

# Department of Safety and Security LOUISIANA COLLEGE

This information is provided in compliance with federal law, known as the Clery Act.

## Annual Security Report for 2018



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## **Introduction**

The Louisiana College Department of Safety and Security prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by the Louisiana College; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies on campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, domestic violence, dating violence, stalking and other matters.

The full text of this report is available online at <http://www.lacollege.edu>. This report is prepared in cooperation with local law enforcement agencies, the Title IX Coordinator and the Dean of Students. These entities provide updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to the Louisiana College Department of Safety and Security, designated campus security officials as defined under the Act, and local law enforcement agencies.

Each year, an email notification is sent to all enrolled students, faculty, and staff. The email provides information on how to access the Annual Security Report online. Copies of this report may also be obtained at the Louisiana College Department of Safety and Security Office located at 400 Cross Street, Pineville, LA 71359.

All phone numbers use the area code (318) unless otherwise noted.



## LETTER FROM THE CHIEF OF POLICE

The safety and well-being of the students, faculty, staff, and visitors are a priority here at the Louisiana College. Through the assistance of several other Local Law Enforcement agencies, every effort is made to better serve the College community and provide a safe environment in which the mission of the College may be attained. However, a truly safe campus can only be achieved through the cooperation of all students, faculty, and staff. This guide is a part of our effort to ensure this collaborative endeavor is successful. We hope you will read it carefully and use this information to help foster a safe environment for yourself and others on the College campus.

*Clifford D. Gatlin*  
*Chief of Police*

In compliance with the Jeanne Clery Disclosure of Campus Crime Statistics Act, a copy of this Annual Security report is available on line at: <http://www.lacollege.edu>

A hard copy may be obtained by contacting the Louisiana Department of Public Safety and Security at **318- 487-7233**.

## **ABOUT THE LOUISIANA COLLEGE DEPARTMENT OF SAFETY AND SECURITY**

### ***"We Solve Problems"***

**Values:** Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship

**Objectives:** Proactive Crime Prevention - Smart Policing - Intelligence Led Policing - Community Involvement - Excellence in Investigation and Follow-up.

### **Authority, Jurisdiction and Role Policy**

The Louisiana College Department of Safety and Security is a team of professionals working to provide a safe environment in which the educational mission of the College can be fully realized. The Louisiana College Department of Safety and Security is service-oriented and tailored to meet the needs of a small progressive institution. The department provides police services such as police patrol, taking of crime/offense reports, criminal investigations, traffic supervision, emergency first aid, the maintenance of public order, and other related services. The department's ability to function as an independent law enforcement agency enables it to provide assistance while still maintaining the autonomy of the College.

The Louisiana College Department of Safety and Security provides a 24-hour-a-day patrol protection to the campus. The Chief of Police is vested with full law enforcement powers and responsibilities of any law enforcement officer of the state on property owned or operated by the College, including adjacent streets. Title 17 Section 1805 (A) of the Louisiana Revised Statutes grants police powers to University officers. In addition, this law grants officers the authorization to carry concealed weapons, powers of arrest on and off campus, jurisdictional boundaries, and authorization for the investigation of crimes occurring within ones jurisdiction to include the entire state. Officers must successfully complete a minimum of 360 hours of basic law enforcement training at a Louisiana Peace Officers Standards and Training (POST) approved academy. In addition, officers also receive advanced training in areas of criminal investigation, firearms, OWI detection, defense tactics, legal updates, narcotics, etc.

The Louisiana College Department of Safety and Security has a working relationship with all local, state, and federal law enforcement agencies.

The College also uses Security Officers for access control at the College's residence halls 24 hours a day, 365 days a year. Residential Facilities are staffed by Resident Assistants managed by the Residence Life Department. (318-487-7154). A Resident Director is assigned to each residence hall area. They live on-site. These persons serve as additional "eyes and ears" for reporting.

## Reporting Crimes or Emergencies Policy and Procedure

The Louisiana College Department of Safety and Security is located at 400 Cross Street, Pineville, LA. The department is open 24 hours a day and is staffed by College Security Officers. Students have 24-hour access to phone lines to the Louisiana College Department of Safety and Security as well as **911**. If you are the victim of a crime, involved in an emergency, a witness to an incident, learn of something suspicious, and/or in need of assistance, contact the Louisiana College Department of Safety and Security on an on-campus phone by dialing:

- **911**
- Louisiana College Department of Safety and Security “land line” number **(318) 487-7233**.
- Louisiana College Department of Safety and Security “cell number” **(318) 308-6505**.
- Pineville Police Department **(318) 442-6603**.

## Accurate and Prompt Reporting Policy

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to the Louisiana College Department of Safety and Security in a timely manner and, when applicable, also to the Title IX Coordinator at **(318) 487-7502**. Reporting in a timely manner allows for the Louisiana College Department of Safety and Security to assess the complaint for making timely warnings reports and the annual statistical disclosure of the complaint. Failure to report as soon as practical hinders our ability to review for timely warnings.

The Louisiana College Department of Safety and Security and, when applicable, Title IX Office will investigate all complaints. A person wishing to file a report with the Louisiana College Department of Safety and Security has the right to file a report with local law enforcement agencies, to wit: Pineville Police Department and/or the Rapides Parish Sheriff’s Office depending on the jurisdiction.

Any Code of Student Conduct violations will be forwarded to the Office of Student Development for review. Any employee matters will be forwarded to Human Resources for review. When appropriate, an incident will be referred to the Title IX Office for review.

## Off-Campus Crime Reporting Policy

If local law enforcement is contacted about criminal activity occurring off-campus involving Louisiana College students, that agency may notify the Louisiana College Department of Safety and Security. However, there is no official policy requiring such notification. Students in these cases may be subject to arrest by the local law enforcement agency and College disciplinary proceedings through the Office of Student Development.



Louisiana College does not have official recognized student organizations that have housing facilities “off campus.” There are no recognized student organizations that occupy privately owned houses on or off our campus.

### **Limited Voluntary Confidential Reporting Policy**

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution, and when they involve allegations of sexual harassment (including sexual violence) are made available to the College’s Title IX Coordinator. Reporting procedures applicable to allegations of sexual assault are further discussed later in this booklet.

The Louisiana College Department of Safety and Security encourages anyone who is the victim or witness to any crime to promptly report the incident to the Louisiana College Department of Safety and Security. Being that Louisiana College is a private institution, our reports are not considered public records under state law. However, the Louisiana College Department of Safety and Security is obligated to report the name of the victim and perpetrator to the Title IX Coordinator. The Title IX Coordinator can generally accept confidential reports. There may be some instances in which the Title IX Coordinator may not be able to ensure confidentiality. The College has an obligation to evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all community members.

Confidential reports of crime may also be made to the Pineville Police Department **(318) 442-6603** or the Rapides Parish Sheriff's Office at **(318) 473-6700**. However, these reports could be considered public records.

### **Campus Security Authorities Policy and Procedure**

Federal law maintains that in addition to the Louisiana College Department of Safety and Security officers, any person who has a "significant responsibility for student and campus activities" is a Campus Security Authority (CSA). A CSA is required to report safety-related incidents and/or alleged crimes to the Louisiana College Department of Safety and Security. A CSA is required by law to report incidents and/or crimes for inclusion in Louisiana College’s crime statistics to the Louisiana College Department of Safety and Security. Reports submitted by CSAs will be evaluated to determine if it is necessary to issue a timely warning to the campus if the incident or crime represents a serious or ongoing threat to the campus community. CSAs may file anonymous reports on behalf of victims.

Reports submitted to campus security authorities should include sufficient detail such as dates and locations and, where appropriate, personally identifying information, including name and contact information, if available and the victim is willing to provide it. This information is important for statistical purposes to ensure that all crimes are counted and to avoid double counting crimes. It also provides basic information for the Louisiana College Department of Safety and Security to begin an investigation, if the report is not anonymous, and to review relevant facts to determine if a pattern of crime is present.

Because not all crime victims are willing to file an official police report, when compiling the annual crime statistics the Louisiana College Department of Safety and Security canvases these campus security authorities to determine if they are aware of any additional crimes which should be included in the annual security report.

The following individuals are designated as CSAs:

1. Athletic staff, including all coaches
2. Dean of Students
3. Department of Public Safety and Security staff, including student employees
4. Director of Athletics
5. Director of Health Services
6. Director of Human Resources
7. Director of Student Involvement
8. President, Executive Vice President, and Vice Presidents of the College
9. Residence Life Office professional staff and RA staff, including CRAs and LRAs
10. Student organization advisors
11. Title IX Coordinators
12. Vice President of Finance and Administration

## **Confidential Crime Reporting and Counselors Policy and Procedure**

Because of the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to people considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such are not considered a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Counselors are defined as:

***Pastoral Counselor***

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

***Professional Counselor***

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. The Louisiana College Counseling Center can be reached at **(318) 487-7420**.

## **Gathering Statistics from Local Law Enforcement Policy and Procedure**

### **Memorandum of Understanding (MOU)**

Louisiana College recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of the College. All persons on the campus are subject to these laws and rules at all times. All law enforcement agencies are expected to check in with the Louisiana College Department of Safety and Security when on campus to investigate further an investigation they are working on for their respective jurisdiction. Additionally, all law enforcement agencies with concurrent jurisdiction recognize that the Louisiana College Department of Safety and Security is the primary law enforcement unit to handle any crime that occurs on the campus.

The Louisiana College Department of Safety and Security enjoys an especially good relationship with the Pineville Police Department, the Rapides Parish Sheriff's Office and the Louisiana State Police. The primary agency designation exists and is described in a "memorandum of understanding" (MOU) between the Louisiana College Department of Safety and Security and the City of Pineville Police Department. The Louisiana College Department of Safety and Security is responsible for all crimes occurring on the campus for reporting of Clery and FBI Uniform Crime Reporting (UCR). Any Clery crime coming to the attention of another agency shall be turned over to the agency with primary jurisdiction on the campus, to wit: Louisiana College Department of Safety and Security. In addition, the College requests the Pineville Police Department provide annually, UCR statistics for the areas surrounding the campus in a one-mile radius.

Each agency notifies each other in the event of a major crime via telephone, two-way radio or in person. In addition, the Louisiana College Department of Safety and Security and the Pineville Police Department participate in an additional MOU that governs a partnership between both agencies.

## **Daily Crime (Activity) Log Policy and Procedure**

Louisiana College Department of Safety and Security records all alleged criminal incidents, including non-Clery Act crimes, reported regardless of how much time has passed since the alleged incident occurred. Crimes are recorded in the crime log by the date they are reported. The log includes:

- The nature of the crime
- The date and time the crime occurred
- The general location of the crime
- The disposition of the complaint, if known

An electronic log, as well as a paper back-up log, is maintained in case there are technical problems accessing the log. The two Sergeants for this agency are trained to maintain the log in the absence of the Chief of Police.

A daily crime and fire log is available for review 24 hours a day on the Louisiana College website at <http://www.lacollege.edu> or at the Louisiana College Department of Safety and Security located at 400 Cross Street, Pineville, LA from 8:00 am to 5:00 pm Monday through Thursday and 8:00 am to 12:00 pm on Fridays, excluding holidays.

## **Timely Warnings Notifying the Louisiana College Community about Reported Crimes Policy and Procedure**

In the event that a situation arises, either on or off campus, that, in the judgment of the Chief of Police or designee, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning(s) are generally written and distributed through any means appropriate, including the College email system, emergency notification system (ENS - Wildcat ALERT), or posted fliers to students, faculty and staff. The message will be drafted by the Louisiana College Department of Safety and Security Chief of Police or designee and sent to the College’s Communication and Marketing Office for dissemination. During after hours, the Chief of Police and the Communication and Marketing Office is responsible for maintaining an on-call person 24/7 to assist in the timely warning dissemination. Updates to the College community about any particular case resulting in a Security and Safety alert may be distributed via blast email, may be posted on the Louisiana College website, or may be shared with the media, including and specifically KALB News and KLAX News Stations. Safety and Security alerts may be posted in campus buildings on monitors in various locations. These alerts are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by case basis, depending on the facts of the case and whether there is a continuing danger to the campus community. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Louisiana College community members and a Safety and Security Alert would not be distributed. The Chief of

Police or his designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Safety and Security alert is warranted. Safety and Security Alerts may also be issued for other crime classifications, as deemed necessary.

Incidents reported to Louisiana College Department of Safety and Security that fall into one of the required reporting classifications will be disclosed as a statistic in this annual booklet published by the Louisiana College Department of Safety and Security.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Louisiana College Department of Safety and Security may also post the warning on the College's website at: <http://www.lacollege.edu> providing the College community with more immediate notification. Anyone with information warranting a timely warning should report the circumstances immediately to the Louisiana College Department of Safety and Security, by phone **(318-487-7233)** or in person at the Louisiana College Department of Safety and Security department located at 400 Cross Street, Pineville, LA

Additionally, the Chief of Police or his designee may issue an immediate Emergency Notification System warning concerning an imminent threat to public safety. This Emergency Notification System alert uses the following modes of communication: E-mail, cell phone, text messages, website alert, and could include face to face notification as well as public address systems such as bullhorns and police unit pa.

Louisiana College Department of Safety and Security will communicate with local police to request their cooperation in informing the College about crimes reported to them that may warrant timely warnings.

### **Access to Campus Facilities Policy and Procedure**

The Louisiana College campus is open to the public even though some portions of the campus are surrounded by fencing such as athletic facilities. The campus has multiple city streets that are contiguous to the College property. All streets that traverse through the campus are considered private drives. The Louisiana College Department of Safety and Security is located at 400 Cross Street and is open 24/7/365. Other Academic buildings are typically secured after the end of evening courses, typically 9:00 pm. Custodial staff remains working through 12 midnight in most buildings. Schedules of buildings fluctuate dependent upon the nature of the academic work and the semester. Our Library typically closes at 6:00 pm during the summer, 12 midnight during the fall and spring semester. The residence halls are restricted to residents and their approved guests, and other approved members of the College community. The Residence Life department maintains a student worker during times of occupancy. The Louisiana College Department of Safety and Security provides guard service to residence halls during summer sessions when camps are in session and residence halls are in use. Residents are cautioned against allowing entry to strangers or any unauthorized persons into the residence halls. The Louisiana College Department of Safety and Security officers regularly patrol the residence halls either on foot or by

motorized vehicle. Resident Assistants and Resident Directors also enforce security measures in the halls and work with residents to achieve a community respectful of individual and group rights and responsibilities.

These staff and the Louisiana College Department of Safety and Security also conduct periodic educational sessions on prevention of various crimes including crimes against property and persons- specifically sexual assault and acquaintance rape.

### **Maintenance of Campus Facilities Policy**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Louisiana College Department of Safety and Security regularly patrols campus and reports malfunctioning lights and other unsafe conditions to Facilities Management for correction. Facilities Management does periodic lighting surveys at night. The Louisiana College Department of Safety and Security does this monthly and sends a report to Facilities Management to address new lighting concerns in addition to lights that are malfunctioning. Other members of the College community are helpful when they report equipment problems to Louisiana College Department of Safety and Security or to Facilities Management.

### **College Emergency Preparedness Policy and Procedure**

Louisiana College resides within the City of Pineville and Parish of Rapides, Louisiana. As such, the College must abide by and is protected for emergencies by the policies and regulations set forth in the City of Pineville, the Parish of Rapides, Louisiana and the Rapides Parish Office of Homeland Security and Preparedness (Rap.OHSEP).

However, the College must be prepared for specific emergencies that may occur within the campus. A member of the Louisiana College Department of Safety and Security Department attends Rap.OHSEP meetings and receive specialized training on emergency preparedness. The Chief of Police has received training in Incident Command and Responding to Critical Incidents on Campus. The Incident Command System (ICS) is utilized when responding to incidents and police officers work with other Louisiana College departments and local public safety agencies to manage, mitigate, and recover from incidents. The Louisiana College Department of Safety and Security have previously adopted additional preparations. These documents are called **The Emergency Response Plan** and exist for situations such as fires, proximity threats, terrorism, bomb emergencies and threats, suspicious packages, unusual occurrences, disasters, civil disturbances, mass arrests, etc. The Emergency Response Plan and other Louisiana College Department of Safety and Security policies are updated regularly. Additionally, designated areas of operation outside of public safety are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility.

The College conducts emergency exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

General information about [The Emergency Response Plan for Louisiana](http://www.lacollege.edu) College is publicized each year as part of the College's Clery Act compliance efforts, and is available at the Louisiana College website <http://www.lacollege.edu>

## **All Hazard Emergency Response Plan Policy and Procedure**

### **Purpose**

The purpose of the Emergency Response Plan (ERP) is to establish policies and procedures, as well as, an organizational hierarchy for response to emergencies occurring on campus. This campus-level ERP guides the response of Louisiana College personnel and resources during an emergency. It is the official ERP for Louisiana College, supersedes previous plans, and precludes employee actions not in accord with the intent of this plan, or the emergency organization created by it.

The primary objectives of the Emergency Response Plan (ERP) are:

- To protect the health and safety of the campus population
- To protect campus assets
- To preserve the College's ability to operate
- To establish clear lines of authority and coordination applicable to a crisis response
- To centralize and define the procedures to be implemented in response to a crisis event
- To ensure a timely recovery from a crisis event

The Louisiana College ERP provides the framework for the coordination and delivery of preparedness, response, recovery, and mitigation assistance to students, visitors, and employees threatened or affected by a large-scale emergency or disaster situation affecting Louisiana College.

The ERP was developed and is maintained through collaboration with College stakeholders as well as public, private, non-government, and volunteers with assigned responsibilities and recognized in the plan.

The ERP takes an all-hazards approach to natural and human caused incidents. It is scalable by design to afford maximum flexibility to College officials, decision-makers, and local and state partners.

This plan addresses preparedness, response, recovery and mitigation activities, it is at all times activated and relevant. Activities and tasks, including those assigned in the functional annexes that are part of this ERP, needed in response to an incident will be activated and directed by the College President, Emergency Operations Center personnel or appropriate individual(s) as designated in succession of authority. The

ERP is applicable to all departments, agencies or organizations that provide assistance or conduct operations in the context of actual or potential incidents that may affect Louisiana College.

### **Emergency Operations Center**

The Emergency Operations Center (EOC) is a term used not to define a specific location but a system of command and control. This system is the primary policy-setting group during a major campus emergency and during emergencies outside the campus, which have the possibility of affecting campus operations. The President of the College will appoint a committee as dictated by the nature of the campus emergency. The EOC will include the following personnel or their alternates:

1. Vice President for Business Affairs
2. Vice President for Academic Affairs
3. Director of Information Systems
4. Dean of Students
5. Director of Facility Services
6. Director of Public Relations
7. Director of Safety and Security
8. Athletic Director

Once the EOC is activated by the President of the College or by his designee, the Chairperson will notify and assemble the assigned personnel. Based on the nature of the crisis, the Chairperson can establish the EOC in a fixed location or means of communication, such as emails or conference calls, which are best suited for response to the emergency.

### **Notification to the Louisiana College Community about an Immediate Threat**

#### **Emergency Notification Systems**

The Louisiana College Department of Safety and Security and the Communications and Marketing receive information from various offices/departments on campus, such as the Louisiana College Department of Safety and Security department, environmental health and safety/emergency management and physical security systems. If one of these units confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Louisiana College community, the Louisiana College Department of Safety and Security and the Communicating and Marketing will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Louisiana College community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population/campus. The Louisiana College Department of Safety and Security will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders



(including but not limited to: Louisiana College Department of Safety and Security, PPD, RPSO, PFD), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the Louisiana College community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the Louisiana College campus community. These methods of communication include Louisiana College ENS, a system that provides email, phone / text message alerts to members of the Louisiana College community. Students, staff, and faculty are signed up for email alerts through their official Louisiana College email address. Students and employees may enter up to three phone numbers and two email addresses for their respective emergency notification system profile. Students are encouraged to include their parents/ loved ones in their profile.

The Louisiana College community members are encouraged to notify the Louisiana College Department of Safety and Security of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students, faculty, staff, or visitors on campus. Louisiana College Department of Safety and Security has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Louisiana College Department of Safety and Security has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If so, federal law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

## **Emergency Response and Evacuation Testing Procedures**

### **Summary of the Emergency Response Plan**

The College's All Hazards Emergency Operations Plan includes information about Incident Teams; College operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. College departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The College conducts emergency response exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Louisiana College Department of Safety and Security Chief of Police has received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Louisiana College Department of Safety and

Security, Pineville PD, Pineville Fire and Rapides Parish HAZMAT, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other Louisiana College departments and other local, state, or federal agencies could also be involved in responding to the incident. General information about the emergency response and evacuation procedures for Louisiana College is publicized each year as part of the institution's Clery Act compliance efforts, and that information is available on the Louisiana College Department of Safety and Security website. Detailed information and updates to the Louisiana College All Hazards Emergency Operations Plan.

## **Summary of Emergency Evacuation Procedures**

### **College Shelter-in-Place Procedures - What it means to "Shelter-in-Place"**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic "Shelter-in-Place" Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, Louisiana College Wildcat Card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to "Shelter-in-Place"**

A shelter-in-place notification may come from several sources, including Louisiana College Department of Safety and Security, Residence Life Staff members, other College employees, the state government, Pineville PD, Rapides Parish Sheriff's Office, or other authorities utilizing the College's emergency communications tools.

### **How to "Shelter-in-Place"**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

Locate a room to shelter inside. It should be:

- An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- 
- Shut and lock all windows (tighter seal) and close exterior doors. Turn off air conditioners, heaters, and fans.
  - Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)
  - Make a list of the people with you and ask someone (House Staff, faculty, or other staff) to call the list in to Louisiana College Department of Safety and Security so they know where you are sheltering. If only students are present, one of the students should call in the list.
  - Turn on a radio or TV and listen for further instructions.
  - Make yourself comfortable.

## **Campus Lockdown Policy and Procedures**

### **GOAL / PURPOSE OF LOCKDOWN**

The purpose of a lockdown is to minimize accessibility to rooms/buildings on campus to reduce the risk of injury or danger to faculty, staff, students or visitors.

### **DECISION TO LOCKDOWN**

A lockdown would be implemented when requested by the Chief of Police or the President. Under circumstances where a delay in seeking direction from the President would result in significant risks to the lives of the College community, the Louisiana Department of Safety and Security may initiate lockdown procedures immediately.

### **INCIDENTS REQUIRING A LOCKDOWN**

Person(s) armed with a firearm or weapon on campus property, gunshots directed at or near the College campus, police incidents involving dangerous person(s) that are adjacent to or within a short distance of the campus, intruders, hazardous chemical spills, gas leaks, electrical conditions, or disasters close to the campus. These examples are not absolute but reflect the type of situation that may require a lockdown.

### **EMERGENCY LOCKDOWN PROCEDURES**

In the event of an emergency and notification of a campus lockdown, please follow the procedures below.

1. Remain calm. Encourage others to remain calm.
2. Immediately cease all activity (i.e., teaching, group work, meetings, etc.)
3. Lock or barricade all doors where possible; use furniture or desks as cover.

4. If possible, cover any windows or openings that have a direct line of sight into a hallway.
5. Shut the blinds or pull the shades down. Turn off the lights and try to give the impression that the room is empty.
6. Stay low, away from windows and doors
7. Sit on the floor or crouch under or behind desks and bookshelves where possible, so as to be as invisible as possible.
8. Immediately put all cell phones on "Vibrate" or "Silent" mode. Calls to the Louisiana Department of Safety and Security should be made only if specific information becomes available regarding the location or conduct of the intruder or if the status of the emergency changes.
9. Be as quiet as possible.
10. DO NOT respond to anyone at the door until an "all clear" message is received via campus notification systems or if you are certain it is safe to do so (i.e., if police are at the door).
11. If you are directed by police to leave your secured area, assist others in moving as quietly and quickly as possible.
12. Do not sound the fire alarm in the building unless there is a fire. People may be placed in harm's way when they are attempting to evacuate the building. If a fire alarm does go off during a lockdown, do not evacuate unless you smell smoke or see fire in your area.
13. If you are outside of a building when a lockdown is announced, if it is safe to do so, run into the nearest building with hands raised above head and palms facing outward and follow the above lockdown instructions. If it is not safe to run into a building, hide behind a large heavy object (i.e., vehicle or tree). Notify the Louisiana Department of Safety and Security of your location when safe to do so. If off-campus, do not return and follow official instructions from campus notification system.
14. Be aware of alternate exits if it becomes necessary to flee. Individuals should not attempt to leave the building until told to do so by police personnel.

All faculty or staff in control of students at the time of the lockdown becomes responsible for those students at that time. Faculty and staff members are responsible for accounting for students and ensuring that no one leaves the safe area. Students without staff must be directed to the nearest classroom or safe building. When the condition causing the lockdown has been eliminated, an **"all clear - lockdown is over"** announcement will be made through the campus emergency notification system.

**Active Shooter Definition:** An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area, typically with firearms.

**If you see or hear an active shooter anywhere on campus, follow these guidelines:**

- **RUN:** Have an escape route and plan in mind • Leave your belongings behind • Keep your hands visible
- **HIDE:** Hide in an area out of the shooter's view • Initiate Emergency Lockdown Procedures • Block entry to your hiding place and lock the doors • Silence your cell phone and/or pager

- **FIGHT:** As a last resort and only when your life is in imminent danger • Attempt to incapacitate the shooter • Act with physical aggression and throw items at the active shooter
- **CALL 911:** when you are out of the shooter's site and range and provide the following information:

**Location of the active shooter**

**Number of shooters**

**Shooter(s) Physical description**

**Number and type of weapons**

**Number of potential victims at the location**

#### **When Law Enforcement Arrives:**

- Remain calm and follow instructions
- Put down any items in your hands (i.e., bags, jackets)
- Raise hands and spread fingers
- Keep hands visible at all times
- Avoid quick movements toward officers such as holding on to them for safety
- Avoid pointing, screaming or yelling
- Do not stop to ask officers for help or direction when evacuating

### **Campus Wide Evacuation Policy**

If you are directed to evacuate the entire campus, you should leave the main campus area and do not return until directed to do so. It is important to evacuate by foot, bicycle, and/or vehicle as soon as possible based on your individual circumstance. There will be traffic congestion and it is important to avoid major intersections and leave the outlying areas of the College community. The mass evacuation of the campus will adversely affect traffic in the Pineville area. You should decide on your own the appropriate method for leaving the campus depending on your location and your circumstances. Simply walking on foot may be the best option if traffic congestion is a concern. You can expect limited cell phone coverage during this type of incident. The College will continue to use its Emergency Notification System to disseminate information concerning the incident and the evacuation. In addition, during an emergency and when practical, local media coverage will be used to assist in the dissemination of information.

Residence hall students should stay tuned to the information sources for direction should a campus wide evacuation or partial evacuation of residence halls take place. The Residence Life Department will be involved in relocation housing in the event of a protracted incident.

Faculty and staff essential personnel will be directed by the Louisiana College Department of Safety and Security to assist in the evacuation process and/or management of the incident where appropriate. There will typically be a designated staging area, to be determined and communicated, for essential personnel to be briefed on the situation and incident objectives.

## **Education Programs**

The Louisiana College Department of Safety and Security provides various programs and systems designed to enhance the safety and well-being of the College community. Campus security and fire safety procedures are discussed at new student orientation and residence hall orientation at the beginning of each semester. The Louisiana College Department of Safety and Security, Student Affairs, including Student Rights and Responsibilities, Residence Life, Residence Hall staff, Student Health Services and Counseling participate in forums and programs in residence halls to address students and to explain College security, public safety, and fire safety measures and procedures at Louisiana College. Members of the Louisiana College Department of Safety and Security department conduct crime prevention and general security and safety awareness presentations scheduled by the Louisiana College Department of Safety and Security department as well as when requested by various community groups, including students and employees of the College. During these presentations, the following information is typically provided: crime prevention tips, statistics on crime at Louisiana College, fire safety information, information regarding security procedures and practices, including encouraging participants to be responsible for their own security/safety and for the security/safety for others on campus, such as bystander training. New employee orientation includes the distribution of this very document. The Louisiana College Department of Safety and Security also periodically sponsors a women's self-defense class and will provide said class to any organization requesting.

During the year, the Louisiana College Department of Safety and Security conducted events and presentations and staffed crime prevention tables. Louisiana College Department of Safety and Security also participates in Student Affairs programs. The Student Affairs areas conducted programs including information regarding alcohol education, fire safety, personal safety, and crime prevention for the Louisiana College community. Presentations were conducted for Resident Assistants, Student Orientation staff, on the following topics:

- Campus Security Authority
- Bystander Intervention
- Risk Reduction
- Run, Hide, Fight

## **Crime Stoppers Tips Line**

The Rapides Parish Sheriff's Office operates an anonymous Crime Stoppers Tips Line to assist the department and the community in the prevention and solving of crime. Members of the community are encouraged to report any information regarding crimes that may or have occurred by dialing **(318) 443-7867** and follow the instructions given. All callers will remain anonymous.

### **Crisis Response Team**

In addition to on-duty officers, the College has an on-call response team consisting of a Faculty and/or Staff member from each building on campus. In most cases, this team can be assembled from initial contact. In cases of facility problems, there are standby personnel available for call-out by the Facilities Management.

### **24 Hour Security Escort Service**

The Louisiana College Department of Safety and Security provides a campus security escort service using motorized vehicles that are available 24 hours a day, 7 days a week to students, staff, faculty and visitors who request it by calling (318) 308-6505.

### **Self Defense Program**

This program is offered to all members of the Louisiana College Community. The program teaches basic self-defense skills and techniques. The programs assist participants in gaining confidence in their own abilities, as well as making them more aware of their surroundings.

### **Camera Security Systems**

The Louisiana College Department of Safety and Security maintains a campus wide system that records over 70 cameras.

Other areas of Education can be found on the Louisiana College Website:

[www.lacollege.edu](http://www.lacollege.edu)

*How to respond when an active shooter is in your vicinity*

*Information about the Jeanne Clery Act*

<http://www.lacollege.edu>

<http://www2.ed.gov/admins/lead/safety/campus.html>

## See Something, Say Something Campaign



### Crime Statistics - Procedures for Preparing the Annual Disclosure

The information below provides context for the crime statistics reported as part of compliance with the Clery Act.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: the Louisiana College Department of Safety and Security, the request from Pineville PD, the Rapides Parish SO and non-police officials. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all College Deans, Directors, and Department Heads. Statistical information is requested and provided to the Louisiana College Department of Safety and Security by the Student Health Center Director and Title IX Coordinator.

All statistics are gathered, compiled, and reported to the College via this report, entitled "Annual Security and Fire Safety Report" which is published by Louisiana College Department of Safety and Security. Louisiana College Department of Safety and Security submits the annual crime statistics published in this booklet to the Department of Education (ED). The statistical



information gathered by the Department of Education is available to the public through the ED website.

The Louisiana College Department of Safety and Security sends an email to every enrolled student and current employee on an annual basis. The email includes a brief summary of the contents of this report. The email also includes the address for the Louisiana College Department of Safety and Security website where the “Annual Security and Fire Safety Report” booklet can be found online <http://www.lacollege.edu> and a physical copy may be obtained by making a request to the Louisiana College Department of Safety and Security.

The statistics in this booklet are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law (the Clery Act).

The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-negligent Manslaughter, Forcible and Non-Forcible Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic.

In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics.

The statistics captured under the “Referred for Disciplinary Action” section for Liquor Law, Drug Law, and Illegal Weapons violations indicates the number of people referred to the Office of Student Development and Conduct for disciplinary action for violations of those specific laws. Being “found responsible” for a violation includes a referral that resulted in a student being charged by the Office of Student Development and a record of the action being kept on file.

The statistics in the Hate Crime charts are separated by category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a Hate Crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, Simple Assault, or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender’s bias. For example, a

subject assaults a victim, this is a crime. If the facts of the case indicate that, the offender was motivated to commit the offense because of his/her bias, against the victim's race, sexual orientation, gender, religion, ethnicity, or disability, the assault is then also classified as a hate/bias crime.

Statistics for "Residential Facilities" are also counted in the "On Campus" crime category. The law requires institutions to break out the number of "On Campus" crimes that occur in residential facilities.

Statistics under the heading of "Referred for Disciplinary Action" include those individuals referred to the Office of Student Development for disciplinary action. The numbers include incidents that are reported to via the Louisiana College Department of Safety and Security referrals and referrals provided directly to the Office of Student Development from other members of the Louisiana College community.

## **CRIMINAL OFFENSES – ON CAMPUS**

Criminal offense	2016	2017	2018
a. Murder/Non-negligent manslaughter	0	0	0
b. Manslaughter by Negligence	0	0	0
c. Rape	0	0	0
d. Fondling	0	1	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	4	8	4
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0

## CRIMINAL OFFENSES - ON-CAMPUS STUDENT HOUSING FACILITIES

Criminal offense	2016	2017	2018
a. Murder/Non-negligent manslaughter	0	0	0
b. Manslaughter by Negligence	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	4	7	4
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0

## CRIMINAL OFFENSES - PUBLIC PROPERTY

Criminal offense	2016	2017	2018
a. Murder/Non-negligent manslaughter	0	0	0
b. Manslaughter by Negligence	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0

## **Hate Crimes - On Campus**

There were no reported cases of Hate Crimes on Campus for the years 2016, 2017, 2018

## **Hate Crimes - On-Campus Student Housing Facilities**

There were no reported cases of Hate Crimes on Campus Student Housing Facilities for the years 2016, 2017, 2018

## **Arrests - On Campus**

### Total Occurrences on Campus Crime

	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

## **Arrests - On-Campus Student Housing Facilities**

### Total Occurrences on Campus Crime

	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	2	0	0
c. Liquor law violations	0	0	0

## **Disciplinary Actions - On Campus**

### Total Occurrences on Campus Crime

	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	1	0
b. Drug abuse violations	2	0	1
c. Liquor law violations	0	0	3

## **Disciplinary Actions - On-Campus Student Housing Facilities**

### **Total Occurrences on Campus Crime**

	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	1	0
b. Drug abuse violations	2	0	1
c. Liquor law violations	0	0	3

### **Illegal Drugs and Weapons Policy**

The entire campus is considered a “Drug Free Zone” and a “Gun Free Zone” as outlined in Title 40 Section 981.3 and Title 14 Section 95.2 of the Louisiana Revised Statutes. The College prohibits the possession, use, and/or distribution of marijuana, LSD, or other hallucinogenic substances, narcotics, or drug paraphernalia by anyone. Any individual known to be in possession, using, or distributing such drugs is subject to College disciplinary action, arrest, imprisonment, or can be fined according to state law.

The College prohibits the use or possession of firearms while on campus. Anyone in violation is subject to disciplinary action and/or arrest according to state law.

### **Alcoholic Beverages, Drug and Alcohol Abuse Policy/Programs**

Alcoholic beverages and illegal drugs (including prescription drugs in the possession of someone other than the person designated by the prescription) are prohibited on campus. Clothing and posters advertising or advocating these items are also prohibited. Violations will result in disciplinary procedures as outlined in The Student Handbook. Louisiana College complies with all federal and state laws, which prohibit the use, possession and sale of illegal drugs. The college is a drug-free zone by Louisiana law and will not shield any student, employee or visitor from action by civil authorities. Louisiana College is committed to promoting the health and safety of its campus community

Abuse of alcohol and drugs can have a dramatic impact on the professional, academic and family life. The College, therefore, encourages members of the community who may be experiencing difficulty with drugs or alcohol to contact the Louisiana College Counseling at **(318) 487-7420**.

### **Alcohol, Illegal Drugs, and Substance Abuse Education Policy**

The information in this section is in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. Louisiana College is concerned about your health and safety. Abuse of alcohol and controlled substances can seriously impair your health and your ability to work and study. It can cause you to endanger the safety and well-being of others.

The College promotes an environment that rejects substance abuse as an acceptable life style, informs you about resources for preventing or treating substance abuse, and helps you make healthy decisions about alcohol and other drugs. You should familiarize yourself with the College's standard of conduct and disciplinary actions taken against students or employees who violate that standard.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, as well as ongoing awareness and prevention campaigns for students and employees that:

Prevention of substance abuse is sought in several ways by:

- Promoting accurate information on drug use
- Encouraging healthy use of leisure time through recreation and other activities
- Enhancing skills for dealing with stress, and
- Working through campus leaders and influencers to establish a healthy environment.

### **Effects of Alcohol**

Alcohol consumption results in various marked behavioral changes. Even low doses significantly impair one's judgment and coordination. Alcohol consumption increases the likelihood of aggressive acts such as abuse; results in marked impairments in higher mental functions responsible for learning and remembering information; and can lead to respiratory distress and DEATH.

Repeated alcohol use can lead to dependence. Sudden cessation of alcohol can result in withdrawal symptoms such as anxiety, tremors, hallucinations, and convulsions that can be life-threatening. Long-term alcohol use can lead to permanent damage to vital organs such as the brain, liver, and digestive system.

Warning signs of a substance dependence disorder include the following:

- Developing a tolerance: needing increased amounts of the drug or alcohol to reach desired effects;
- Emotional changes: becoming more irritable, moody, fatigued;
- Sleep disturbances: either a decreased need for sleep or difficulty with insomnia;
- Changes in eating behaviors;
- Loss of interest in previously enjoyed activities in favor of spending more time consuming alcohol and/or drugs;
- Missing classes and not turning assignments in;

- Neglecting personal hygiene;
- Hanging out with a new and different group of friends;
- Using any excuse to consume alcohol and/or drugs;
- Conversations centering on being high and/or drunk;
- Inability to stop using once started;
- Inability to cut back or quit using;
- Becoming secretive about their usage or using in secret.

The above is just a partial list of substance dependence warning signs. An individual can have any combination of the above warning signs as well as having additional warning signs that are not on the list. If you notice these warning signs in yourself or in another person, please know that help is available. For further information regarding alcohol and drugs, screenings for alcohol/drug dependence disorders, or for help in dealing with alcohol and drug use problems, please contact the Louisiana College Counseling at **318-487-7420** and set up an appointment to speak with a counselor. The Center offers an unlimited number of sessions **free of charge** to all students, faculty, and staff of the College.

### **How Drug Use Affects Your Health**

Adverse health effects can range from nausea and anxiety to coma and death. There are risks associated with the chronic use of all psychoactive drugs, including alcohol. A pregnant woman who uses alcohol, cigarettes, or other drugs exposes her fetus to serious risks, including miscarriage, low birth weight, and brain damage.

Substance abuse may involve controlled substances, illegal drugs, and alcohol—all of which pose a health risk. When drugs are used in combination with each other, their negative effects on the mind and body are often multiplied beyond the effects of the same drugs taken on their own.

***Alcohol*** is the drug most frequently abused on college campuses and in our society.

Even small amounts of alcohol significantly impair the judgment and coordination required to drive a car, increasing your chances of having an accident. Consumption of alcohol may be a factor in the incidence of aggressive crimes, including acquaintance sexual assault and domestic abuse. Moderate to large amounts of alcohol severely impair your ability to learn and remember information. Because alcohol is a depressant, very large amounts can cause respiratory and cardiac failure, resulting in death.

***Marijuana*** impairs short-term memory and comprehension. It can cause confusion, anxiety, and for some, lung damage, and abnormalities of the hormonal and reproductive system. Hours after the feeling of getting high fades, the effects of the drug on coordination and judgment remain, heightening the risk of driving or performing other complex tasks. Cannabis, a fat-soluble

substance, may remain in the body for weeks, and overuse can cause paranoia, panic attacks, or psychiatric problems.

**Club Drugs** refers to a wide variety of drugs including MDMA (Ecstasy), GHB, rohypnol, ketamine, methamphetamine, and LSD, and are often used at raves, dance clubs, and bars. No club drug is safe due to variations in purity, potency, and concentration, and they can cause serious health problems or death. They have even more serious consequences when mixed with alcohol.

**Depressants** such as barbiturates, Valium and other benzodiazepines, Quaaludes, and other depressants cause disorientation, slurred speech, and other behaviors associated with drunkenness. The effects of an overdose of depressants range from shallow breathing, clammy skin, dilated pupils, and weak and rapid pulse to coma and death.

**Hallucinogens** such as LSD, MDA, PCP (angel dust), mescaline, and peyote can cause powerful distortions in perception and thinking. Intense and unpredictable emotional reactions can trigger panic attacks or psychotic reaction. An overdose of hallucinogens can cause heart failure, lung failure, coma, and death.

**Narcotics** like heroin, codeine, morphine, methadone, and opium cause such negative effects as anxiety, mood swings, nausea, confusion, constipation, and respiratory depression. Overdose may lead to convulsions, coma, and death. The risk of being infected with HIV/AIDS or other diseases increases significantly if you inject drugs and share needles, and there is a high likelihood of developing a physical and psychological dependence on these drugs.

**Stimulants** – cocaine, amphetamines, and others – can cause agitation, loss of appetite, irregular heartbeat, chronic sleeplessness, and hallucinations. Cocaine and crack cocaine are extremely dangerous and psychologically and physically addictive. An overdose can result in seizures and death.

**Tobacco**, with its active ingredient nicotine, increases your heart rate and raises your blood pressure. The tar in cigarette smoke is a major cause of cancer and other respiratory problems. Carbon monoxide in cigarette smoke can promote arteriosclerosis, and long-term effects of smoking include emphysema, chronic bronchitis, heart disease, and lung cancer.

## **Smoking Policy**

Louisiana College has a storied history of enhancing the life of its students, faculty, staff, and its community, Pineville, LA. As a Christian institution, Louisiana College has a moral obligation not only to promote learning, but also to promote healthy behaviors. For many years, Louisiana College has prohibited the use of smoke tobacco products within its buildings and near certain entrances. On March 1, 2012, Louisiana College transitioned from a smoking restricted campus to a tobacco-free campus. This policy applies to all frequenters of the campus: trustees, administrators, faculty, staff, students, contractors, vendors, clients, and visitors. Sale and use of tobacco products, including “vapor” type, on campus is prohibited. The free distribution of tobacco products on campus is prohibited. All tobacco advertising in public spaces, such as



billboard and signage, is prohibited. Tobacco advertisements are prohibited in College publications.

The success of this policy hinges on the courtesy and cooperation of all members of the College community. If verbal reminders are unsuccessful, and a person knowingly continues to violate the policy, please report the person to the Louisiana College Department of Safety and Security for review and action. Students are expected to comply with all College policies. Non-compliance of the tobacco-free policy should be reported to the Louisiana College Department of Safety and Security and the Office of Student Development. The Louisiana College Department of Safety and Security may issue citations for all community members. Violations could result in fines and/or other disciplinary actions.

### **Drug Use by Students and Employees**

The College is committed to maintaining a drug- and alcohol-free environment for its students and employees, in compliance with applicable federal and state laws. Students or employees who violate federal or state laws concerning the possession, use, or sale of drugs or alcohol are subject to criminal prosecution, as the Louisiana College Department of Safety and Security actively enforces these laws; those who violate College policies may also be subject to institutional sanctions.

### **Disciplinary Actions of College Employees**

Employees are subject to disciplinary action – including discharge – for unauthorized consumption of alcohol on institutional time or property; inability to perform satisfactorily their assigned duties as a result of consuming alcohol; illegal or excessive use of drugs, narcotics, or intoxicants; or unauthorized sale or distribution of drugs, narcotics, or intoxicants.

If you have a problem with controlled substances or alcohol, please seek professional advice and treatment. You may seek confidential help with your problem or obtain a list of counseling and assistance programs by calling Counseling Center at **(318) 487-7420**. In some cases, your supervisor may direct you to request this information.

### **Violation of the Drug Policy by College Students**

Students who illegally possess, use, distribute, sell, or manufacture drugs are subject to disciplinary action and may be dismissed from the College. For more information about the College's drug policy, refer to the Student Handbook.

The College provides educational programs and counseling to students who are substance abusers or who are affected by the substance abuse of others. For confidential help with these problems, contact the Counseling Center at **(318) 487-7420** or the Office of the Dean of Students at **318-487-7135**.

### **Drug and Alcohol Use: Federal Laws**

Under federal sentencing guidelines, federal courts can sentence simple-possession first offenders to one year in prison and a \$100,000 fine. Penalties for subsequent convictions are

significantly greater [21 U.S.C. 844(a)]. A sentence of life imprisonment can result from a conviction for possession of a controlled substance that results in death or bodily injury. Possession of more than five grams of cocaine can trigger an intent-to-distribute penalty of 10 to 16 years in prison [U.S.S.G.S. 2D2.1 (b) (1)].

## Relevant State and Federal Laws

### Intoxication

#### RS 14:15 Intoxication

The fact of an intoxicated or drugged condition of the offender at the time of the commission of the crime is immaterial, except as follows:

(2.1) Where the production of the intoxicated or drugged condition has been involuntary, and the circumstances indicate this condition is the direct cause of the commission of the crime, the offender is exempt from criminal responsibility.

(2.2) Where the circumstances indicate that an intoxicated or drugged condition has precluded the presence of a specific criminal intent or of special knowledge required in a particular crime, this fact constitutes a defense to a prosecution for that crime.

### Underage Drinking

Purchase and public possession of alcoholic beverages; exceptions; penalties

#### RS 14:93.12 Purchase and public possession of alcoholic beverages; exceptions; penalties

**A.** It is unlawful for any person under twenty-one years of age to purchase or have public possession of any alcoholic beverage.

**B.** (1) Whoever violates the provisions of this Section shall be fined not more than one hundred dollars or imprisoned for not more than six months, or both.

Penalty	1 <sup>st</sup> Offense
Fine	No more than \$100
Jail	Not more than 6 months, or both Fine and jail
License Suspension	May be suspended upon conviction, plea of guilty, or nolo contendere for a period of 180 days

(2) Any person apprehended while the apprehending law enforcement officer, which shall be paid in the same manner as, shall issue violating the provisions of this Section provided for the offenders of local traffic violations.

(3) In addition to the penalties provided in Paragraph (1) of this Subsection, the driver's license of any person violating the provisions of this Section may be suspended upon conviction, plea of guilty, or nolo contendere for a period of one hundred eighty days. Upon conviction, plea of guilty, or nolo contendere, the court shall surrender the driver's license to the Department of Public Safety and Corrections for suspension in accordance with the provisions of this Section. Upon first conviction, the court may issue an order that authorizes the department to issue a restricted driver's license upon a demonstration to the court that a hardship would result from being unable to drive to school or work. Such restrictions shall be determined by the court.

<b>Penalty</b>	<b>1<sup>st</sup> Offense</b>
<b>Fine</b>	No more than \$500
<b>Jail</b>	Not more than 30 days, or both Fine and jail
<b>License Suspension</b>	May be suspended upon conviction, plea of guilty, or nolo contendere for a period of 180 days.

#### **Selling or Furnishing Alcohol to Minors**

##### **RS 14:93.13 Unlawful purchase of alcoholic beverages by persons on behalf of persons under twenty-one**

§93.13. Unlawful purchase of alcoholic beverages by persons on behalf of persons under twenty-one

A. It is unlawful for any person, other than a parent, spouse, or legal guardian, as specified in R.S. 14:93.10(2) (a) (ii), to purchase on behalf of a person under twenty-one years of age any alcoholic beverage.

B. (1) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(2) In addition to the penalties provided in Paragraph (1) of this Subsection, the driver's license of any person violating the provisions of this Section may be suspended upon conviction, plea of guilty, or nolo contendere for a period of one hundred eighty days. Upon conviction, plea of guilty, or nolo contendere, the court shall surrender the driver's license to the Department of Public Safety and Corrections for suspension in accordance with the provisions of this Section. Upon first conviction, the court may issue an order that authorizes the department to issue a restricted driver's license upon a demonstration to the court that suspension of his driving privileges will deprive him or his family of the necessities of life or prevent him from earning a livelihood. Such restrictions shall be determined by the court.

### **Alcoholic beverage vaporizer; prohibitions**

#### **RS 14:93.15 Alcoholic beverage vaporizer; prohibitions**

A. It is unlawful for any person to sell, deliver, give away, purchase, possess, or use an alcoholic beverage vaporizer.

B. This Section shall not apply to any other vaporizer device used for purposes other than vaporizing alcoholic beverages.

C. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. Acts 2006, No. 147, §1.

### **Disturbing the peace by intoxication**

It is illegal to appear in any public place manifestly under the influence of alcohol to the degree that you may endanger yourself or other persons or property, or annoy others in your vicinity. Disturbing the peace by intoxication is a crime when a person appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity. Public drunkenness also leads to other behaviors and important health concerns. Often, public drunkenness contributes to many criminal mischiefs and disorderly conducts on campus. People must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol.

<b>Penalty</b>	<b>1<sup>st</sup> Offense</b>
<b>Fine</b>	Not more than \$100
<b>Jail</b>	Not more than 90 days, or both.

#### **RS 14:103. Disturbing the peace**

A. Disturbing the peace is the doing of any of the following in such manner as would foreseeably disturb or alarm the public:

- (1) Engaging in a fistic encounter; or
- (2) Addressing any offensive, derisive, or annoying words to any other person who is lawfully in any street, or other public place; or call him by any offensive or derisive name, or make any noise or exclamation in his presence and hearing with the intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business, occupation, or duty; or
- (3) Appearing in an intoxicated condition; or
- (4) Engaging in any act in a violent and tumultuous manner by any three or more persons; or
- (5) Holding of an unlawful assembly; or
- (6) Interruption of any lawful assembly of people; or...

B.(1) Whoever commits the crime of disturbing the peace shall be fined not more than one hundred dollars or imprisoned for not more than ninety days, or both...

**False I.D.**

Penalty	1 <sup>st</sup> Offense
Fine	Not more than \$200
Community Service	Up to 32 hours
License Suspension	90 days

**Misrepresentation of age to obtain alcoholic beverages or gain entry to licensed premises prohibited; penalties**

**§333. Misrepresentation of age to obtain alcoholic beverages or gain entry to licensed premises prohibited; penalties**

A. It is unlawful for any person under the age of twenty-one years to present or offer to any person having a license or permit to sell alcoholic beverages, under Title 26 of the Louisiana Revised Statutes of 1950, or to his agent or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of obtaining or purchasing alcoholic beverages or attempting to enter the licensed premises.

B. Whoever violates the provisions of this Section shall be punishable by one or more of the following:

- (1) A fine of not more than two hundred dollars.
- (2) An appropriate amount of community service not to exceed thirty hours.
- (3) Suspension of the violator's driver's license for ninety days.

C. As used in this Section, "licensed premises" means an establishment licensed under Title 26 of the Louisiana Revised Statutes of 1950 where the sale of alcoholic beverages constitutes its main business.

**Open Container Law: Possession of alcoholic beverages in motor vehicles RS 32:300. Possession of alcoholic beverages in motor vehicles**

A. It shall be unlawful for the operator of a motor vehicle or the passenger in or on a motor vehicle, while the motor vehicle is operated on a public highway or right-of-way, to possess an open alcoholic beverage container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle.

B. For purposes of this Section, the following words have the following meanings ascribed to them:

- (1) "Alcoholic beverage" means any of the following:
  - (a) Beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.
  - (b) Wine of not less than one-half of one percent of alcohol by volume.
  - (c) Distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

(2) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

(3)(a) "Open alcoholic beverage container" means any bottle, can, or other receptacle that contains any amount of alcoholic beverage and to which any of the following is applicable:

1. It is open or has a broken seal.
2. Its contents have been partially removed.

(b) "Open alcoholic beverage container" shall not mean any bottle, can, or other

receptacle that contains a frozen alcoholic beverage unless the lid is removed, a straw protrudes therefrom, or the contents of the receptacle have been partially removed.

(4) "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. It shall not mean a locked glove compartment or behind the last upright seat, or any area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

(5) "Public highway or right-of-way" means the entire width between and immediately adjacent to the boundary lines of publicly maintained highways or roads when any part thereof is open to the use of the public.

C. Notwithstanding R.S. 32:391 and 411, whoever violates the provisions of this Section shall not be taken into custody by the arresting officer, but instead shall be required to either deposit his driver's license with the arresting officer or give his written promise to appear. Furthermore, a violation of the provisions of this Section shall not be included in the records kept by the commissioner required in R.S. 32:393.1.

D. (1) Whoever violates the provisions of this Section shall be fined not more than one hundred dollars. Court costs shall be assessed in addition to the fine authorized by this Subsection.

(2) For purposes of enforcement, the observance of a glass, cup, or other container that, on its face, does not indicate that the container contains an alcoholic beverage, shall not, absent other circumstances, constitute probable cause for a law enforcement officer to stop and question a person.

E. This Section shall preempt the authority of a municipal or parish governing authority to enact any code or ordinance regulating the possession of alcoholic beverages in motor vehicles. However, the local governing authority of a local governmental subdivision with a population of over fifty thousand as of the most recent federal decennial census may enact a code or ordinance that does not conflict with the substantive provisions of this Section, and such local code or ordinance may provide for the imposition and collection of fines and court costs for violations thereof for amounts in excess of the amounts provided in this Section. The preemption contained in this Subsection is solely for providing for a uniform open container prohibition in motor vehicles throughout the state, and nothing in this Section shall be construed to further preempt the authority of a local government to provide for any other type of alcohol beverage regulation within its jurisdiction.

F. The provisions of this Section shall not apply to the following persons or in the following areas:

(1) Any person operating or occupying a motor vehicle who, as a condition of his employment and while acting in the course and scope of such employment, is required to carry open alcoholic beverage containers, provided that the operator or passenger does not consume the alcoholic beverages.

(2) Any paid fare passenger on a common or contract carrier vehicle, as defined in R.S. 45:162.

(3) Any paid fare passenger on a public carrier vehicle, as defined in R.S. 45:200.2.

(4) Any passenger in a courtesy vehicle which is operated as a courtesy vehicle.

(5) Any passenger of a self-contained motor home which is in excess of twenty-one feet in length.

(6) Possession of an open container of alcoholic beverage in the trunk of a motor vehicle.

(7) If the motor vehicle is not equipped with a trunk, possession of an open container or alcoholic beverages in any of the following areas:

(a) In a locked glove or utility compartment.

(b) In an area of the vehicle not normally occupied by, and not readily accessible, to the driver or passengers.

(8) Passengers and krewe members riding on a parade float.

(9) Any passenger in a privately owned limousine the driver of which possesses a Class D commercial driver's license.

**In Louisiana, the illegal level for DUI is .08 percent Blood Alcohol Content (BAC) and .02 percent BAC for minors.**

Drivers with any amount of a Schedule I, II, III, or IV controlled substance not medically prescribed may not drive, operate, or be in actual physical control of a vehicle.

Penalty	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
<b>Fine</b>	not less than \$300 nor more than \$1000	not less than \$750 nor more than \$1000
<b>Jail</b>	2 days–6 months	not less than 30 days nor more than 6 months
<b>License Suspension</b>	90 days	6 months
<b>Other</b>	Perform no less than 32 hours of court-approved community service activities Participate in a court-approved substance abuse program Participate in court-approved driver improvement program	Participate in a court- approved substance abuse program Participate in a court- approved driver improvement program Ignition

**Operating a vehicle while intoxicated**

**RS 14:98 Operating a vehicle while intoxicated**

A. (1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when any of the following conditions exist:

(a) The operator is under the influence of alcoholic beverages.

(b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

(c) The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964.

(d)(i) The operator is under the influence of a combination of alcohol and one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription.

(ii) It shall be an affirmative defense to any charge under this Subparagraph that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.

(iii) (e)(i) The operator is under the influence of one or more drugs that are not controlled dangerous substances and that are legally obtainable with or without a prescription.

(ii) It shall be an affirmative defense to any charge under this Subparagraph that the operator did not knowingly consume quantities of the drug or drugs that substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

(2) A valid driver's license shall not be an element of the offense, and the lack thereof shall not be a defense to a prosecution for operating a vehicle while intoxicated.

B. (1) This Subsection shall be cited as the "Child Endangerment Law".

(2) When the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child twelve years of age or younger was a passenger in the motor vehicle, aircraft, watercraft, vessel, or other means of motorized conveyance at the time of the commission of the offense:

(a) Except as provided in Subparagraphs (b) and (c) of this Paragraph, the execution of the minimum mandatory sentence provided by R.S. 14:98.1 or 98.2, as appropriate, shall not be suspended.

(b) Notwithstanding any provision of law to the contrary, if imprisonment is imposed pursuant to the provisions of R.S. 14:98.3, the execution of the minimum mandatory sentence shall not be suspended.

(c) Notwithstanding any provision of law to the contrary, if imprisonment is imposed pursuant to the provisions of R.S. 14:98.4, the execution of the minimum mandatory sentence shall not be suspended.

C. (1) For purposes of determining whether a defendant has a prior conviction for a violation of this Section, a conviction under any of the following shall constitute a prior conviction:



- (a) R.S. 14:32.1, vehicular homicide.
- (b) R.S. 14:32.8, third degree feticide.
- (c) R.S. 14:39.1, vehicular negligent injuring.
- (d) R.S. 14:39.2, first degree vehicular negligent injuring.

(e) A law of any state or an ordinance of a municipality, town, or similar political subdivision of another state that prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance.

- (2) The determination under this Subsection shall be made by the court as a matter of law.

For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section, a conviction for an offense under R.S. 14:39.1, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance if committed more than ten years prior to the commission of the crime for which the defendant is being tried, and such conviction shall not be considered in the assessment of penalties in this Section. However, periods of time during which the offender was awaiting trial, under an order of attachment for failure to appear, or on probation or parole for an offense described in this Paragraph, or periods of time during which an offender was incarcerated in a penal institution in this or any other state for any offense, including an offense described in Paragraph (1) of this Subsection, shall be excluded in computing the ten-year period.

D. (1) On a conviction of a first offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary, the offender shall be sentenced under the provisions of R.S. 14:98.1.

(2)(a) Except as provided by Subparagraph (b) of this Paragraph, on a conviction of a second offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary and regardless of whether the second offense occurred before or after the first conviction, the offender shall be sentenced under the provisions of R.S. 14:98.2.

(b) If the conviction of a second offense violation of the provisions of this Section when the first offense was for the crime of vehicular homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S. 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, the offender shall be sentenced under the provisions of R.S. 14:98.2(D).

(3) On a conviction of a third offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be sentenced under the provisions of R.S. 14:98.3.

(4) On a conviction of a fourth or subsequent offense violation of the provisions of this Section, notwithstanding any other provision of law to the contrary and

(5) regardless of whether the fourth or subsequent offense occurred before or after an earlier conviction, the offender shall be sentenced under the provisions of R.S. 14:98.4.

E. The legislature hereby finds and declares that conviction of a third or subsequent offense of operating while intoxicated is presumptive evidence of the existence of a substance abuse disorder that poses a serious threat to the health and safety of the public. Further, the legislature finds that there are successful treatment methods available for treatment of addictive disorders.

F. (1) On a third or subsequent conviction of operating while intoxicated pursuant to this Section, in addition to any other sentence, the court shall order, upon motion of the prosecuting district attorney, that the vehicle being operated by the offender at the time of the offense be seized and impounded, and be sold at auction in the same manner and under the same conditions as executions of writs of seizure and sale as provided in Book V, Title II, Chapter 4 of the Code of Civil Procedure.

(2) The vehicle shall be exempt from sale if it was stolen, or if the driver of the vehicle at the time of the violation was not the owner and the owner did not know that the driver was operating the vehicle while intoxicated. If this exemption is applicable, the vehicle shall not be released from impoundment until such time as towing and storage fees have been paid. In addition, the vehicle shall be exempt from sale if all towing and storage fees are paid by a valid lien holder.

(3) If the district attorney elects to forfeit the vehicle, he shall file a written motion at least five days prior to sentencing, stating his intention to forfeit the vehicle. When the district attorney elects to forfeit the vehicle, the court shall order it forfeited.

(4) The proceeds of the sale shall first be used to pay court costs and towing and storage costs, and the remainder shall be allocated as follows:

- (a) Sixty percent of the funds shall go to the arresting agency.
- (b) Twenty percent of the funds shall go to the prosecuting district attorney.
- (c) Twenty percent of the funds shall go to the Louisiana Property and Casualty Insurance Commission for its use in studying ways to reduce drunk driving and insurance rates.

G. (1) If an offender placed on probation for a conviction of a violation of this Section fails to complete the required substance abuse treatment, or fails to participate in a driver improvement program, or violates any other condition of probation, including conditions of home incarceration, his probation may be revoked, and he may be ordered to serve the balance of the sentence of imprisonment, without credit for time served under home incarceration.

(2) If the offender is found to be in violation of both the terms of his release for good behavior by the Department of Public Safety and Corrections, committee on parole, and in violation of his probation by the court, then the remaining balance of his diminution of sentence shall be served first, with the previously suspended sentence imposed by the court to run consecutively thereafter.

**Underage driving under the influence**

**RS 14:98.1 Operating while intoxicated; first offense; penalties**

A.(1) Except as modified by the provisions of Paragraphs (2) and (3) of this Subsection, on a conviction of a first offense violation of R.S. 14:98, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for not less than ten days nor more than six months. Imposition or execution of sentence under this Paragraph shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete all of the following:

(a) Serve forty-eight hours in jail, which shall not be suspended, or in lieu thereof, perform no less than thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.

(b) Participate in a court-approved substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing herein shall prohibit the court from modifying the portions of the program as may be applicable and appropriate to an individual offender as shown by the assessment.

(c) Participate in a court-approved driver improvement program.

(d) Except as provided by Subparagraph (3) (c) of this Subsection, the court may order that the offender not operate a motor vehicle during the period of probation, or such shorter time as set by the court, unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2.

(2) If the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least forty-eight hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence, and is to be served in addition to any sentence of imprisonment imposed pursuant to Subparagraph (1)(a) of this Subsection, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.

(3)(a) If the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and at least forty-eight hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence, and is to be served in addition to any sentence of imprisonment imposed pursuant to Subparagraph (1)(a) of this Subsection, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.

(b) In addition to any penalties imposed under this Section, upon conviction of a first offense, if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

(c) The court shall require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S.

14:98.5(C) and

R.S. 32:378.2. The ignition interlock device shall remain installed and operative on his vehicle during the first twelve-month period of suspension of his driver's license following the date of conviction.

B. Nothing in this Section shall prohibit a court from sentencing an offender to serve any portion of the sentence under home incarceration pursuant to R.S. 14:98.5, either in lieu of, or in addition to, a term of imprisonment if otherwise allowed under the provisions of Code of Criminal Procedure Article 894.2 and R.S. 14:98.5(B).

C. An offender may apply for a restricted driver's license to be in effect during the entire period of suspension upon proof to the Department of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 32:378.2.

#### **Operating while intoxicated; second offense**

**RS 14:98.2     Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated**

#### **§98.2. Operating while intoxicated; second offense; penalties**

A.(1) Except as modified by the provisions of Paragraphs (2), (3), and (4) of this Subsection, or as provided by Subsection D of this Section, on a conviction of a second offense violation of R.S. 14:98, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars, and shall be imprisoned for not less than thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete all of the following:

(a) Serve at least fifteen days in jail, without benefit of parole, probation, or suspension of sentence, or in lieu thereof, perform two hundred forty hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program. If imprisonment is imposed under this Subparagraph, the sentence is to be served in addition to the sentence of imprisonment imposed pursuant to Paragraph (1) of this Subsection, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.

(b) Participate in a court-approved substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of

(c) substance abuse disorder. Nothing in this Section shall prohibit the court from modifying the portions of the program as may be applicable and appropriate to an individual offender as shown by the assessment.

(d) Participate in a court-approved driver improvement program.

(e) Except as the period of time may be increased in accordance with

Subparagraph (3)(c) of this Subsection, the court shall order that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2, which requirement shall remain in effect for a period of not less than six months from the date of conviction. In addition, the device shall remain installed and operative during any period that the offender's driver's license is suspended under law and for any additional period as determined by the court.

If the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least ninety-six hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence.

(2)(a) If the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the offender shall be fined one thousand dollars and at least ninety-six hours of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without the benefit of parole, probation, or suspension of sentence.

(b) In addition to any penalties imposed under this Section, upon conviction of a second offense violation of R.S. 14:98, if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for four years.

(c) The court shall require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2. The ignition interlock device shall remain installed and operative on his vehicle during the first three years of the four-year period of the suspension of his driver's license.

(3) If the arrest for the second offense occurs within one year of the commission of the first offense, at least thirty days of the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served without benefit of parole, probation, or suspension of sentence. In addition, if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, he shall be fined one thousand dollars and also be subject to the provisions of Subparagraphs (3)(b) and (c) of this Subsection.

B. Nothing in this Section shall prohibit a court from sentencing an offender to serve any portion of the sentence under home incarceration pursuant to R.S. 14:98.5, either in lieu of, or in addition to, a term of imprisonment if otherwise allowed under the provisions of Code of Criminal Procedure Article 894.2 and R.S. 14:98.5(B).

C. An offender may apply for a restricted driver's license to be in effect during the entire period of suspension upon proof to the Department of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 32:378.2.

D. Notwithstanding any other provision of law to the contrary, on a conviction of a second offense violation of R.S. 14:98, and regardless of whether the second offense occurred before or after the first conviction, when the first offense was for the crime of vehicular homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S. 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, the offender shall be fined two thousand dollars and imprisoned, with or without hard labor, for not less than one year nor more than five years. At least six months of the sentence of imprisonment imposed shall be without benefit of parole, probation, or suspension of sentence except in compliance with R.S. 14:98.5(B)(1), the mandatory minimum sentence cannot be served on home incarceration.

(1) Imposition or execution of the remainder of the sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete all of the following:

(a) Perform two hundred forty hours of court-approved community service activities, at least one-half of which shall consist of participation in a litter abatement or collection program.

(b) Participate in a court-approved substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing in this Section shall prohibit the court from modifying the portions of the program as may be applicable and appropriate to an individual offender as shown by the assessment.

(c) Participate in a court-approved driver improvement program.

(2) In accordance with the provisions of R.S. 14:98.5(B), any offender placed on probation pursuant to the provisions of this Subsection shall be placed in a home incarceration program approved by the division of probation and parole for a period of time not less than six months and not more than the remainder of the sentence of imprisonment.

(3) Except as the period of time may be increased in accordance with Subparagraph (A)(3)(b) and (c) of this Section, in addition to any penalties imposed under this Section, the court shall order that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S.

14:98.5(C),

R.S. 15:306, and R.S. 32:378.2, which requirement shall remain in effect for a period of not less than six months from the date of conviction. In addition, the device shall remain installed and operative during any period that the offender's driver's license is suspended under law and for any additional period as determined by the court.

**Underage operating while intoxicated**

**RS 14:98.6 Underage operating while intoxicated**

A. The crime of underage operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the operator's blood alcohol concentration is 0.02 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, if the operator is under the age of twenty-one.

B. Any underage person whose blood alcohol concentration is found to be in violation of R.S. 14:98(A)(1)(b) shall be charged under the provisions of that Subparagraph rather than under this Section.

C.(1) On a first conviction, the offender shall be fined not less than one hundred dollars nor more than two hundred fifty dollars, and imprisoned for not less than ten days nor more than three months. Imposition or execution of sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he:

(a) Perform thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.

(b) Participate in a court-approved substance abuse and driver improvement program.

(2) On a second or subsequent conviction, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than two hundred fifty dollars nor more than five hundred dollars, and imprisoned for not less than thirty days nor more than six months. Imposition or execution of sentence under this Paragraph shall not be suspended unless the offender is placed on probation with the minimum conditions that he:

(a) Serve forty-eight hours in jail without benefit of parole, probation, or suspension of sentence, or in lieu thereof, perform no less than eighty hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program.

(b) Participate in a court-approved substance abuse and driver improvement program.

(c) Participate in a court-approved driver improvement program.

(3) Nothing in this Section shall prohibit a court from sentencing an offender to serve any portion of the sentence under home incarceration either in lieu of, or in addition to, a term of imprisonment if otherwise allowed under the provisions of Code of Criminal Procedure Article 894.2 and R.S. 14:98.5(B).

(4) The court may require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in accordance with R.S. 14:98.5(C).

D. Court programs regarding substance abuse as provided for by Subsection C of this Section shall include a screening procedure to determine the portions of the program that may be applicable and appropriate for individual offender.

E. Any underage person whose blood alcohol concentration is found to be in violation of R.S. 14:98(A)(1)(b) shall be charged under the provisions of that Subparagraph rather than under this Section.

**Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated**

RS 14:98.7 Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated

A. No person under arrest for a violation of R.S. 14:98, or 98.6, or any other law or ordinance that prohibits operating a vehicle while intoxicated, may refuse to submit to a chemical test when requested to do so by a law enforcement officer if he has refused to submit to such test on two previous and separate occasions of any such violation.

B.(1) Whoever violates the provisions of this Section shall be fined not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned for not less than ten days nor more than six months.

(2) Imposition or execution of sentence shall not be suspended unless one of the following occurs:

(a) The offender is placed on probation with the minimum conditions that he serve two days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program.

(b) The offender is placed on probation with the minimum conditions that he perform thirty-two hours of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, participate in a court-approved substance abuse program, and participate in a court-approved driver improvement program. An offender who participates in a litter abatement or collection program pursuant to this Subparagraph shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, as provided by R.S. 14:98.5(D).

**Louisiana Medical Amnesty Law**

**Alcohol consumption; emergency assistance and cooperation; immunity**

RS 14:403.9 Alcohol consumption; emergency assistance and cooperation; immunity

A. A peace officer shall not take a person into custody based solely on the commission of an offense involving alcohol described in Subsection B of this Section if the criminal prosecution for any offense related solely to the possession and consumption of alcohol.

B. A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance or failure to comply with this Section.

C. The purposes of this Section, "peace officer" shall have the same meaning as defined in R.S. 14:112.1.



## **Schedules of Controlled Dangerous Substances**

RS 40:963 Schedules of controlled dangerous substances

There are established five schedules of controlled substances, to be known as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in R.S. 40:964. In determining that a substance is to be added to these schedules, the secretary of the Department of Health and Hospitals shall find the following:

A. As to Schedule I:

- (1) The drug or other substance has a high potential for abuse.
- (2) The drug or other substance has no currently accepted medical use in treatment in the United States, and
- (3) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

B. As to Schedule II:

- (1) The drug or other substance has a high potential for abuse.
- (2) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions, and
- (3) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

C. As to Schedule III:

- (1) The drug or other substance has a potential for abuse less than the drugs or other substances listed in Schedules I and II.
- (2) The drug or other substance has a currently accepted medical use in treatment in the United States, and
- (3) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

D. As to Schedule IV:

- (1) The drug or other substance has a low potential for abuse relative to the drugs or other substances listed in Schedule III.
- (2) The drug or other substance has a currently accepted medical use in treatment in the United States, and
- (3) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances listed in Schedule III.

E. As to Schedule V:

- (1) The drug or other substance has a low potential for abuse relative to the drugs or other substances listed in Schedule IV.
  - (2) The drug or other substance has a currently accepted medical use in treatment in the United States, and
  - (3) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances listed in Schedule
- Controlled Substances Act (CSA)

The CSA places all substances that are regulated under existing federal law into one of five schedules. The place is based on the substance's medical use, potential for abuse, and safety or dependence ability. Below is a description of the five schedules and examples of drugs in each schedule. The list is not comprehensive.

Schedule	Characteristics	Examples
Schedule I	<ul style="list-style-type: none"> <li>•high potential for abuse</li> <li>•no currently accepted medical use in US</li> <li>•lack of accepted safety for use under medical supervision</li> </ul>	<ul style="list-style-type: none"> <li>•Heroin</li> <li>•Gamma Hydroxybutyric Acid (GHB)</li> <li>•LSD</li> <li>•Marijuana</li> <li>•MDMA (Ecstasy)</li> <li>•Mescaline (peyote)</li> <li>•Psilocybin/Psilocyn (mushrooms)</li> <li>•Tetrahydrocannabinols (THC)</li> </ul>
Schedule II	<ul style="list-style-type: none"> <li>•high potential for abuse</li> <li>•currently accepted for medical use or with severe restrictions in US</li> <li>•abuse may lead to severe psychological or physical dependence</li> </ul>	<ul style="list-style-type: none"> <li>•Adderall®</li> <li>•Amphetamine</li> <li>•Cocaine</li> <li>•Methadone</li> <li>•Methamphetamine</li> <li>•Morphine</li> <li>•Oxycodone</li> <li>•Phencyclidine (PCP)</li> <li>•Ritalin®</li> </ul>
Schedule III	<ul style="list-style-type: none"> <li>•less potential for abuse than drugs in Schedules I and II</li> <li>•currently accepted for medical use in US</li> <li>•abuse may lead to moderate or low physical dependence or high psychological dependence</li> </ul>	<ul style="list-style-type: none"> <li>•Anabolic Steroids</li> <li>•Codeine compounds</li> <li>•Some barbiturates</li> <li>•Ketamine</li> </ul>
Schedule IV	<ul style="list-style-type: none"> <li>•low potential for abuse compared to drugs in Schedule III</li> <li>•currently accepted medical use in US</li> <li>•abuse may lead to limited physical dependence or psychological dependence</li> </ul>	<ul style="list-style-type: none"> <li>•Ativan®</li> <li>•Rohypnol® (not manufactured or legally marketed in the US)</li> <li>•Valium®</li> <li>•Xanax®</li> </ul>

**Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, possession of synthetic cannabinoids, possession of heroin**

RS 40:966 Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, possession of synthetic cannabinoids, possession of heroin

A. Manufacture; distribution. Except as authorized by this Part, it shall be unlawful for any person knowingly or intentionally:

(1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled substance analogue classified in Schedule I;

(2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule I.

B. Penalties for violation of Subsection A of this Section. Any person who violates Subsection A of this Section with respect to:

(1) Except as otherwise provided in Paragraph (4) of this Subsection, a substance classified in Schedule I that is a narcotic drug (all substances in Schedule I preceded by an asterisk "\*"), upon conviction shall be sentenced to imprisonment at hard labor for not less than ten nor more than fifty years, at least ten years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(2) Except as otherwise provided in Paragraph (3) of this Subsection, any other controlled dangerous substance classified in Schedule I, shall upon conviction be sentenced to a term of imprisonment at hard labor for not less than five years nor more than thirty years, at least five years of which shall be served without benefit of parole, probation, or suspension of sentence, and pay a fine of not more than fifty thousand dollars.

(3) A substance classified in Schedule I which is marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic cannabinoids shall upon conviction be sentenced to a term of imprisonment at hard labor for not less than five nor more than thirty years, and pay a fine of not more than fifty thousand dollars.

(4)(a) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues upon conviction of a first offense shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than fifty years, at least ten years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(b) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues upon conviction of a second or subsequent offense shall be sentenced to a term of imprisonment at hard labor for not less than ten nor more than ninety-nine years, at least ten years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule I unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

(1) A substance classified in Schedule I which is a narcotic drug (all substances in Schedule I preceded by an asterisk), shall be imprisoned at hard labor for not less than four years nor more than ten years and may, in addition, be required to pay a fine of not more than five thousand dollars.

(2) Phencyclidine shall be sentenced to imprisonment with or without hard labor for not less than five nor more than twenty years and may be sentenced to pay a fine of not more than five thousand dollars, or both.

(3) Any other controlled dangerous substance classified in Schedule I, shall be imprisoned at hard labor for not more than ten years, and may in addition, be required to pay a fine of not more than five thousand dollars.

D. Other penalties for possession. (1) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk "\*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk "\*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of a narcotic drug (all substances in Schedule I preceded by an asterisk "\*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

E. Possession of marijuana, or synthetic cannabinoids. (1) Except as provided in Subsections E and F of this Section, on a first conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, or synthetic cannabinoids the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.

(2)(a) Except as provided in Subsection F or G of this Section, on a second conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids, the offender shall be fined not less than two hundred fifty dollars, nor more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

(b) If the court places the offender on probation, the probation shall provide for a minimum condition that he participate in a court-approved substance abuse program and

perform four eight-hour days of court-approved community service activities. Any costs associated with probation shall be paid by the offender.

(3) Except as provided in Subsection F or G of this Section, on a third or subsequent conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids the offender shall be sentenced to imprisonment with or without hard labor for not more than twenty years, and may, in addition, be sentenced to pay a fine of not more than five thousand dollars.

(4) A conviction for the violation of any other statute or ordinance with the same elements as R.S. 40:966(C) prohibiting the possession of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be considered as a prior conviction for the purposes of this Subsection relating to penalties for second, third, or subsequent offenders.

(5) A conviction for the violation of any other statute or ordinance with the same elements as R.S. 40:966(B)(3) prohibiting the distributing or dispensing or possession with intent to distribute or dispense marijuana, of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be considered as a prior conviction for the purposes of this Subsection relating to penalties for second, third, or subsequent offenders.

F. Except as otherwise authorized in this Part:

(1) Any person who knowingly or intentionally possesses sixty pounds or more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars.

(2) Any person who knowingly or intentionally possesses two thousand pounds or more, but less than ten thousand pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years nor more than forty years, and to pay a fine of not less than one hundred thousand dollars nor more than four hundred thousand dollars.

(3) Any person who knowingly or intentionally possesses ten thousand pounds or more of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard labor of not less than twenty-five years, nor more than forty years and to pay a fine of not less than four hundred thousand dollars nor more than one million dollars.

G. With respect to any person to whom the provisions of Subsections D and F are applicable, the adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for probation or parole prior to serving the minimum sentences provided by Subsection D or F.

H. Notwithstanding any other provision of law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections serving a life sentence for the production, manufacturing, distribution, or dispensing or possessing with intent to produce, manufacture, or distribute heroin shall be eligible for parole consideration upon serving at least fifteen years of imprisonment in actual custody.

## **Synthetic Marijuana**

Effective March 1, 2011, the U.S. Drug Enforcement Agency classified synthetic marijuana as an illegal substance. It is also known as Spice, K2, Demon, Wicked, Black Magic, Voodoo Spice, and Ninja Aroma Plsu. Individuals found responsible for manufacturing, possessing, importing/exporting, or distributing these substances will face criminal and civil penalties. Louisiana College students engaging in these activities will also be held responsible under the College's illegal substances policy. It is also against College policy to use synthetic marijuana.

### **Prohibited acts--Schedule II, penalties**

#### **RS 40:967 Prohibited acts--Schedule II, penalties**

A. Manufacture; distribution. Except as authorized by this Part or by Part VII-B of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, it shall be unlawful for any person knowingly or intentionally:

(1) To produce, manufacture, distribute, or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled substance analogue classified in Schedule II;

(2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule II.

B. Penalties for violation of Subsection A. Except as provided in Subsection F, any person who violates Subsection A with respect to:

(1) A substance classified in Schedule II which is an amphetamine or methamphetamine or which is a narcotic drug, except cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964 and except oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964 and except methadone as provided in Schedule II(B)(11) of R.S. 40:964 shall be sentenced to a term of imprisonment at hard labor for not less than two years nor more than thirty years; and may, in addition, be sentenced to pay a fine of not more than fifty thousand dollars.

(2) Pentazocine, shall be sentenced to imprisonment at hard labor for not less than two years nor more than ten years, at least two years of which shall be served without benefit of parole, probation, or suspension of sentence, and, in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

(3)(a) Production or manufacturing of amphetamine or methamphetamine shall be sentenced to imprisonment at hard labor for not less than ten years nor more than thirty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence, and in addition may be sentenced to pay a fine of not more than five hundred thousand dollars.

(b) This Subparagraph shall be cited as the "Child Endangerment Law". When the state proves in addition to the elements of the crime as set forth in Subsection A of this Section that a minor child twelve years of age or younger is present in the home, mobile home or other inhabited dwelling at the time of the commission of the offense, the minimum mandatory sentence shall be fifteen years without benefit of parole, probation, or suspension of sentence.

(4)(a) Production or manufacturing of cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964 or oxycodone

as provided in Schedule II(A)(1)(o) of R.S. 40:964 or methadone as provided in Schedule II(B)(11) of R.S. 40:964 shall be sentenced to imprisonment at hard labor for not less than ten nor more than thirty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence, and may be fined not more than five hundred thousand dollars.

(b) Distribution, dispensing, or possession with intent to produce, manufacture, distribute, or dispense cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964 or oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964 or methadone as provided in Schedule II(B)(11) of R.S. 40:964 shall be sentenced to a term of imprisonment at hard labor for not less than two years nor more than thirty years, with the first two years of said sentence being without benefit of parole, probation, or suspension of sentence; and may, in addition, be sentenced to pay a fine of not more than fifty thousand dollars.

(5) Any other controlled dangerous substance classified in Schedule II except Pentazocine, amphetamine, methamphetamine, cocaine, oxycodone, or methadone shall be sentenced to a term of imprisonment at hard labor for not more than ten years, and in addition may be sentenced to pay a fine of not more than fifteen thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance as classified in Schedule II unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:978 while acting in the course of his professional practice, or except as otherwise authorized by this Part.

(1) Any person who violates this Subsection with respect to Pentazocine shall be imprisoned with or without hard labor for not less than two years and for not more than five years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.

(2) Any person who violates this Subsection as to any other controlled dangerous substance shall be imprisoned with or without hard labor for not more than five years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.

D, E. Repealed by Acts 1981, No. 800, §4, eff. Aug. 2, 1981.

F. Other penalties for possession.

(1) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of cocaine or of a mixture or substance containing a detectable amount of cocaine or of its analogues as provided in Schedule II(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of cocaine or of a mixture or substance containing a detectable amount of cocaine or of its analogues as provided in Schedule II(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of cocaine or of a mixture or substance containing a detectable amount of cocaine or of its analogues as provided in Schedule II (A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

(2) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine or any of their analogues as provided in Schedule II(C) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine or any of their analogues as provided in Schedule II(C) of R.S. 40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of amphetamine or methamphetamine or of a mixture or substance containing a detectable amount of amphetamine or methamphetamine or any of its analogues as provided in Schedule II(C) of

R.S. 40:964 shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

(2) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of gamma hydroxybutyric acid or of a mixture or substance containing a detectable amount of gamma hydroxybutyric acid or of its analogues shall be sentenced to serve a term of



imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

G. With respect to any person to whom the provisions of Subsection F are applicable, the adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for probation or parole prior to serving the minimum sentences provided by Subsection F.

**Prohibited acts--Schedule III; penalties**

RS 40:968 Prohibited acts--Schedule III; penalties

A. Manufacture; distribution. Except as authorized by this part, it shall be unlawful for any person knowingly or intentionally:

(1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance classified in Schedule III;

(2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule III.

B. Penalties for violation of Subsection A. Any person who violates Subsection A with respect to any controlled dangerous substance classified in Schedule III shall be sentenced to a term of imprisonment at hard labor for not more than ten years; and, in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule III unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978 or R.S. 40:1239, while acting in the course of his professional practice or except as otherwise authorized by this Part. Any person who violates this Subsection shall be imprisoned with or without hard labor for not more than five years and, in addition, may be required to pay a fine of not more than five thousand dollars.

**Prohibited acts--Schedule IV; penalties**

RS 40:969 Prohibited acts--Schedule IV; penalties

A. Manufacture; distribution. Except as authorized by this part, it shall be unlawful for any person knowingly or intentionally:

(1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance classified in Schedule IV;

(2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule IV.

B. Penalties for violation of Subsection A. Any person who violates Subsection A with respect to:

(1) Flunitrazepam shall be sentenced to a term of imprisonment at hard labor for not less than five years nor more than thirty years and pay a fine of not more than fifty thousand dollars.

(2) Any other controlled dangerous substance classified in Schedule IV, except Flunitrazepam, shall be sentenced to a term of imprisonment at hard labor for not more than ten years; and in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule IV unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

(1) Flunitrazepam shall be imprisoned at hard labor for not more than ten years, and may in addition, be required to pay a fine of not more than five thousand dollars.

(2) Any other controlled dangerous substance shall be imprisoned with or without hard labor for not more than five years and, in addition, may be required to pay a fine of not more than five thousand dollars.

D. Whoever, with the intent to commit a crime of violence as defined in R.S. 14:2(B)(10) against an individual, violates Subsection A of this Section by administering a controlled dangerous substance to a person who is unaware that the controlled dangerous substance has been or is being administered to him, shall be sentenced to a term of imprisonment at hard labor for not less than five years nor more than forty years and may be fined not more than one hundred thousand dollars.

#### **Prohibited acts--Schedule V; penalties**

RS 40:970 Prohibited acts--Schedule V; penalties

A. Manufacture; distribution. Except as authorized by this part, it shall be unlawful for any person knowingly or intentionally:

(1) To produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance classified in Schedule V;

(2) To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance classified in Schedule V.

B. Penalties for violation of Subsection A. Any person who violates Subsection A with respect to any controlled dangerous substance classified in Schedule V shall be sentenced to a term of imprisonment at hard labor for not more than five years; and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.

C. Possession. It is unlawful for any person unknowingly or intentionally to possess a controlled dangerous substance classified in Schedule V unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice or except as otherwise authorized by this Part. Any person who violates this section shall be imprisoned with or without hard labor for not more than five years; and in addition, may be required to pay a fine of not more than five thousand dollars.

**Prohibited acts; all schedules**

RS 40:971 Prohibited acts; all schedules

A. (1) It shall be unlawful for any person:

- (a) Who is subject to the requirements of this part to distribute or dispense a controlled dangerous substance in violation of this part; or
- (b) Who is a license to manufacture, distribute, or dispense a controlled dangerous substance to another licensee or other authorized person not authorized by his license; or
- (c) To omit, remove, alter, or obliterate a symbol required by the Uniform Controlled Dangerous Substances Law; or
- (d) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice or information required under this part; or
- (e) To refuse entry into any premise for inspection as authorized by this part; or
- (f) To keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is frequented by persons using controlled dangerous substances in violation of this part for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this part.

(2) Any person who violates this subsection shall be fined not more than fifteen thousand dollars. Such proceeding shall be independent, and not in lieu of, other proceedings under this part or any other law of this state. If the violation is prosecuted by a bill of information or an indictment which alleges that the violation was committed knowingly or intentionally, such person, upon conviction, shall be imprisoned for not more than six months; and, in addition, may be sentenced to pay a fine of not more than five hundred dollars.

B. (1) It shall be unlawful for any person knowingly or intentionally:

- (a) To use in the course of the manufacture or distribution of a controlled dangerous substance a license number which is fictitious, revoked, suspended or issued to another person; or
- (a) To acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge; or
- (b) To furnish false or fraudulent material, information in any application, report or other document required to be kept by this part.
- (c) To make, distribute, or possess any punch, die, plate, stone or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another of any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance; or
- (d) To alter any controlled dangerous substance obtained by prescription without prior approval of the department; or
- (e) To alter any prescription for a controlled dangerous substance; provided that this shall not apply to the person issuing the original prescription or the pharmacist pursuant to instructions from the physician; or
- (f) To obtain or attempt to obtain a prescription or prescription blank form from a doctor, dentist, or veterinarian for a controlled dangerous substance and/or legend drug by fraud, theft, misrepresentation, deception or subterfuge.

(g) To possess a prescription for a controlled dangerous substance and/or legend drugs without the express consent of the party for whom such prescription was written. For the purposes hereof a legend drug is any drug or drug product bearing on the label of the manufacturer or distributor as required by the Federal Food and Drug Administration the statement "Caution: Federal law prohibits dispensing without prescription."

(h) To obtain or seek to obtain any controlled dangerous substance or a prescription for a controlled dangerous substance from a health care practitioner, while being supplied with any controlled dangerous substance or a prescription for any controlled dangerous substance by another health care practitioner, without disclosing the fact of the existing prescription to the practitioner from whom the subsequent prescription for a controlled dangerous substance is sought. Failure of a practitioner to request the disclosure is not a violation of this Subsection by the practitioner. The disclosure shall include the name of the controlled dangerous substance, the date of the prescription, the amount of the controlled substance prescribed, and the number of refills if any. The disclosure shall be made in writing by the person obtaining or seeking to obtain the controlled dangerous substance and shall be made a part of the person's medical record by the health care practitioner. As used in this Section, the term "existing" shall mean the period of time within which the prescription was prescribed to be taken.

(2) Any person who violates this subsection shall be imprisoned, with or without hard labor, for not more than five years; and, in addition may be sentenced to pay a fine of not more than five thousand dollars.

C. (1) It shall be unlawful for a person, including a physician, dentist, podiatrist, or veterinarian, to prescribe, dispense, or administer legally controlled substances beyond his respective prescribing authority or for a purpose other than accepted medical treatment of a disease, condition, or illness.

(2) It shall be unlawful for a pharmacist to dispense legally controlled substances beyond his dispensing authority.

(3) Any person who violates this Subsection shall be subject to the penalties as established for the controlled dangerous substance and the particular criminal act committed in R.S. 40:966 through 967.

D. Every practitioner, as defined in R.S. 40:961, may, if he has a good faith belief that a crime has been committed on the premises, notify local law enforcement authorities when it is believed that an individual has obtained a fraudulent prescription for any controlled dangerous substance or any person has attempted to obtain a fraudulent prescription for any controlled dangerous substance.

E. Every pharmacy in which a controlled dangerous substance is physically obtained by a patient or a patient's agent shall require every person purchasing, receiving, or otherwise acquiring any controlled dangerous substance to produce a photo identification card, unless the patient or the patient's agent is known to the pharmacist. The person purchasing, receiving, or otherwise acquiring the controlled dangerous substance prescription does not have to be the specific patient to whom the prescription is issued.

**Prohibited acts; false representation**

**RS 40:971.1 Prohibited acts; false representation**

A. It shall be unlawful for any person to produce, manufacture, distribute, dispense, transport, deliver, or possess with intent to distribute or dispense any substance which is represented to be a controlled dangerous substance and which is an imitation controlled dangerous substance, or any controlled dangerous substance which is a counterfeit controlled dangerous substance.

B. The provisions of this Section shall not apply to a law enforcement officer acting in the course and scope of his employment or to a medical practitioner, pharmacist, or other person authorized to dispense or administer controlled dangerous substances pursuant to Part X of Chapter 4 of Title 40 of the Revised Statutes of 1950.

C. Any person who violates the provisions of this Section shall be imprisoned with or without hard labor for not more than five years, and in addition may be fined not more than five thousand dollars.

**Unlawfully prescribing, distributing, dispensing, or assisting in illegally obtaining controlled dangerous substances**

**RS 40:971.2 Unlawfully prescribing, distributing, dispensing, or assisting in illegally obtaining controlled dangerous substances**

A. This Section shall be known as and may be cited as the "Pain Management Clinic Drug Abuse and Overdose Prevention Act".

B. It shall be unlawful for a physician, other licensed health care practitioner as defined in R.S. 40:961(31), or any other person to knowingly or intentionally commit any of the following acts:

- (1) Assist a patient or any other person in obtaining a controlled dangerous substance through misrepresentation, fraud, forgery, deception, or subterfuge.
- (2) Write a prescription for a controlled dangerous substance for a fictitious person.
- (3) Distribute or dispense a controlled dangerous substance to a fictitious person.
- (4) Operate any type of business or establishment where the primary purpose of the business or establishment is the sale, exchange, barter, or trade of a controlled dangerous substance for anything of value through misrepresentation, fraud, forgery, deception, or subterfuge.

C. Whoever violates the provisions of this Section shall be imprisoned, with or without hard labor, for not more than five years, and in addition may be sentenced to pay a fine of not more than fifty thousand dollars.

**Possession of Drug Paraphernalia**

**RS 40:1023. Prohibited acts**

A. It is unlawful for any person or corporation, knowing, or under circumstances where one reasonably should know, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug paraphernalia.

B. It is unlawful for any person or corporation, knowing, or under circumstances where one reasonably should know, to display for sale or possess with the intent to distribute, any drug paraphernalia.

C. It is unlawful for any person to use, or to possess with intent to use, any drug

paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Part.

## **VAWA**

The Violence Against Women Reauthorization Act (VAWA) of 2013 was signed into law by President Obama on March 7, 2013. It amended the Violence Against Women Act and the Clery Act to provide new requirements for post-secondary schools participating in Title IV financial aid programs to prevent and respond to sexual violence, domestic violence, dating violence, and stalking. The requirements became effective March 7, 2014. Some of these requirements include providing primary prevention education and awareness programs for all incoming students and employees; expanding the collection of crime statistics to include domestic violence, dating violence, and stalking in addition to current requirements to collect sexual assault statistics; expanding the collection of hate/bias crime statistics to include national origin and gender identity; issuing complainants a written notice of their rights; and adopting grievance policies that are prompt, fair, and impartial as well as administered by trained officials.

Louisiana College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Louisiana College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a College official. In this context, Louisiana College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

### **Primary Prevention Education for Students**

In an effort to create and maintain a safe campus community, Louisiana College offers all students education during their first semester on campus for Sexual assault prevention, alcohol and drug awareness, bystander intervention, and risk reduction.

### **Primary Prevention Education for Employees**

The College strives to achieve and maintain equal opportunity, inclusiveness, equitable treatment, and access to education, employment, and services for all individuals. As part of this commitment, the College strictly prohibits the offenses of sexual assault, sexual harassment, domestic violence, dating violence, and stalking.

These offenses are real. According to the U.S. Center for Disease Control, nearly 1 in 5 (18.3%) women and 1 in 71 men (1.4%) reported experiencing rape at some time in their lives. Approximately 1 in 20 women and men (5.6% and 5.3%, respectively) experienced

sexual violence other than rape, such as being made to penetrate someone else, sexual coercion, unwanted sexual contact, or non-contact unwanted sexual experiences over a 12-month time period. As members of the Louisiana College community, it is important that we are part of the solution, not the problem.

To that end, a new training program has been added to the New Hire Task list. This training is associated with Title IX and the Violence Against Women Act. This training will be required for all new hires set up in the New Hire system and serves to educate employees on what behaviors constitute sexual misconduct and interpersonal violence and what their responsibilities are for preventing and reporting such conduct. This program will also provide them with ways in which they can intervene as a bystander. As members of this College, it is up to us to create an environment in which interpersonal violence is unacceptable and survivors are supported.

### Sex Offenders Registry Policy and Procedure

In accordance to the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, The Louisiana College Department of Safety and Security is providing a link to the Louisiana State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. *Any person who uses information contained in or accessed through the Louisiana State Police Sex Offender and Child Predator Registry Website to threaten, intimidate, or harass any individual, including registrants or family members, or who otherwise misuses this information, may be subject to criminal prosecution or civil liability.* The Louisiana State Police is responsible for maintaining this registry. Follow the link below to access the Louisiana State Police website.

<http://www.lsp.org/socpr/default.html>

Total VAWA occurrences On Campus			
Crime	2016	2017	2018
a. <u>Domestic violence</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>
b. <u>Dating violence</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>
c. <u>Stalking</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>

Total VAWA occurrences in On-campus Student Housing Facilities			
Crime	2016	2017	2018
a. <u>Domestic violence</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>
b. <u>Dating violence</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>
c. <u>Stalking</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>

Total VAWA occurrences on Public Property			
Crime	2016	2017	2018
a. <u>Domestic violence</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>
b. <u>Dating violence</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>
c. <u>Stalking</u>	0	<input type="text" value="0"/>	<input type="text" value="0"/>



The following is emergency law enforcement, medical, and crisis response contact information:

Law Enforcement	Medical Providers and Crisis Response
<b>Louisiana College Department of Safety and Security</b> 318-487-7233 or 318-308-6505 400 Cross Street Pineville, LA 71359	<b>Louisiana College Counseling Center</b> 318-487-7420 Carroll and Elizabeth Hixson Student Center
<b>Pineville Police Department</b> 318-442-6603 910 Main Street Pineville, LA 71360	<b>Louisiana College Health Services Nurse</b> 318-487-7750 Carroll and Elizabeth Hixson Student Center
<b>Rapides Parish Sheriff's Office</b> 318-473-6700 701 Murray Street Alexandria, LA 71301	<b>Rapides Regional Hospital</b> 318-769-3000 211 4 <sup>th</sup> Street Alexandria, LA 71301
	<b>Christus Cabrini Hospital</b> 318-473-4681 3330 Masonic Drive Alexandria, LA 71302
	<b>Alexandria Sexual Trauma Awareness and Response (STAR) Center</b> 855-425-STAR or 310-625-7590 1412 Peterman Drive, Ste. A Alexandria, LA 71301
	<b>Louisiana Coalition Against Domestic Violence (LCADV)</b> 24-Hour Hotline (Available 7 days/week): 888-411-1333
	<b>Family Justice Center of Central Louisiana</b> 318- 448-0884 220 Hospital Blvd. Pineville, LA 71360
	<b>Louisiana Foundation against Sexual Assault (LaFSA)</b> 24-Hour Hotline (Available 7 days/week): 888-995-7273

### **Policy on “Who to Report To”:**

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

### **Responsible Employees Policy**

A Responsible Employee is a College 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 College 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 Coordinator 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 College’s response to the report.

The following individuals are the College’s Responsible Employees:

- Title IX Coordinator
- Dean of Students and Assistant Deans of Students
- Dean of Student Development and Assistant Deans of Student Development
- President
- Academic Deans
- Louisiana College Department of Safety and Security

### **Other Mandatory Reporters Policy**

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

### **Confidential Reporting Resources Policy**

Some individuals on and off the College 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 College

shall designate Confidential Advisors. Contact information for the Confidential Advisors will be provided at that time on the College's website. Those individuals designated as Confidential Advisors shall complete online training developed by the Attorney General in collaboration with the Board of Regents.

The Confidential Advisor shall inform the Complainant of the following:

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

The Confidential Advisor may liaise with the College 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 College encourages all individuals, whether a Complainant, witness, or third party, to promptly report Prohibited Sexual Conduct directly to the Title IX Coordinator, the Office of the Dean of Students, or the Louisiana College Department of Safety and Security. After normal business hours, individuals are encouraged to report incidents of Prohibited Sexual Conduct to the Louisiana College Department of Safety and Security. The reporting options are the same whether the reporter is a Complainant, a witness, third party, or other individual.

The College 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 College and the police may share information under certain circumstances.

## Reporting (Not Anonymous)

On Campus Reporting Options for College Action under the Policy	Off Campus Reporting Options for External Law Enforcement Action
<b>Title IX Coordinator</b> 318- 574-2938 1140 College Drive Pineville, LA 71359	<b>911</b>
<b>Office of Student Development</b> 318-487-7134 1140 College Drive Pineville, LA 71359	<b>Pineville Police Department</b> 318-442-6603 910 Main Street Pineville, LA 71360
<b>Louisiana College Department of Safety and Security</b> 318-487-7233 or 318-308-6505 400 Cross Street Pineville, LA 71359	<b>Rapides Parish Sheriff's Office</b> 318-473-6700 701 Murray Street Alexandria, LA 71301

## Anonymous Reporting Policy

Any individual may make a report of *Prohibited Sexual Conduct* to the College 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, the College's ability to respond to an anonymous report may be limited. These reports will be referred to the Title IX Coordinator.

## 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 College 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 College, or have continuing adverse effects on campus or in an off-campus education program or activity, the College may not be able to fully investigate nor take disciplinary action against *Respondent*. In each instance, the College 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 Coordinator 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 College 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 Coordinator 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 Coordinator or designee to gather facts that will enable the Title IX Coordinator 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 College's policy prohibiting *Retaliation*;
- Explain the role of the *Support Person* and *Advisor*;
- Assess potential pattern evidence or other similar conduct; and

## **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 Coordinator 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 College 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 College'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 Coordinator will seek action consistent with *Complainant's* expressed preference for manner of resolution, recognizing that the College must move forward with cases. The College'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 Coordinator 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 College 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 Coordinator concludes that *Voluntary Resolution* is appropriate based on the *Initial Assessment*, the Title IX Coordinator will take appropriate action designed to protect *Complainant's* access to employment, educational, and extracurricular opportunities and benefits at the College. 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: 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 College 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 College 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 Coordinator 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 Coordinator 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 Coordinator 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 Coordinator 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 College 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 Coordinator 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 Coordinator 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 Coordinator 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 College 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 College, the *Investigation* and *Appeal* may proceed without *Respondent*. A *Respondent* that withdraws from the College prior to a finding will not be eligible to return to the College 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 College shall withhold the *Respondent's* transcript until such

*Investigation* or adjudication is complete and a final decision has been made. The College shall inform the *Respondent* of the College'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 Coordinator or investigator, the *Advisor* may be required to meet with the Title IX Coordinator 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 College, its officials, Title IX Coordinator, 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 College is made aware that there is a concurrent criminal investigation, the Title IX Coordinator will coordinate with law enforcement so that any College processes do not interfere with the integrity or the timing of the law enforcement investigation. At the request of law enforcement, the College may agree to defer the fact-finding portion of its *Investigation* until after the initial stages of a criminal investigation. The Title IX Coordinator 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 Coordinator and investigator in the *Investigation*, as well as any *Appeal*, to assure fairness and procedural due process. The Title IX Coordinator may request the appearance of persons from the

College 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 College 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 Development and the Dean of Students' Office regarding prior disciplinary history and the Louisiana College Department of Safety and Security regarding prior criminal history.

### **Consolidation of Reports Policy**

At the discretion of the College, 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 the College's commitment to foster an environment that is safe, inclusive, and free of *Prohibited Sexual Conduct*, the Policy provides the Title IX Coordinator 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 College's educational mission and federal and state obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components, including suspension or expulsion.

The Title IX Coordinator, 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 College community;
- Prior misconduct by *Respondent*, including *Respondent's* relevant prior discipline history, both at the College 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 College 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 College is required to communicate such a violation, when the College 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 Coordinator 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 College'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 Coordinator will also identify remedies to address the effects of the conduct on the College 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 Coordinator 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 Coordinator 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 Coordinator. The Title IX Coordinator 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 Coordinator 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 Coordinator will issue a Notice of *Appeal* to *Complainant* and *Respondent* and forward the report for *Appeal* procedures by the *Appeal Panel*. The Title IX Coordinator 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*.

### **Support Person and Advisor Policy**

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 College, its officials, Title IX Coordinator, 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 College that an *Advisor* plans to attend, the College will make reasonable efforts to accommodate the *Advisor's* schedule, while balancing the College's commitment to a prompt and equitable process. The College 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 a 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 College to serve on an *Appeal Panel* must have sufficient training or experience to serve in this capacity. A College 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 College 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 College 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 College 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 College community (2) to protect College property or (3) to prevent disruption or interference with the normal operations of the College. 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 College 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 College 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 College 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 College 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 College activities, holding any student office or committee chair, or use of College 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 College activities, holding any student office or committee chair, or use of College 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 College 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 College facilities, or participate in College 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 College. 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 College. 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 Coordinator 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 a College employee to provide a specified remedy should be reported to the Title IX Coordinator.

*Complainant* and *Respondent* are encouraged to provide the Title IX Coordinator with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the College'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 Coordinator'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 Coordinator's office.

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

Louisiana College 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 Louisiana College 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**

Louisiana College 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 College 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 sexual relationship between the Parties does not itself imply *Consent* or preclude a finding of responsibility.

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 Coordinator 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 College 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 and 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 College support staff in completing housing relocation
- Limiting access to certain College 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 Coordinator.

**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 Coordinator or other appropriate school designee. However, an institutional decision to make all institution employees mandatory reporters of suspected or known *Sexual Harassment* or *Sexual Misconduct* to the Title IX Coordinator or other appropriate school designee does not render all institutional employees to be *Responsible Employees*. Employees who are authorized or required by law to keep information confidential by virtue of the employee’s professional role such as Counseling Staff

or similar shall not be designated as mandated reporters of *Sexual Harassment* or as *Responsible Employees*.

**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:

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

**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*.

**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*.

## **Annual Fire Safety Report**

The Louisiana College Department of Safety and Security publishes this safety report as part of its annual Clery Act Compliance document, which contains information with respect to fire safety practices and standards for Louisiana College. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire, if applicable. The compliance document is available for review by making a request to the Louisiana College **318-487-7233** or by visiting our website at <http://www.lacollege.edu>

If a fire occurs in one of the Louisiana College Dorms, Apartments, or any Resident Hall, community members should immediately call the Louisiana College Department of Safety and Security at **318-487-7233** or **911**. Once the Louisiana College Department of Safety and Security is contacted, they will summon the fire department. If a member of the Residence Life staff ever finds evidence of a fire in a trashcan, cigarette disposal container, recycling container, etc., they should not touch the container and should report the incident to the Louisiana College Department of Safety and Security immediately and wait for an officer's response. The officer will document the incident prior to removing the container. Fire alarms alert residents of potential hazards and are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Do not use the elevator. Community Advisors should familiarize themselves with the exits in each building. If a student is caught in the elevator, push the emergency phone button. The emergency phone will ring to the Louisiana College Department of Safety and Security communications, who will summon help.

Fire exits may be used only in cases of emergency. Residents should not exit or enter through any exits other than the designated primary entrance(s) to the building. Use of fire exits at any other time will result in disciplinary action.

All occupants of a building (residents and guests) must immediately evacuate the building when the fire alarms sound. Students should report immediately to the designated gathering location for the building and report to the Residence Life Staff on site. Upon arrival at the designated evacuation location, the residents must check in with the staff on site to confirm the resident's presence and safety. Failure to immediately evacuate the building, gather in the designated location, and/or check in with staff on site will result in disciplinary action. The setting of false fire alarms and/or the improper and/or unauthorized use of fire safety equipment (fire extinguishers, smoke detectors, exit signs, etc.) compromises the safety of all residents and is prohibited. Burning any substance and/or setting fires in the housing areas, including lighting candles and/or igniting flyers, decorations, or other posted materials, is not permitted under any circumstances. Violations of fire safety regulations will result in disciplinary action. Evacuation Sites for the residents halls of Louisiana College are as follows:

- Cottingham Hall– Quad
- Tudor Hall – Outside of HO West
- English Village – Hattie B Cafeteria Parking lot
- WSA/CDA – WSA parking lot
- New Church – Behind Cavanaugh Hall
- Old Church – Behind Cavanaugh Hall
- Married Student Housing -- Cottingham Parking Lot

### **Louisiana College Fire Protection Systems**

The residence halls on the Louisiana College campus are equipped with automatic fire detection, suppression and alarm systems that are constantly monitored by Simplex Security System.

### **Policy for Students and Employees in the Event of a Fire**

Note: The information provided in this section supplements, but does not supersede, regulations set forth by the [National Fire Protection Association \(NFPA\)](#) and their [Life Safety](#)

[Code \(NFPA 101\)](#). A complete copy of these codes is available in the Facility Management Department.

Chapter 4 of the NFPA Life Safety Codes designates all non-residence buildings on campus as “business occupancy” (see LSC 4-1.8). Residence halls, dormitories, and apartments are designated as “residential occupancy” (see LSC 4-1.6).

**General Fire Safety:** In case of a serious fire or smoke:

- If possible, pull the nearest fire alarm station.
- Leave the building immediately.
- Once evacuated, dial **911** from a nearby telephone.
- Keep all fire doors closed.
- Do not tamper with the self-closing systems on these doors, if they exist.

**To prepare for an emergency before the fire alarm rings:**

- Familiarize yourself with the closest exit and an alternate exit.
- Locate the fire extinguishers in the building. Know how to use a fire extinguisher.

- Locate the fire alarm pull stations in the building.
- Know your Resident Director. This person will act as the liaison with emergency personnel.
- Know where the Evacuation Meeting Point is for the building. This location is an area designated by the Resident Director for all persons to meet outside the building. This area allows the Resident Director to determine that everyone is safely out of the building.
- The safe area for handicap persons inside the building (if multistory) is in the designated stairwell. Emergency personnel will rescue them from this area.
- If applicable, know where all stairs are located.

### **The fire alarm has just rung in the building. What do you do now?**

- DO NOT ASSUME THAT THE RINGING ALARM IS A FALSE ALARM.
- Exit the building in an orderly manner.
- Exit the building via the closest route (unless you see fire or smoke).
- If you are the person discovering the smoke, on your way out of the building – pull the fire alarm (located at all exit doors).
- Do not use the elevators.
- Do not attempt to fight the fire.
- Upon exiting the building, go immediately to the Evacuation Meeting Point. Make sure the Resident Director knows that you are safely out of the building.
- Call the Louisiana College Department of Safety and Security **(318-487-7233)** if no one has done so already or dial **911** from any College phone and it will connect you to the **911** Center. Let the dispatcher know you are calling from the Louisiana College Campus.
- Follow Louisiana College Department of Safety and Security instructions.

### **Plans for Future Improvements in Fire Safety**

The College continues to assess and upgrade fire safety equipment as an ongoing process to ensure that all equipment meets National Fire Safety Standards. Future improvements will be made as needed as part of the ongoing assessment process.

### **Health and Safety Inspections Policy**

Health and Safety Inspections are conducted to ensure the health and safety of all residents. Health and Safety inspections are completed on a quarterly basis and residents are provided with at least 72 hours of advance notice via hall postings. Residence Assistants and/or other authorized College personnel conduct these inspections and check for health and safety violations, general cleanliness, and maintenance needs. Residents in violation of College policies may be fined or sanctioned.

- Inspections of each room will be conducted and a copy of the evaluation will be left in the room/apartment.
- If conditions are found that are out of compliance or require attention, the resident(s) will be asked to make the necessary corrections within 72 hours for a second inspection.
- If the same or similar condition(s) exist during the second inspection, the resident(s) will face

additional administrative action and fines.

- Repeated violations of health or safety standards may result in removal from the on campus community.

The H&S inspections are primarily designed to find and eliminate safety violations. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, floor conditions and other life safety systems. These inspections are conducted quarterly by the Residential Life Department and a full function test on these systems is conducted at minimum of once a year.

In addition, each room is examined for the presence of prohibited items (candles, non-surge protected extension cords, portable cooking appliances and the like) or prohibited activity (smoking, tampering with life safety equipment, etc.).

### **Purpose of Fire Drills**

The purpose of a fire drill is to simulate a fire in a building whereby occupants of that building are evacuated. By doing this, these occupants can anticipate what will happen if a real fire occurs. This anticipation helps to minimize panic and confusion among the building occupants.

### **Fire Drill Policy:**

- Fire Drills shall be conducted at all dormitories at least twice per year. Two drills will be scheduled during both the Fall and Spring semesters (one during the day and one at night).
- The Dean of Students shall coordinate the scheduling of these drills with the Chief of Police
- Students and other building occupants shall not be notified of the fire drill.
- At the time of the fire drill, the fire alarm shall be sounded throughout the building.
- Building personnel shall alert all residents to evacuate the building.
- The entire fire drill shall be documented.
- Once completed, the deans of students shall review the fire drill and offer suggestions to housing employees.
- Records associated with the fire drill shall be kept on file with the Residence Life Director.

### **False Alarm Policy:**

- False alarms will be treated as fire drills and documented accordingly. False alarms will be documented using the Fire Alarm form and simply treated as additional fire drills for the building.
- After a false alarm in a residence hall, an email message will be distributed to building residents, the next business day, informing them of the cause of the activation and reason of the evacuation.

The Fire Alarm form shall be used to document all scheduled fire drills and false alarms that result in the evacuation of the building. The Residence Life Director is responsible for ensuring this documentation. Resident Hall directors shall assist in completing this documentation. The Residence Life Director shall send a copy of each form to the Chief of Police.

## **Fire Extinguisher Safety Policy**

The College utilizes 4 types of fire extinguishers for different hazards. These include A -

Common Combustibles (wood, paper, trash, cloth)

B -Flammable Liquids (gasoline, natural gas, solvents carbon dioxide)

C -Live Electrical Equipment (computers, fax machines)

K -Cooking materials (cooking oils and fats) \*\*wet chemical

- Ensure that the proper type of fire extinguisher for a particular area is available and operable.
- Business and residential occupants shall be periodically instructed on how to properly use a portable fire extinguisher.
- Use the **PASS** guide when operating a fire extinguisher:
  - Pull the pin (or Press the puncture lever)
  - Aim the fire extinguisher toward the base of the fire
  - Squeeze or press the handle
  - Sweep, from side to side, at the base of the fire until it appears to be out.
- After using a fire extinguisher, always back away from the location of the fire.
- Residential Assistants shall inspect portable fire extinguishers during their building safety inspections.
- A contracted external vendor shall certify fire extinguishers yearly.
- For replacing uncharged or discharged fire extinguishers, or to request additional fire extinguishers, please contact the Facility Management at **318-487-7612**.

## **Fire Safety Tips**

A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors such as fire doors in corridors or stairwells of residence halls are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should not be propped open.

Sprinklers are very effective in preventing the spread of fire when operating correctly. Please DO NOT hang material from the piping.

Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of College Policy.

The majority of fires that are caused by smoking material are the result of a cigarette being disposed of incorrectly. Smoking is NOT ALLOWED in any Residence Halls on campus.

## **Dormitory Safety Policy**

- Possession, consumption, sale, manufacturer, or furnishing alcoholic beverages or any drug or drug paraphernalia in the residence hall or residence hall rooms is prohibited.
- The Louisiana College Campus is a Drug-Free and Weapons-Free Zone.

- Students must familiarize themselves with the locations of all fire extinguishers and fire exits.
- In the event of a residence fire, residents should grab a towel and exit the building immediately.
- Tampering with fire equipment or falsely activating fire alarms is prohibited in residence halls.
- Tampering with or disrupting the service of elevators is prohibited in residence halls.
- Every residence hall has designated areas for microwaves, and some contain kitchen areas. Residents are responsible for keeping the kitchen areas clean after each use.
- Cooking of any kind is not allowed in residence hall rooms. This includes the use of hot plates, coffee makers, toasters, toaster ovens, sandwich makers, and microwaves.

## General Campus Electrical Safety Policy

*Note: The information provided in this section supplements, but does not supersede, regulations set forth by the National Electrical Code.*

The following information pertains to electrical issues that apply to all campus employees and students. Do not attempt to repair an electrical circuit of any kind. To report broken circuits or any other electrical problem, call the Facility Management at **318-487-7612**.

- If an activity you are doing “trips” an electrical breaker, do not attempt to reset the breaker. Report this problem to the Facility Management at **318-487-7612**.
- Do not use an electrical receptacle or switch whose faceplate is missing or displays burn marks.
- Unplug and do not use any electrical device that emits a burnt odor.
- Do not use any device whose electrical cords are frayed or cut.
- Do not use receptacle splitters or other devices that are designed to allow multiple devices to be plugged into one receptacle. Power strips for computers are acceptable provided they are equipped with a circuit breaker or surge protection device. Only one power strip should be used in any wall receptacle – attaching multiple power strips in line with one another is unsafe and prohibited.
- Occasionally, florescent light fixtures will emit a burning smell. This is usually caused by a faulty ballast and is easily fixed. Turn off the light immediately and contact the Facility Management at **318-487-7612**.
- When not in use, turn off the lights in a room. Conserve energy wherever possible.

## Extension Cords Policy

- Extension cords are strictly forbidden
- The use of power strips/surge protectors is permitted
- Plugging more appliances into a power cord than it is intended to supply is a fire hazard and is also forbidden.
- Overloading an electrical outlet is the leading cause of fires in residence halls

## Christmas and Other Electrical Decorations Policy

- Use only approved cool bulb lighting strings.
  - Ensure that lighting strings are operable and not missing bulbs before they are installed.
  - Do not use lighting strings that are frayed, broken, or cut.
  - Do not overload the building circuit with lighting strings. To accommodate multiple strings, do not use receptacle splitters. Power strips are acceptable provided they are equipped with a circuit breaker or surge protection device.
- 
- Do not leave Christmas lights on unattended while they are illuminated.
  - Illumination is not allowed on artificial trees made of metal. This is both a fire hazard and a shocking hazard.

## CANDLES

Incense, candles, oil lamps, wax burners, lighters, torches, flammables, and any other items that require or generate open flames are not permitted in residence halls. Students found in violation of this policy will be fined and the items confiscated. Continued violation could result in the removal of the resident from the residence hall and possibly result in suspension from the College.

## Residence Hall Fire Reports

Summary of Fires									
Name of Facility	2016			2017			2018		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Tudor Hall	0	0	0	0	0	0	0	0	0
Cottingham Hall	0	0	0	0	0	0	0	0	0
College Drive Apartments	0	0	0	0	0	0	0	0	0
Church Hall	0	0	0	0	0	0	0	0	0
Married Student Apartments	0	0	0	0	0	0	0	0	0
English Village	1	0	0	0	0	0	0	0	0
Ware Street Apartments	0	0	0	0	0	0	0	0	0
Total	1	0	0	0	0	0	0	0	0

## **Policy and Procedures on Missing Persons**

If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately notify the Louisiana College Department of Safety and Security at 318-487-7233 or in person at the Security office located at 400 Cross Street, or the Pineville Police Department at 318-442-6603 or in person at 910 Main Street.** The Louisiana College Department of Safety and Security will generate a missing person report and initiate an investigation.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the Louisiana College Housing web site. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, should the Louisiana College Department of Safety and Security determine that the student has been missing for 24 hours, the Louisiana College Department of Safety and Security will notify the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the College will notify the student's custodial parent or legal guardian immediately after the Louisiana College Department of Safety and Security has determined that the student has been missing for 24 hours. Additionally, Louisiana College Department of Safety and Security will notify all local law enforcement agencies of the missing person as a part of the investigation within 24 hours.

## **Uniform Policy on Hazing Prevention**

### **I. Policy Statement**

The Louisiana Board of Regents (BOR) does not condone hazing in any form at any postsecondary education institution in the state. All Louisiana postsecondary institutions shall prohibit hazing and take all reasonable measures to address hazing, including without limitation: adoption of effective policies; clear communication to campus organizations, students and other stakeholders of laws and policies; prompt and faithful enforcement thereof; education; and training. All Louisiana postsecondary institutions shall be committed to providing a supportive educational environment free from hazing, one that promotes its students' mental and physical well-being, safety and respect for one's self and others. All Louisiana postsecondary institutions shall implement policies and procedures in compliance with this policy and shall take prompt and appropriate action to investigate and effectively discipline those accused of such conduct in a manner consistent with all applicable laws.



## **II. Introduction**

In accordance with Acts 635, 637 and 640 of the 2018 Regular Session of the Louisiana Legislature (“Louisiana Hazing Laws”), the Louisiana Board of Regents (“BOR”) hereby adopts this Uniform Policy on Hazing Prevention (“Policy”) applicable to all Louisiana postsecondary education institutions. This Policy aims to enhance the Legislature’s efforts to establish statewide mandatory requirements and is designed to help postsecondary institutions create and maintain safety for all students who participate in the institutions’ activities, programs, groups, teams, organizations and Greek-lettered associations.

All institutions subject to this Policy shall adopt an institutional policy in accordance with all applicable laws and this Policy. Each institution’s policy must comply with applicable laws and regulations, and must be amended to reflect any subsequent changes to laws and regulations. BOR recognizes that Louisiana’s postsecondary institutions all possess unique characteristics (e.g., presence of Greek life, athletic teams, band and other such organizations vs. the lack thereof; commuter vs. residential campuses; large vs. small campuses, presence of campus police and residential advisors vs. the lack thereof). Thus, it is within the purview of each institution’s governing board to review, evaluate and apply this Policy in a manner that ensures that it adequately aligns with each institution’s campus characteristics and resources, provided that the interpretation and implementation are in furtherance of the requirements of this Policy and do not result in substantive changes to the Policy. Institutions may also develop supplementary procedures to further support the implementation of this Policy. However, while all Louisiana postsecondary education institutions may develop individualized policies on hazing prevention, the mandatory provisions of this Policy establish the minimum requirements with which all institutional policies must comply.

Each management or other governing board on behalf of each of its member institutions shall establish policies and procedures in full compliance with this Policy and implement such policies no later than the beginning of AY 2018-19. Each management board must review the policies of each of its member institutions for compliance with this Policy and applicable laws and regulations and upon verification of such compliance, this management board shall forward the institutional policies to BoR by September 15, 2018.

For purposes of this Policy, the definitions of key terms and other mandatory provisions shall remain consistent with those in Acts 640 and 635 and 637 of 2018, codified at R.S. 17:1801.1, R.S. 14:40.8 and R.S. 14:502 respectively. BOR will amend this Policy to reflect any subsequent changes to these statutes. In cases of any inconsistency, the statutory provisions shall supersede any such inconsistent provision in this Policy. The statutory provisions and this Policy shall supersede any inconsistent provision in an institution’s policy.

## **DEFINITIONS**

**Postsecondary education institution, education institution, or institution** is any postsecondary education institution in this state supported wholly or in part by public funds.

**Hazing** means any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

- (i) The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.
- (ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

**Consent is not a defense.**

Hazing includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

- (i) Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
- (ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- (iii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- (iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

For purposes of this Policy, hazing shall not include a physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar programs sanctioned by the postsecondary education institution.

**Organization** is a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution, including the national or parent organization of which any of the underlying entities provided for in this definition is a sanctioned or recognized member at the time of the hazing.

**Pledging** is any action or activity related to becoming a member of an organization, including recruitment and rushing.

**Appropriate Authority** includes:

- (i) Any state or local law enforcement agency.
- (ii) A 911 Public Safety Answering Point as defined in Title 33 of the Louisiana Revised Statutes of 1950.
- (iii) Emergency medical personnel.

**Reckless Behavior** is an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity.

**Serious bodily injury** is bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

#### **IV. Compliance with Laws**

Each institution's policy must comply with applicable laws and regulations, and must be amended to reflect any changes to such laws and regulations, including but not limited to the following:

(A) Act 635 of the 2018 Regular Session of the Louisiana Legislature, which creates the crime of criminal hazing, provides definitions and exceptions, and establishes exceptions and penalties;

(B) Act 637 of the 2018 Regular Session of the Louisiana Legislature, which creates an obligation to offer reasonable assistance, including seeking medical assistance, to someone who has suffered serious bodily injury caused by reckless behavior, including hazing; and

(C) Act 640 of the 2018 Regular Session of the Louisiana Legislature, which prohibits hazing at Louisiana's postsecondary institutions, requires BOR to adopt a uniform policy on hazing prevention, requires postsecondary institutions to adopt and expand on BOR's uniform policy in a manner consistent with the laws and BOR policy.

Failure to comply with any applicable laws and regulations, including those listed above, shall constitute a failure to comply with this Policy. Each management or other governing board, as the entity with the authority over its member institutions, shall make all due diligence efforts to ensure its member institutions' compliance with applicable laws and regulations, including those listed above.

While the provisions of the laws listed above are mandatory components of the institutional policy, the best practices listed in Section VI below are BOR's guidance to the institutions on the implementation of hazing laws. Institutions may supplement the provisions of this Policy as necessary, but any such supplemental provision shall comply with the laws and this Policy.

#### **V. Mandatory Provisions to Be Included In Institutional Policy**

In addition to the definitions and other provisions in compliance with laws and regulations, including those listed above, all Louisiana postsecondary education institutions shall implement the following measures to prevent and address hazing, beginning in fall 2018, unless otherwise noted:

## **A. Prevention and Education Programs**

1. Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.
2. In addition to the requirement of providing educational information in the form of a handbook as provided in the previous paragraph, beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.
3. Each organization as defined above in this Policy and in R.S. 17:1801.1 shall provide annually at least one hour of hazing prevention education to all members and prospective members. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students receiving such education evidenced by an attestation of the student receiving the education.
4. The hazing prevention education required under the provisions above shall include the information about criminal penalties for the crime of criminal hazing. Information shall also be provided to organizations on their obligations under the law, including the duty to investigate and report; and on the possible loss of funding and other penalties applicable to organizations under the Hazing Laws.

## **B. Duty to Seek Assistance**

In accordance with Act 637 of 2018, codified at R.S. 14:502, each institution's policy shall require any person at the scene of an emergency who knows that another person has suffered bodily injury caused by an act of hazing shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Each institution's policy and educational information shall include the criminal penalties for failure to seek assistance in violation of R.S. 14:502.

## **C. Enforcement of Laws, BOR Policy and Institutional Policy**

Each institution shall implement and enforce with full fidelity and consistency the Hazing Laws as listed above, this Policy and the institution's own policy. Failure to enforce or inconsistencies in enforcement shall constitute violation of the Hazing Laws and this Policy.

## **VI. Recommended Best Practices**

In addition to the mandatory components of institutional policies and practices, each institution is encouraged to follow best practices, some of which are outlined below:

### **A. Ongoing Prevention and Awareness Campaigns**

Ongoing prevention and awareness campaigns may consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to hazing prevention. An example of such an initiative or program is joining institutions across the country in the observance of National Hazing Prevention Week.

**B. Data Collection and Analysis**

Institutions are encouraged to create task forces to gather, analyze and understand institutional data on hazing. Effective hazing prevention presupposes an understanding of the cause, identifying any trends that the data show and assessment of the risk factors as well as protective measures. To support institutions' efforts to address hazing through data collection, analysis, information on trends and strategies.

**C. Effective Intervention**

In collaboration with relevant organizations and student bodies, each institution is encouraged to develop intervention strategies and measures appropriate to the context specific to that institution and to the various organizations affiliated with it. The role of bystander intervention and social norming is key to hazing prevention and is recommended as part of campus intervention strategies. In support of state laws to combat hazing, bystander intervention training and social norming should be part of any education and training aimed at preparing faculty, staff and community members to understanding hazing issues and statistics on campus.

**D. Response Plan**

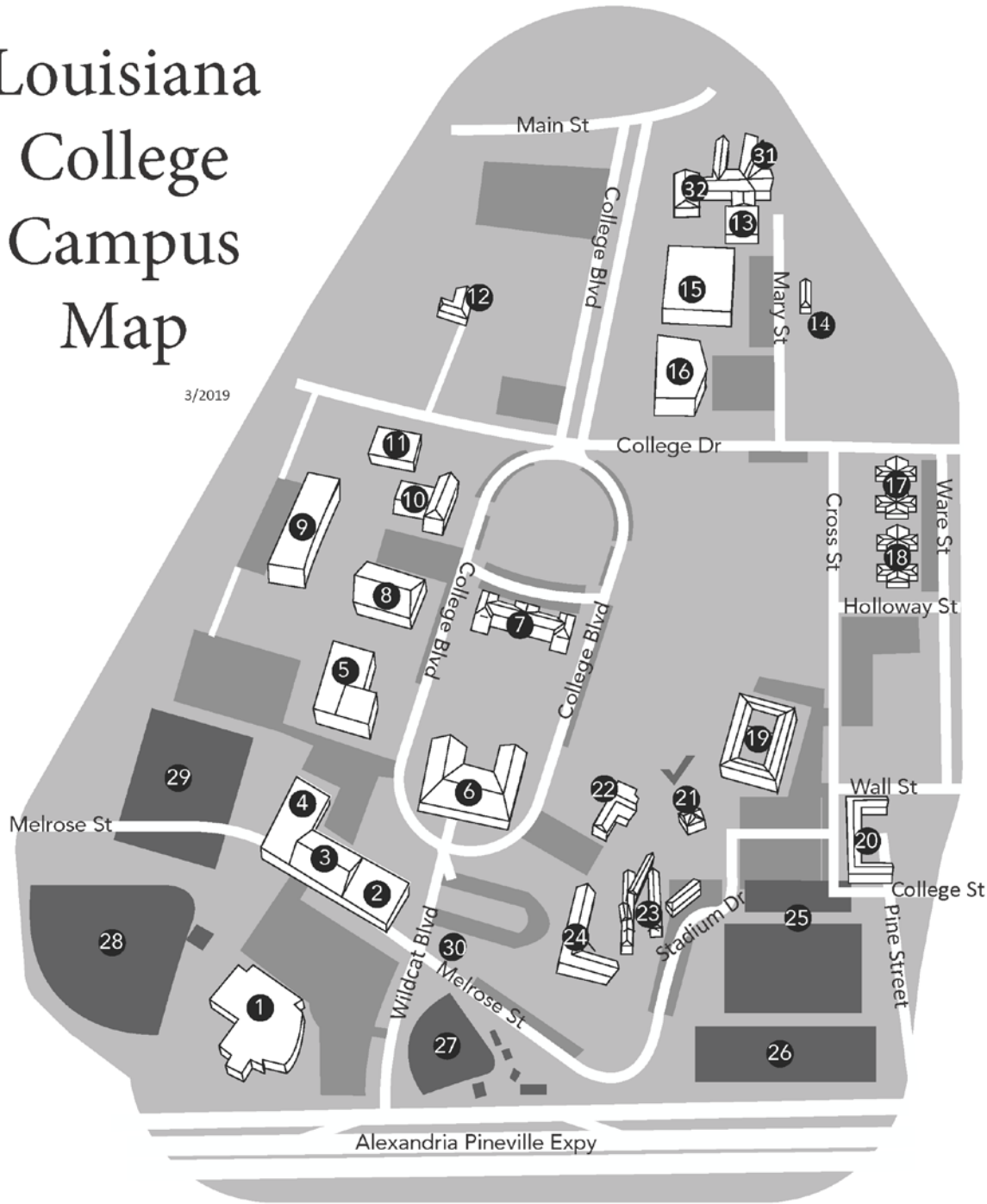
Institutions are encouraged to convene teams with the necessary expertise, including coaches, resident advisors, Greek-lettered organization officials, alumni and coaches. Each year before the beginning of the academic year, the teams should develop a response plan delineating the procedures for handling any hazing incident.

**E. Complete and Accurate Information to Parents and Other Stakeholders**

Institutions are encouraged to include, as part of the information on campus-sanctioned groups, statistical data on the instances of hazing, penalties or other disciplinary actions taken against an organization and/or its members in recent years for hazing-related incidents. For instance, any brochures given to prospective members of a Greek organization should include statistical data on hazing and any sanctions against the organization and/or its members.

# Louisiana College Campus Map

3/2019



1-Baker Health & Wellness Center  
2-H.O. West Physical Education Building  
3-Natatorium  
4-Walden Gymnasium  
5-Martin Performing Arts Center  
6-Hixson Student Center/  
Granberry Conference Center  
7-Alexandria Hall  
8-Guinn Religious Education Center  
9-Maintenance Plant  
10-Norton Library/Student Success Center

11-Nursing Skills Lab  
12-Lynn Alumni Center  
13-Church Hall/Football  
Fieldhouse/  
14-Mission House  
15-Cavanaugh Hall of Science  
16-Weathersby Fine Arts Building  
17-College Drive Apartments  
18-Ware Street Apartments  
19-Cottingham Hall  
20-Married Student Housing

✓ 21-Security Office  
22-Hattie B. Strother Cafeteria  
23-English Village  
24-Tudor Hall  
25-Football Field  
26-Tennis Courts  
27-Softball Field  
28-Billy Allgood Baseball Field  
29-Football Practice Field  
30-Gate  
31-Info Technology  
32 - Church Hall

Building #	Name of Building	Physical Address
1	Baker Health & Wellness Center (LAC)	1135 Expressway Drive
2	HO West Physical Education Building	520 Wildcat Blvd
3	Natatorium	520 Wildcat Blvd
4	Walden Gym	520 Wildcat Blvd
5	Martin Performing Arts Center (MPAC)	380 College Drive
6	Hixson Student Center/ Granberry CC	400 College Blvd
7	Alexandria Hall	1140 College Drive
8	Guinn	360 College Blvd
9	Maintenance Plant	1040 College Drive
10	Norton Library / Student Success Center	320 College Blvd
11	Nursing Skills Lab	1050 College Drive
12	Lynn Alumni Center	1055 College Drive
13	Football Fieldhouse	110 Mary Street
14	Mission House	105 Mary Street
15	Cavanaugh School of Science	155 College Blvd
16	Weathersby Fine Arts Building (FAB)	275 College Blvd
17	College Drive Apartments	1360 College Drive
18	Ware Street Apartments	208 Ware Street
19	Cottingham Hall	322 Cross Street
20	Married Student Housing	See Below
21	Security Office	400 Cross Street
22	Hattie B. Strother Cafeteria	385 College Blvd
23	English Village	See Below
24	Tudor Hall	555 Wildcat Blvd.
25	Football Field	515 Stadium Drive
26	Tennis Courts	516 Pine Street
27	Softball Field	1280 Melrose
28	Billy Allgood Baseball Field	1220 Melrose
29	Football Practice Field	1225 Melrose
30	Gate	N/A
31	Info Technology	1298 Donahue Ferry Road
32	Church Hall	1290 Donahue Ferry Rd.

**Building 20 -Married Student Housing**

300 Wall Street  
302 Wall Street  
304 Wall Street  
306 Wall Street  
401 Cross Street  
403 Cross Street  
405 Cross Street  
407 Cross Street  
409 Cross Street  
411 Cross Street  
413 Cross Street  
415 Cross Street  
417 Cross Street  
419 Cross Street  
421 Cross Street  
423 Cross Street  
1301 College Street  
1303 College Street  
1305 College Street  
1307 College Street

**Building 23 -English Village Housing**

Building A - 508 Stadium Drive Apartments 25-33  
Building B - 500 Stadium Drive Apartments 1-12  
Building C - 504 Stadium Drive Apartments 13-24  
Building D - 512 Stadium Drive Apartments 34-36  
Building E - 536 Stadium Drive Apartments 65-77  
Building F - 528 Stadium Drive Apartments 59-71  
Building G - 544 Stadium Drive Apartments 105-108  
Building H - 540 Stadium Drive Apartments 98-104  
Building I - 532 Stadium Drive Apartments 72-84  
Building J - 524 Stadium Drive Apartments 41-44  
Building K - 520 Stadium Drive Apartments 49-53

