. Time frames may be extended for good cause to ensure the integrity and completeness of the Investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, Complainant, or Respondent, account for University breaks, or address other legitimate issues, including the complexity of the Investigation and the severity and extent of the alleged conduct. Complainant and Respondent will be given periodic status updates throughout the process. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

### Investigative Process Policy

- After the Title IX Committee initiates an Investigation, the investigator will notify Complainant and Respondent of the Investigation, which constitutes a formal charge. The notification will include a summary of the allegation or conduct at issue, the range of potential violations under the Policy, and the range of potential sanctions. Once the notification has been made to Complainant and Respondent, the Investigation phase begins.
- Upon notification, or at any stage in the process, Respondent may choose to accept responsibility for the Policy violation. Even if Respondent accepts responsibility for the Policy violation, the investigator may continue the Investigation as necessary to determine appropriate sanction(s).
- The investigator will also inform Complainant and Respondent that they have the ability to challenge the investigator based on an actual conflict of interest, bias, or lack of impartiality. Any such challenge must be submitted in writing to the Title IX Committee within three (3) business days of the notification. The challenge must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. Failure to timely object eliminates the possibility of any later appeal or objection based on the assertion that the investigator had a conflict of interest, was biased, or lacked impartiality.
- The Title IX Committee will oversee the Investigation by the investigator. The Investigation is designed to provide a fair and reliable gathering of the facts by a trained and impartial investigator. All individuals, including Complainant, Respondent, and any third party witnesses, will be treated with appropriate sensitivity and respect throughout the Investigation. The Investigation will safeguard the privacy of the individuals involved in a manner consistent with federal law and University policy.
- During the Investigation, Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. The investigator will speak separately with Complainant, Respondent, and other individuals willing to participate and who have relevant information. As part of the Investigation, the investigator may gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged incident on Complainant and Respondent. The investigator will gather any available physical or documentary evidence, including prior statements by Complainant, Respondent, or witnesses, any communications between the Complainant and Respondent, email messages, social media messages, text messages, and other records as appropriate and available. In the event Respondent declines to participate in proceedings or withdraws from the University, the Investigation and Appeal may proceed without Respondent. A Respondent that withdraws from the University prior to a finding will not be eligible to return to the University until the proceedings under the Policy have been finally concluded.
- If a Respondent accused of Sexual Misconduct seeks to transfer to another institution during an Investigation, the University shall withhold the Respondent's transcript until such Investigation or adjudication is complete and a final decision has been made. The University shall inform the Respondent of the University's obligation to withhold the transcript during the Investigation.
- At any meeting or proceeding related to the resolution of an allegation under the Policy, Complainant or Respondent may have a Support Person and/or an Advisor present. The Support Person and/or Advisor may not be otherwise a party or witness involved in the Investigation or proceedings. A party's inclusion of a Support Person or Advisor is at the sole initiative and expense of the party.

- Once chosen by a Complainant or Respondent to serve as an Advisor, at the discretion of the Title IX Committee or investigator, the Advisor may be required to meet with the Title IX Committee in advance of any attendance of any activity related to the Investigation to understand the expectations of the role, privacy considerations, and appropriate decorum.
- The University, its officials, Title IX Committee, and investigator will at all times only communicate directly with Complainant and Respondent even if he/she authorizes the Advisor to receive information on his/her behalf. It is the party's responsibility to communicate and share information with his/her Advisor. Where the University is made aware that there is a concurrent criminal investigation, the Title IX Committee will coordinate with law enforcement so that any University processes do not interfere with the integrity or the timing of the law enforcement investigation. At the request of law enforcement, the University may agree to defer the fact-finding portion of its Investigation until after the initial stages of a criminal investigation. The Title IX Committee will nevertheless communicate with Complainant and Respondent regarding resources and accommodations, procedural options, anticipated timing, and the implementation of any necessary Interim Protective Measures for the safety and well-being of all affected individuals.
- All community members, including students, faculty, and staff, are expected to cooperate with the Title IX Committee and investigator in the Investigation, as well as any Appeal, to assure fairness and procedural due process. The Title IX Committee may request the appearance of persons from the University community who can provide relevant evidence. Both a Complainant and a Respondent may decline to participate in proceedings under the Policy.

#### Relevance and Special Considerations Policy

The investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility and may exclude information in preparing the Investigation Report if the information is irrelevant, immaterial, or more prejudicial than informative. The investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not exclude direct observations or reasonable inferences drawn from the facts.

#### Character Evidence Policy

Character evidence is information that does not directly relate to the facts at issue, but instead, reflects upon the reputation, personality, qualities, or habits of an individual. In general, information regarding the character of Complainant, Respondent, or any witness is not relevant to the determination of whether there is a Policy violation.

#### Prior Sexual History Policy

Questioning about Complainant's sexual history with anyone other than Respondent should not be permitted. Further, the University recognizes that the mere fact of a current or previous consensual dating or sexual relationship between Complainant and Respondent does not itself imply Consent or preclude a finding of a violation of the Policy.

#### Consultation of Other Administrative Units Policy

In reaching these determinations, the investigator will consult with other administrative units with information relevant to the Investigation. The investigator may also seek information from the Office of Student Support Services and the Office of the Dean of Students regarding prior disciplinary history and the LCU Department of Safety and Security regarding prior criminal history.

#### Consolidation of Reports Policy

At the discretion of the University, multiple reports may be consolidated in one Investigation if the information related to each incident would be relevant and probative in reaching a determination on the other incident. This

includes, but is not limited to, matters where the evidence of the other conduct is inextricably intertwined with Prohibited Sexual Conduct under the Policy. Matters may also be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct involving the same parties that would otherwise have been heard under the Student Code of Conduct (provided that it does not delay the prompt resolution of determinations of violations of this Policy).

#### Review of Draft Investigation Report Policy

At the conclusion of the Investigation, the investigator will prepare a written report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between Complainant and Respondent with any supporting information or accounts, and includes an Investigative Finding regarding whether a Policy violation occurred. However, at the discretion of the investigator and based on the circumstances, before the report is finalized Complainant and Respondent may be given the opportunity to review a draft Investigation Report, which will not include the Investigative Finding, and may be presented in redacted format. Complainant and Respondent will not receive an electronic or written copy, nor may they photograph or copy the draft Investigation Report.

If allowed to view the draft Investigation Report, Complainant and Respondent may submit any additional comment or information to the investigator within five (5) business days of the date of the notice of the opportunity to review the draft Investigation Report. This is the final opportunity for Complainant and Respondent to identify any additional information or witnesses prior to an Investigative Finding. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator either at this juncture or prior to the conclusion of the Investigation will not be considered by the investigator or Appeal Panel.

#### Investigative Finding Policy

Upon the conclusion of the Investigation, the investigator will make an Investigative Finding, by a preponderance of the evidence, regarding whether a Policy violation occurred.

#### Sanctions Policy

In keeping with LCU's commitment to foster an environment that is safe, inclusive, and free of Prohibited Sexual Conduct, the Policy provides the Title IX Committee with wide latitude in the imposition of sanctions tailored to the facts and circumstances of each violation of the Policy, the impact of the Prohibited Sexual Conduct on Complainant and surrounding community, and accountability for Respondent. The imposition of sanctions is designed to eliminate Prohibited Sexual Conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal and state obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components, including suspension or expulsion.

The Title IX Committee, in concert with the investigator, is responsible for determining the appropriate sanction(s).

In determining appropriate sanction(s), the following factors shall be considered:

- The nature and violence of the conduct at issue;
- The impact of the conduct on Complainant;
- The impact or implications of the conduct on the University community;
- Prior misconduct by Respondent, including Respondent's relevant prior discipline history, both at the University or elsewhere, including criminal convictions;
- Whether Respondent has accepted responsibility for the conduct;
- Maintenance of a safe and respectful environment conducive to learning; and

- Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

Restorative outcomes may also be considered that, taking into account the safety of the University community as a whole, allow Respondent to develop insight about his/her responsibility for the behavior, learn about the impact of the behavior on Complainant and the community, and identify how to prevent or change the behavior.

Sanctions may be imposed individually or in combination.

Furthermore, if the Respondent is found responsible for sexually oriented criminal offenses upon the completion of such Investigation and/or adjudication and seeks to transfer to another institution, the University is required to communicate such a violation, when the University becomes aware of the Respondent's attempt to transfer, with the institution(s) to which the Respondent seeks to transfer or has transferred.

### Remedies Policy

The Title IX Committee may identify short and long-term or permanent remedies to address the effects of the conduct on Complainant and ensure there are no barriers to Complainant's ability to benefit from the University's employment or educational opportunities. Such remedies should seek to restore to Complainant, to the extent possible, all benefits and opportunities lost as a result of the Prohibited Sexual Conduct. The Title IX Committee will also identify remedies to address the effects of the conduct on the University community, such as conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; and any other remedy that can be tailored to the campus community to achieve the goals of the Policy. The Title IX Committee will consider the appropriateness of remedies, including Protective Measures, on an ongoing basis to assure the safety and well-being of the parties throughout the process. Long-term remedies may include extending or making permanent any Interim Protective Measures or implementing additional measures tailored to achieve the goals of the Policy. Many of the remedies and supports that a Complainant might need after a finding of a Policy violation will have already been provided as Interim Protective Measures. The Title IX Committee will, in all cases, consider whether there is a need for additional remedies. Additional remedies or supports may be included in the sanctions, such as reassignment or removal of Respondent from a class or a dormitory. Notification of Investigative Finding, Sanctions, and Remedies

Both Complainant and Respondent will be notified of the Investigative Finding in writing concurrently. Complainant will also be notified of any individual remedies offered or provided to Complainant or any sanctions imposed on Respondent that directly relate to Complainant. Respondent will be notified of any sanctions imposed, but will not be notified of the individual remedies offered or provided to Complainant. These notifications will also include information on the Appeal process.

### Investigation Outcome Conference Policy

Upon notification to Complainant and Respondent of the Investigative Finding, and where appropriate, recommended sanction(s) and/or remedy(ies), each party will have the opportunity to meet, separately, with the Title IX Committee. The Title IX Committee will share the Investigative Finding and, as applicable, the recommended sanction(s) with Complainant and Respondent and the remedy(ies) with Complainant. During the Investigation Outcome Conference, Complainant and Respondent will each have an opportunity to review the Investigation Report, which may be redacted. Complainant and Respondent will not, however, receive an electronic or written copy, nor may they photograph or copy the Investigation Report.

After an Investigative Finding, both Complainant and Respondent may:

- Accept both the Investigative Finding and recommended sanction(s);
- Accept the Investigative Finding, but request an Appeal on the recommended sanction(s); or,

- Request an Appeal on the Investigative Finding and recommended sanction(s).

If either party requests an Appeal, the matter will be referred to an Appeal Panel to determine whether a Policy violation was committed and/or if the appropriate sanction(s) were issued. Complainant and Respondent must communicate their chosen course of action to the Title IX Committee in writing (e.g., email, facsimile, letter) within five (5) business days of notification of the Investigative Finding. At the conclusion of the Investigation Outcome Conference, one of the following will occur:

Where both Complainant and Respondent agree to the Investigative Finding and any recommended sanction(s), or where neither party requests an Appeal, the Investigative Finding and any sanction(s) will become final. The finality of the Investigative Finding and any sanction(s), which is not subject to further appeal or review, will be communicated to Complainant and Respondent, in writing concurrently. Concerning the finality of sanctions, Complainant will only be notified of any sanctions imposed on Respondent that directly relate to Complainant.

If either party challenges the Investigative Finding and/or sanction(s), the Title IX Committee will issue a Notice of Appeal to Complainant and Respondent and forward the report for Appeal procedures by the Appeal Panel. The Title IX Committee shall have sole discretion to determine whether any sanctions or remedies are put on hold pending the Appeal outcome.

## **APPEAL POLICY AND PROCEDURE**

### **Scope of Appeal**

The scope of review by the Appeal Panel is determined by what Complainant and/or Respondent have appealed. The parties may Appeal the Investigative Finding and/or the sanction(s). If the Investigative Finding is appealed, the scope of the Appeal includes review of the factual findings, Investigative Finding, and any sanction(s). If only the sanctions are appealed, the scope of the Appeal includes review of appropriate sanctions based on the factual findings and Investigative Finding.

In order for a Support Person or an Advisor to participate in an Appeal Hearing, Complainant or Respondent must complete and submit an informational form to the Appeal Chair no later than five business days prior to the Appeal Hearing. If required by the Appeal Chair, the Support Person or Advisor must also meet with the Appeal Chair in advance of participation in any activity related to any Appeal Hearing to understand the expectations of the role, privacy considerations, and appropriate decorum. Neither the Support Person nor the Advisor can be a fact witness or provide testimony in the proceedings.

The University, its officials, Title IX Committee, investigator, and Appeal Panel will at all times only communicate directly with Complainant and Respondent even if Complainant or Respondent authorizes the Advisor to receive information on his/her behalf. It is the party's responsibility to communicate and share information with his/her Advisor.

When scheduling an Appeal Hearing before the Appeal Panel in which a party has notified the University that an Advisor plans to attend, the University will make reasonable efforts to accommodate the Advisor's schedule, while balancing the University's commitment to a prompt and equitable process. The University will prioritize the availability of the parties, witnesses, and Appeal Panel members assigned to the matter when determining the date and time for the Appeal Hearing.

A party's Support Person and/or Advisor may not delay, disrupt, or otherwise interfere with the Appeal procedures. An Advisor may be present at Appeal meetings or related proceedings, but may not speak or participate.

### **Appeal Panel Policy**

Upon receipt of Notice of Appeal Hearing, an Appeal Panel will be appointed by the President or the President's designee to review all relevant information gathered in the Investigation. An Appeal Panel is comprised of three (3) individuals, selected from a diverse pool of trained individuals. Any individual

designated by the University to serve on an Appeal Panel must have sufficient training or experience to serve in this capacity. An University student may not serve as a panelist. An Appeal Panel member must decline to participate if he/she has an actual conflict of interest, bias, or lack of impartiality. The Appeal Chair may also dismiss an Appeal Panel member on the same or other relevant grounds.

An Appeal Chair will conduct and preside over the Appeal Hearings. The Appeal Chair is not a voting member of any Appeal Panel, but is available to provide consistency in process, informed understanding of Policy definitions, and guidance as to available sanctions; the Appeal Chair will also draft the Appeal Panel findings.

The Appeal Chair will notify Complainant and Respondent who the members of the Appeal Panel are prior to the Pre-Appeal Hearing Meeting.

#### Pre-Appeal Hearing Meeting Policy

As a first step, the Appeal Chair will meet separately with the investigator, Complainant, and Respondent to resolve pre-Appeal Hearing concerns. At these pre-Appeal Hearing meetings, Complainant and Respondent will each have the opportunity to identify the witnesses (who have already been identified to or interviewed by the investigator during the Investigation) they wish to call at the Appeal Hearing; raise any challenge to the composition of the Appeal Panel based on bias, conflict of interest, or lack of impartiality; and identify any evolving or newly discovered information that has been obtained that was not previously available during the Investigation process through the exercise of due diligence, which would substantially affect the Investigative Finding or and/or sanction(s) imposed. Complainant and Respondent will also have the opportunity to address questions about the Appeal process. If not participating in the Appeal Hearing, Complainant is not required to attend this meeting.

Complainant and Respondent have the ability to challenge an Appeal Panel member based on an actual conflict of interest, bias, or lack of impartiality. The request must be submitted in writing or raised no later than the date of the pre-Appeal Hearing meeting and must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. Failure to object by the date of the pre-Appeal Hearing meeting eliminates the possibility of appealing the Appeal Hearing Outcome based on the assertion that a member of the Appeal Panel had a conflict of interest, was biased, or lacked impartiality.

#### Appeal Hearing Policy

The Appeal Hearing will take place in a closed session. The factual findings, Investigative Finding, and any sanctions are presumed to be correct. The party appealing the Investigative Finding and/or sanctions has the burden of demonstrating that the Investigative Finding and/or sanctions were incorrect. At the Appeal Hearing, the investigator will present the evidence supporting the findings and the evidence supporting it. The party appealing will be responsible for presenting evidence showing that the factual findings, Investigative Finding, and/or sanction(s) imposed were incorrect.

In reaching its decision, the Appeal Panel will solicit information from the investigator, Complainant, Respondent, and/or any witnesses as appropriate to ensure a full assessment of the relevant facts. This information shall be provided in the presence of Complainant and Respondent, unless he/she waives his/her right to participate.

Upon request, Complainant, Respondent, or witness may participate by telephone or video conference or may request that a visual barrier be placed to limit the individual's exposure to other Appeal Hearing participants. Questions directed to Complainant, Respondent, the investigator, and any witnesses will be made through the Appeal Chair. Complainant and Respondent may submit questions to the Appeal Chair, who will screen them for relevance. In all instances, the Appeal Chair may require measures to assure the integrity of the process.

In making its determination, the Appeal Panel may not consider any information that was not presented during the Appeal Hearing. The Appeal Panel's determination must be reached by a majority vote. The Appeal Panel will make a determination of whether there were any errors in the factual findings, Investigative Finding, and/or sanction(s) imposed. Based on the information presented, the Appeal Panel may:

- Affirm, alter, or reverse the factual findings; and/or
- Affirm, alter, or reverse the Investigative Finding; and/or
- Affirm, alter, or reverse the sanction(s) imposed.

## **IMPOSITION OF SANCTIONS POLICY**

### Possible Sanctions for Code of Student Conduct Violations

Responsible disciplinary action is designed to hold a student accountable for behavior while providing the opportunity to learn from mistakes and grow in character. Judicial sanctions are imposed upon a student or student organization for violation(s) of the Code of Student Conduct. Designated University officials and committees investigate violations and determine the appropriate sanctions if warranted. Under some circumstances, severe sanctions such as suspension, denial of a degree, or expulsion from the University may be imposed upon the first violation. Investigative records and notices of sanctions become a part of the student's conduct record and may be considered in any future proceeding by a student conduct committee, Vice President, Dean of Students, or other University official. Government agencies, graduate schools, and prospective employers often inquire about a former student's disciplinary records. A student who violates the Code of Student Conduct is subject to one or a combination of the following sanctions:

#### **A. Interim Suspension**

Suspension of hours or days while awaiting further judicial action. The Dean of Students or his/her designee may impose an interim suspension: (1) to ensure the safety and well-being of the student and members of the University community (2) to protect University property or (3) to prevent disruption or interference with the normal operations of the University. During an interim suspension, the student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which a student might otherwise be eligible, as the Dean of Students may determine to be appropriate. Students found in violation of the terms of an interim suspension are subject to expulsion from the University and to prosecution under local, state, and federal laws. Non-students are subject to prosecution under local, state, and federal laws and may be disallowed on the campus.

#### **B. Censure**

A written reprimand for violation of specified requirements of the Code of Student Conduct.

#### **C. Restitution**

The reimbursement for damages to or misappropriation of property. This may take the form of appropriate service or other compensation. Common assessment may be made to groups of students for damage occurring in common areas shared by group members, such as residence hall lobbies or hallways.

#### **D. Fines**

A monetary penalty may be imposed in addition to restitution.

#### **E. Community Service Hours**

The student or student organization is required to perform or complete a task for a specific number of hours within a specific time period.

#### **F. Educational Assignments**

May include but are not limited to attendance at educational programs, preparation of personal essay(s), written reflection on issues relevant to one's violation of the Code of Conduct, or involvement in a mentoring



process/relationship.

### **G. Counseling**

Students may be referred for counseling, either on campus or to an appropriate professional agency, at the expense of the student. A series of private conferences with the student may be scheduled to help the student better assume responsibility as a mature citizen, adjust to the behavioral standards of the University community, and be considerate of other people and their rights.

### **H. Suspension of Privileges**

Limitation of activities or privileges for a designated period of time. The violator may be prohibited from active participation in extracurricular clubs, governing groups, varsity athletics, intramural programming, and other student activities. While a student may continue to attend classes and practice varsity athletics, the student is not allowed to represent the University in public performance venues. This includes, but is not limited to, debate tournaments, musical and theatrical performances, and athletic events.

### **I. Suspension of the Use of a Motor Vehicle on Campus**

Prohibits the student from having or operating a motor vehicle on campus and/or permitting someone else to operate a motor vehicle he/she owns or has in his/her possession.

### **J. Confiscation**

Removal of offensive or prohibited property.

### **K. Eviction**

Prohibition or removal of a student from residence halls or other campus facilities as designated in a written notification.

### **L. Judicial Probation**

The student or student organization is placed on supervisory status for a specified period of time. Judicial Probation may include the loss of some privileges, such as participation in University activities, holding any student office or committee chair, or use of University facilities or services. Additionally, no student on Judicial Probation will be allowed to participate in any overseas program. The continued enrollment of the student depends on the maintenance of satisfactory citizenship during the period of probation.

### **M. Indefinite Judicial Probation**

The student or student organization is placed on supervisory status for an indefinite period of time to remain in effect until such a time as the official in charge shall determine that the probationary status should be lifted. Indefinite Judicial Probation may include the loss of some privileges, such as participation in University activities, holding any student office or committee chair, or use of University facilities or services. Additionally, no student on Indefinite Judicial Probation will be allowed to participate in any overseas program. The continued enrollment of the student depends on the maintenance of satisfactory citizenship during the period of probation.

### **N. Areas Placed Off Limits**

Restricts the student from certain areas or facilities.

## **O. Residence Hall Suspension**

Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Suspended students are restricted from visiting or entering any residential facility operated by the University during the period of separation. When suspended from the residence halls, students should be aware that they may forfeit their residence hall deposits and fees subject to any refund policies.

## **P. Suspension**

The student or student organization's status is temporarily terminated and all privileges are removed for a specified period. Students who are suspended may not be on campus, enter University facilities, or participate in University activities either on or off the campus for a designated period of time. Any suspended student found in violation is subject to arrest for trespassing. Tuition and fees will not be refunded to students who are suspended from the University. On return, the student must apply for readmission to the Dean of Students. Special conditions affecting eligibility for readmission or conditions to be in effect upon readmission may be designated upon request for readmission.

## **Q. Suspension without Option to Return**

The student is suspended permanently and may not be on campus for anything except official business. The student must notify Security and the Dean of Students prior to entering campus. Any suspended student who violates this prohibition will be subject to arrest for trespassing.

## **R. Expulsion**

Permanent dismissal from the University. There is no refund of tuition, room, board, or fees to students who are expelled. Any expelled student found in violation is subject to arrest for trespassing. Students who have been expelled from school must leave the campus within the period of time specified by the Dean of Students or designee. Students who do not leave the campus within the allotted time or do not obtain written permission from the Dean of Students to remain on campus will be prosecuted.

### Notice of Appeal Finding Policy

Complainant and Respondent will be notified of the Appeal Finding in writing concurrently. The notification of Appeal Finding will include, where applicable, the finding by the Appeal Panel as to whether a Policy violation occurred, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. Where there is a finding of a Policy violation, Complainant will also be notified of any sanctions imposed on Respondent that directly relate to Complainant. Respondent will be notified of any sanctions imposed, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

### Post-Resolution Follow up Policy

After a sanction or remedy is issued, the Title IX Committee may periodically contact Complainant to ensure the Prohibited Sexual Conduct has ended and to determine if additional remedies are necessary and may contact Respondent or others to assure compliance with any sanctions that have been imposed. Complainant may decline future contact. Any violation by a Respondent of a sanction or protective measure imposed under the Policy or a failure by an University employee to provide a specified remedy should be reported to the Title IX Committee. Complainant and Respondent are encouraged to provide the Title IX Committee with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the University's implementation of the Policy.

### Documentary Records of Student Discipline Policy

Records documenting disciplinary actions brought against students for violation of the Policy shall be maintained by appropriate offices, including the Title IX Committee's office and the Division of Student Affairs, as part of a student disciplinary record separate from the transcript. At the conclusion of the Appeal Hearing, the official record of the Appeal Hearing will be turned over to the Title IX Committee's office.

### Release of Report on the Results of Any Disciplinary Proceeding

LCU will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by LCU against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### Accommodations for Victims Policy

LCU will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. The University will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

\*\*\*

## **DEFINITIONS**

Where starred (\*), the terms listed herein are defined as stated in the Louisiana Board of Regents' Uniform Policy on Sexual Misconduct.

**Advisor:** is any individual who provides Complainant or Respondent support, guidance, or advice.

**Appeal:** is the process by which Complainant or Respondent may challenge the Investigative Finding and/or sanction(s).

**Appeal Hearing:** is a component of the Appeal process in which the Appeal Panel considers evidence and makes a determination of whether a Policy violation occurred, and if so, what sanction(s) should be imposed.

**Appeal Panel:** is the group of individuals appointed by the President to make determinations of whether a Policy violation occurred, and if so, what sanction(s) should be imposed based on evidence presented during an Appeal Hearing.

**Complainant:** is the person alleged to have been affected by Prohibited Sexual Conduct in violation of the Policy.

**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.

**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 [here, Respondent] 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 s

*Note: Consent is a voluntary agreement to engage in sexual activity. Consent to engage in sexual activity with one person does not imply Consent to engage in sexual activity with another. Coercion, force, or threat of either invalidates Consent.*

**Dating Violence\*:** is

- a. Dating Violence definition in Clery Act: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Alleged Victim [here, Complainant]. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
- b. Dating Violence definition in Louisiana law: "Dating Violence" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C). For purposes of this Section, "dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  1. The length of the relationship.
  2. The type of relationship.
  3. The frequency of interaction between the persons involved in the relationship.

**Domestic Abuse\*:** is

- a. Domestic abuse definition in Louisiana law: Includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3).

**Domestic Violence\*:** is

- a. 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 [here, Complainant] 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\*:** is

Family violence definition in Louisiana law: means any assault, battery, or other physical abuse that occurs between family or household members, who reside together or who formerly resided together. La. RS § 46.2121.1(2).

**Hostile Environment Caused by Sexual Harassment:** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive, or objectively offensive such that it alters the conditions of employment or limits, interferes with, or denies educational benefits or opportunities. A Hostile Environment can be created by a one-time act that is severe (i.e., a Sexual Assault), or it can be created by repeated acts of less severity (i.e., harassing comments made over a period of time).

*Examples of a Hostile Environment Caused by Sexual Harassment include, but are not limited to:*

1. Posting pictures of pornography;
2. Consistently telling sexual jokes or stories where it can be overheard by others;
3. Making sexually suggestive remarks about people within ear shot of others;
4. Persisting in unwanted sexual attention; and
5. Using derogatory terms with a sexual connotation.

**Incapacitation\*/Incapacitated:** 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.

**Initial Assessment:** is, after a report or complaint of Prohibited Sexual Conduct, the initial determination made by the Title IX Committee of whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct. Interim Protective Measures: are temporary actions taken by the University to ensure equal access to its education programs and activities and foster a more stable and safe environment during the process of reporting, Investigation, and/or Adjudication.

*Sample Interim Protective Measures include, but are not limited to:*

- Access to counseling services & assistance in setting up initial appointments, both on and off campus
- Imposition of a campus "No-Contact Order"
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections
- Change in work schedule or job assignment

- Change in student's campus housing
- Assistance from University support staff in completing housing relocation
- Limiting access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Options for changing campus transportation arrangements

**Intimidation:** is to place another person in reasonable fear of harm through the use of threatening words and/or other conduct.

**Investigation:** is an impartial ascertaining of the facts related to the allegations of Prohibited Sexual Conduct, including interview of the parties and witnesses, as well as gathering available documents and other evidence. The Investigation is conducted by an investigator appointed by the Title IX Committee.

**Investigative Finding:** is a formal judgment rendered on whether a Policy violation has occurred, based on the Investigation.

**Prohibited Sexual Conduct:** is Sexual Misconduct or Sexual Behavior between Individuals in Certain Roles, which is prohibited by this Policy.

**Respondent:** is the person alleged to have engaged in Prohibited Sexual Conduct in violation of the Policy?

**Responsible Employee\*:** Each institution must designate and publish the names and contact information for 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 Committee 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 Committee 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.

**Retaliation\*/Retaliatory:** 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 Prohibited Sexual Conduct] or who has participated (or is expected to participate) in any manner in an Investigation, or proceeding under this Policy. Prohibited Retaliatory acts include, but are not limited to, Intimidation, threats, Coercion, or discrimination. Title IX prohibits Retaliation. For purposes of this Policy, an attempt requires a substantial step towards committing a violation.

**Sexual Assault\* is:**

- a. 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.
- b. Sexual Assault as defined by Louisiana State Law:
  - i. 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.
  - ii. Non-Consensual Sexual Contact: Any intentional sexual touching or attempted sexual touching,

without Consent.

**Sexual Behavior Between Individuals in Certain Roles:** Sexual advances, acts, or contact, whether Consensual or not, involving individuals where, by virtue of roles or position in the University, one individual is in a position of direct academic or supervisory authority with respect to the other are prohibited. *These roles include, but are not limited to, the following examples:*

- a. A faculty member and any student in his or her class;
- b. A faculty member and any undergraduate major in his or her department;
- c. A faculty member and any graduate student in a departmental program;
- d. A graduate assistant who has teaching or other classroom duties and all students in the class or classes that he or she teaches or assists; a departmental or University administrator and any member of the faculty in his/her chain of command;
- e. A laboratory supervisor and those using or working in his/her lab;
- f. A supervisor of civil service employees and his/her employee; or
- g. A department head and a staff member of his/her chain of command.

**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.

**Sexual Harassment\*:** Unwelcome conduct of a sexual nature when i) submission to such conduct is made 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."

**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 [of ] the persons depicted therein, as well as Dating Violence, Domestic Violence and Stalking.

**Sexual Violence:** Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Sexual violence refers to a broad range of physical sexual acts perpetrated without a person's consent, including where a person is incapable of giving consent due to an intellectual or other disability or to the victim's use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. As well as being serious violations of the University's

Code of Student Conduct, dating violence, domestic violence, sexual assault, and stalking are crimes under Louisiana law.

**Stalking\*:** is

- a. 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 2. Intentional and repeated uninvited presence at another person's: home, work place, school, or any other place which would cause a reasonable person to be alarmed OR would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, Sexual Assault, kidnapping or any other statutory criminal act to the victim OR any member of the victim's family OR any person with whom the victim is acquainted 34 CFR 668.46(a)(ii)
- b. 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)

**Support Person:** is someone who can provide emotional, logistical, or other kinds of assistance to a Complainant or Respondent. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or delay any proceeding.

**Voluntary Resolution:** is an outcome of a report or complaint willingly agreed to by Complainant. It is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preferences of Complainant and the safety and welfare of the campus community. If Voluntary Resolution involves either notification to or participation by Respondent, it is Respondent's decision whether to accept Voluntary Resolution.