



SOUTHEASTERN

LOUISIANA UNIVERSITY

Sexual Misconduct Policy and Procedure

1. Introduction

Southeastern Louisiana University is committed to creating and maintaining an educational community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of sexual misconduct. Every member of the University community should be aware that the University prohibits sexual misconduct, including but not limited to sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy.

This Policy was designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements. As a recipient of federal funds, the University is required to comply with Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct, as defined in this policy, is a form of sex discrimination prohibited by Title IX.

This Policy applies to all University employees, students, and third parties both on campus as well as at off campus locations. This policy prohibits sexual misconduct committed by or against students, faculty, staff, or third parties. This Policy applies to sexual misconduct on University premises; at University-affiliated educational, athletic, or extracurricular programs or activities that have an adverse effect on the education or employment of a member of the University community; or that otherwise threatens the health and/or safety of a member of the University community.

2. Prevention and Education.

Southeastern Louisiana University is committed to education and increasing awareness of students, faculty, and staff about preventing incidents of sexual misconduct. The Sexual Misconduct Task Force is a standing committee responsible for coordinating the university's sexual misconduct education and prevention programs. Members include representatives from the University Counseling Center, University Housing, Student Activities, Student Health Services, Student Conduct, the University Police Department, Athletics, Student Government, Human Resources, the Title IX Officer and other individuals deemed important by the University President. Education and prevention initiatives are conducted throughout campus on a regular basis.

3. Definitions

- a. **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.
- b. **Confidential Advisor.** The confidential advisor primarily serves to aid the complainant in the resolution process. The "confidential" terminology may suggest that communications with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the communications under state reporting and federal laws. For example, Southeastern may be compelled by law to disclose communications between a victim and a confidential advisor if directed by the court in civil litigation. Also, communications between a victim and a confidential advisor may be "education records" under the Family Educational Rights and Privacy Act ("FERPA"); to the extent those records reference another student, such as an alleged perpetrator, that student would be entitled under FERPA to access portions of the records that relate to him or her.
- c. **Consent.** Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate consent. Consent must be knowing and voluntary. To give consent, a person must be of legal age. Assent does not constitute consent if obtained through coercion or from an individual whom the alleged offender knows

or reasonably should know is incapacitated. The responsibility of obtaining consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain consent. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving consent. A current or previous consensual dating or sexual relationship between the parties does not itself imply consent or preclude a finding of responsibility.

d. Cyber-stalking means using electronic mail or electronic communication for the purpose of threatening, terrifying or harassing another person.

e. Dating Violence,

Dating Violence, as defined in the Clery Act: Includes, but is not limited to, sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Alleged Victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.

Dating Violence, as defined in Louisiana state 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 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

f. Domestic Abuse, as defined in Louisiana state 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).

g. Domestic Violence

Domestic Violence, as defined by the Clery Act: Includes, but is not limited to, sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the alleged victim is protected under federal or Louisiana law.

Domestic violence is further defined by the Clery Act as: a 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 the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

h. Family Violence, as defined by Louisiana state 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 46:2121(2)

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

j. Responsible Employee. Responsible employees are those individuals 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/Officer 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/Officer 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.

- k. Retaliation.** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this policy, or as retribution or revenge against anyone who has reported sexual misconduct or relationship violence or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits retaliation. For purposes of this Policy, an attempt requires a substantial step towards committing a violation.

I. Sexual Assault

Sexual Assault, as defined by the Clery Act; An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Sexual Assault, as defined by Louisiana State Law, falls into two categories:

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

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

- m. Sexual Discrimination** is defined as any discrimination on the basis of gender or actual or perceived sexual orientation or gender identity.
- n. Sexual Exploitation** is defined as 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, prostitution of 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.

- o. 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."
- p. Sexual Misconduct** is defined as 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.
- q. Sexual Violence** is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

r. Stalking

Stalking, as defined by the Clery Act, is: (1) intentional and repeated following or harassment 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.

Stalking, as defined by Louisiana state law: 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).

- s. Sexually Oriented Criminal Offense:** Any sexual assault offense as defined in La. R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403

4. Options for Assistance

All members of the University community are encouraged to contact the Title IX Officer if they observe or encounter conduct that may be subject to this policy. This includes conduct by employees, students, or third parties. Reports of sexual misconduct may be brought to the Title IX Officer or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual misconduct. If the person to

whom misconduct normally would be reported is the individual accused of misconduct, reports may be made to another manager, supervisor, or designated employee or directly to the Title IX Coordinator. Managers, supervisors, and designated employees are required to notify the Title IX Officer or other appropriate official designated to review and investigate sexual misconduct complaints when a report is received.

Reports of sexual misconduct should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated time frame for reporting, prompt reporting will better enable the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report may impede the University's ability to conduct an investigation and/or to take appropriate remedial actions.

- a. Reporting Options.** A victim of sexual misconduct is encouraged to report to any of the sources below. Although the victim of sexual misconduct may decline to report the incident, the University supports, encourages and will assist those who have been the victim of sexual misconduct to report the incident to any individual or entity listed below:
 - i. University Police Department. An individual may report an incident of sexual misconduct directly with campus law enforcement by dialing (985) 549-2222. Reporting to such officials helps protect others from future victimization; apprehend the alleged assailant; and maintain future options regarding criminal prosecution, University disciplinary action and/or civil action against the alleged wrongdoer. A complainant may request that his or her identity be kept confidential when reporting sexual misconduct to a sworn peace officer. Filing a police report does not obligate the complainant to continue with criminal proceedings or disciplinary action.
 - ii. Title IX Officer. Any incident of sexual misconduct can be brought to the attention of the Title IX Officer. Although the University strongly encourages reporting sexual misconduct to the police, a complainant may request administrative action by the Title IX Officer with or without filing a police report. The Title IX Officer can grant interim accommodations such as changing academic, living, transportation or working situations; and, any interim disciplinary action to protect the safety of the complainant.

The Title IX Officer and his contact information is as follows:

Gene Pregeant
Rm. 120 Dyson Hall
Telephone number: 985/549-5888
Email address: gpregeant@selu.edu

- iii. The Office of Student Advocacy and Accountability. When a student is accused of sexual misconduct, regardless of the status of the alleged victim (i.e., another student, a faculty member, etc.), the relevant student disciplinary procedures set forth in the Student Conduct Code (www.southeastern.edu/code) shall constitute the formal investigation process. Any student victim of sexual misconduct may request disciplinary action by the Office of Student Advocacy and Accountability with or without filing a police report. A complaint can be filed with the Office of Student Advocacy and Accountability by dialing (985) 549-**2213** or reporting at www.southeastern.edu/reportit. The Office of Student Advocacy and Accountability may impose interim actions such as a no contact order or an interim suspension to protect the safety of the victim. The Office of Student Advocacy and Accountability extends additional rights in disciplinary procedures to victims of Sexual Misconduct which can be found at www.southeastern.edu/code.
- iv. Human Resources. A complaint of sexual misconduct when a University employee is the respondent may be brought to the Human Resources Department, which will promptly inform the Title IX Officer of the complaint. Human Resources can be contacted by dialing (985) 549-**2001**.
- v. Responsible Employee. An individual may report alleged sexual misconduct to a Responsible Employee or any employee serving in an administrative role at the University. Responsible Employees must report the incident to the Title IX Officer. No employee is authorized to investigate or resolve complaints without the involvement of the Title IX Officer. Responsible employees shall include all administrators, unclassified staff, and resident assistants. Employees with confidentiality obligations as described in section 5d below are not included.
- vi. Anonymous Reports. Anonymous reports can be made at http://www.southeastern.edu/admin/police/anonymous_reporting/index.html. Individuals who choose to file anonymous reports are advised that it

may be very difficult for the University to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes and shall be forwarded to the Title IX Officer.

- vii. Confidential Advisors. Southeastern has designated trained individuals who shall serve as confidential advisors. Confidential Advisors may, as appropriate, serve as a liaison between an alleged victim and the institution or local law enforcement when directed to do so in writing by an alleged victim who has been fully and accurately informed about what procedures shall occur if information is shared, and assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement. The Confidential Advisor is authorized to liaise with appropriate staff at the institution to arrange reasonable accommodations through the institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations. Requests to a Confidential Advisor for accommodations shall not trigger an investigation by the institution. The confidential advisor is authorized to accompany the alleged victim when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings. The confidential advisor is authorized to advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the institution. The confidential advisor is not be obligated to report crimes to the institution or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law.

5. Confidentiality

The University will respect the confidentiality of victims of sexual misconduct and the alleged offender(s) as much as possible, consistent with the University's legal obligations. Individuals who wish to report or discuss incidents of sexual misconduct should be aware that employees on campus have different reporting responsibilities and different abilities to maintain confidentiality or privacy, depending on their roles at the University.

- a. **Limited Confidentiality of Reports to Employees.** When considering reporting options, complainants should be aware that certain University personnel can

maintain strict confidentiality, while others have mandatory reporting and response obligations. University personnel who are not confidential reporters and who receive a report of alleged sexual misconduct are required to share the information with appropriate administrative authorities for investigation and follow up. The University will protect a complainant's confidentiality by refusing to disclose his or her information to anyone outside the University to the maximum extent permitted by law. As for confidentiality of information within the University, the University must balance a victim's request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the University community.

- b. Confidentiality Requests and Interim Measures/Accommodations.** The University's inability to take disciplinary action against a respondent accused of sexual misconduct because of a complainant's insistence of confidentiality will not restrict the University's ability to provide appropriate measures for the reasonable safety of the Complainant or the University community. The University may also use the information as an anonymous report for data collection purposes under the Clery Act.
- c. Victim Identity Protected from Open Records.** The identity of those complaining of sexual misconduct will be withheld unless mandated by court order or otherwise required to be released by law.
- d. Employees Required to Maintain Confidentiality.** The following individuals are not required to report information about an incident to the Title IX Officer without a complainant's permission. Non-reporters include physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the University community and those who act under the supervision of a health care employee. Those offices are:
 - i. University Counseling Center
Location: 303A Texas Ave., Student Union Annex
Phone: (985) 549-3894
Fax: (985) 549-5007
Email: slucc@selu.edu
Website: <http://www.southeastern.edu/admin/counseling/>
 - ii. Vera W. Thomason Health Center
Location: 303A Texas Ave., Student Union Annex
Phone: 985-549-5718
Fax: 985-549-2093

Email: health@selu.edu

Website: http://www.southeastern.edu/admin/health_ctr/

These offices will maintain confidentiality in accordance with the law and their professional rules of conduct. They will assist in a crisis situation and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, University disciplinary action, immigration services and criminal prosecution. They will not reveal the complainant's identity to anyone without the complainant's permission except under very limited exceptions (e.g., if an immediate threat to the complainant or others is present, or if the complainant is a minor). Complainants need not reveal their names if calling these individuals for information. Confidential Advisors described in 4.vii. are also not obligated to report crimes to Southeastern or law enforcement in a way that identifies an alleged victim or an accused individual unless otherwise required to do so by law.

- e. **Employees Who Must Report – Responsible Employees.** A responsible employee who receives a report of sexual misconduct must report to the Title IX Officer all relevant details about the alleged sexual misconduct shared by the complainant. A responsible employee should not share information with law enforcement without the complainant's consent, or unless the complainant has also reported the misconduct to law enforcement.

Before a complainant reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations - and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

If the complainant chooses to tell the responsible employee what happened but also states that she or he wants to maintain confidentiality or does not want the matter investigated, the employee should tell the complainant that the University will consider the request but cannot guarantee that the University will be able to honor it. The responsible employee should explain his/her duty to report the incident to the Title IX Officer and that the report may be used for Clery Act data collection purposes. In reporting the details of the incident to the Title IX Officer, the responsible employee will also inform the Title IX Officer of the complainant's request for confidentiality.

When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the University will consider a range of factors, including

- i. The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence;
- ii. Whether there have been other sexual misconduct complaints about the same alleged perpetrator;
- iii. Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- iv. Whether the alleged perpetrator threatened further sexual misconduct or other violence against the complainant or others;
- v. Whether the alleged sexual misconduct was committed by multiple perpetrators;
- vi. Whether the alleged sexual misconduct was perpetrated with a weapon;
- vii. Whether the complainant was a minor at the time of the alleged conduct;
- viii. Whether the University possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or
- ix. Whether the complainant's report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

f. Breaches of Confidentiality. Breaches of confidentiality or privacy committed by anyone receiving a report of alleged sexual misconduct or investigating the report of alleged sexual misconduct may be considered a separate violation of this Policy and may result in disciplinary sanctions.

6. Investigation Procedures and Protocols. Generally, upon receipt of a report of sexual misconduct the Title IX Officer will:

- a. Assignment.** The Title IX Officer will review the complaint and investigate the matter. Alternatively, the Title IX Officer may assign the investigation to a Deputy Coordinator or Investigator and advise the complainant of the name and contact information of the individual assigned. If a student complainant requests a disciplinary review the Title IX Officer may also assign the investigation to the Office of Student Advocacy and Accountability. The procedures and protocols for the Office of Student Advocacy and Accountability can be found at www.southeastern.edu/code.
- b. Initial Meeting with Complainant.** As soon as is practicable, the individual investigating the complaint shall contact the complainant and schedule an initial meeting. At the initial meeting the Investigator will:

- i. Provide a copy of this policy which explains the process and rights of all parties;
 - ii. Request additional information regarding the reported incident;
 - iii. Explain the investigatory process;
 - iv. Explain the options for reporting to law enforcement authorities (whether on campus or local police) and the Office of Student Advocacy and Accountability;
 - v. Discuss confidentiality standards and concerns with the complainant and advise that confidentiality may impact the University's ability to investigate fully;
 - vi. Determine whether the complainant wishes to pursue a resolution (formal or informal) through the University and that the decision to begin with an informal resolution does not preclude formal resolution;
 - vii. Refer the complainant, as appropriate, to the Counseling Center or other resources which may include law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, University disciplinary action, immigration services, and criminal prosecution; and,
 - viii. Inform the complainant that they have the right to utilize the confidential advisor and/or any other advisor of their choosing throughout the process;
 - ix. Discuss with the complainant, as appropriate, possible interim accommodations/measures including but not limited to campus no-contact orders, reassignment of housing or work assignments, and modification of class schedules.
- c. Notice of Allegations to Respondent.** At the outset of an investigation, the investigator will provide the respondent prompt notice of the allegations against him or her in writing together with a copy of/link to this Policy. A written notice of all documents will be provided to the complainant concurrently with respondent.
- d. Equitable Treatment.** The investigator will remain neutral throughout the investigation and provide both the complainant and respondent opportunities to respond in person and in writing, to submit relevant documents, and to produce relevant witnesses. Both parties shall also be afforded simultaneous notices, an opportunity to have a representative or advisor present at all meetings, and the ability to inspect any information that will be used after the investigation during informal and formal disciplinary meetings. At no time will either party be offered mediation as an option to resolve a sexual misconduct case that involves violent or criminal conduct.

- e. **Report of Investigation.** The investigator will complete a written investigative report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When the investigator is not the Title IX Officer, the investigative report will be submitted to the Title IX Officer for review and findings. The Title IX Officer will review the report of investigation using a "preponderance of the evidence" standard and make a finding as to whether it is more likely than not that respondent violated the Sexual Misconduct Policy, and which specific sections of the Policy were violated.

If the investigation was coordinated by the Office of Student Advocacy and Accountability a formal hearing will be coordinated as outlined at www.southeastern.edu/code.

If a student accused of a sexually-oriented criminal offense seeks to transfer to another institution during an investigation, the institution shall withhold the student's transcript until such investigation or adjudication is complete and a final decision has been made.

- f. **Sanctions.** Both the complainant and respondent will be informed in writing of the results of any disciplinary proceedings no later than ten (10) business days after the resolution. If the Respondent is found responsible for sexual misconduct, the University will initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter students from similar future behavior. Some behavior is so harmful to the University community or so detrimental to the educational process that it may require more serious sanctions or interventions, such as removal from University housing, removal from specific courses or activities, suspension or expulsion from the University, or employment termination. Sanctions or interventions may include, but are not limited to, one or more of the following:
- i. **Formal Reprimand:** A formal notice that the respondent has violated University policy and that future violations may be dealt with more severely.
 - ii. **Disciplinary Probation:** A designated period of time during which the respondent is not in good standing with the University. The terms of

probation may involve restrictions of student privileges and/or set specific behavioral expectations.

- iii. **Restitution:** Reasonable and limited compensation for loss, damage, or injury to the appropriate party in the form of money or material replacement.
 - iv. **Restriction from Employment at the University:** Prohibition of, termination from, or limitation on University employment.
 - v. **Class/Workshop/Training/Program Attendance:** Enrollment in and completion of a class, workshop, training, or program that could help the respondent or the University community.
 - vi. **University Housing Transfer or Removal:** Placement in another room or housing unit or removal from University housing. Housing transfers or removals may be temporary or permanent depending on the circumstances.
 - vii. **Professional Assessment:** Completion of a professional assessment that could help the respondent or the University ascertain the respondent's ongoing supervision or support needs to successfully participate in the University community.
 - viii. **Removal from Specific Courses or Activities:** Suspension or transfer from courses or activities at the University for a specified period of time.
 - ix. **No Contact:** Restriction from entering specific University areas and/or from all forms of contact with certain persons.
 - x. **Suspension:** Separation from the University for a specified period of time or until certain conditions are met.
 - xi. **Expulsion:** Permanent separation from the University.
 - xii. **Transfer Notification:** If a student is found responsible for a sexually-oriented criminal offense upon the completion of such investigation and/or adjudication and seeks to transfer to another institution, the institution is required to communicate such a violation, when the institution becomes aware of the student's attempt to transfer, with the institution(s) to which the student seeks to transfer or has transferred.
- g. Appeals.** Either party may appeal the outcome of the matter except where a respondent has accepted an agreement under the sanctioning process outlined above. A review of the matter will be efficient and narrowly tailored. In student on student matters adjudicated by the Office of Student Advocacy and Accountability a party may appeal a Student Conduct Hearing Board's decision based on the appeals procedures outlined in the Student Code of Conduct which can be found at www.southeastern.edu/code. For those cases adjudicated by the Title IX Officer or his/her designee, a party may seek review only on the following grounds:

- i. A material deviation from the procedures affected the outcome of the case; and/or
- ii. There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could reasonably affect the investigation findings; and/or
- iii. The sanctions/interventions are inappropriate or disproportionate to the determined violation(s)

To request a review from a case adjudicated by the Title IX Officer or his/her designee, a party must submit a written appeal to the University President within ten (10) calendar days of the date of the notification of the decision. The University President or his/her designee will assign an Appeals Board to review the appeal. The University President may deem a late submission reasonable under certain extraordinary and extenuating circumstances.

The Appeals Board will strive to complete review of an appeal within fifteen (15) days of its receipt. In a closed session, the Appeals Board will review the matter based on the issues identified in the request for appeal. The Appeals Board may conclude that there are no relevant issues of concern and therefore recommend that the University President affirm the final decision and any sanctions/interventions. If the Appeals Board identifies issues of concern, the Board will provide the University President with one of the following recommended actions and any additional instructions or recommendations it deems appropriate under the circumstances:

- i. If there was a material deviation from procedure, remand the matter to the Title IX Officer and/or a new investigator with corrective instructions from the Appeals Board.
- ii. If new information appears relevant, refer the matter to the Title IX Officer and/or the original investigator if available, to determine whether any modifications may need to be made to the original investigative report.
- iii. If the new evidence clearly does not support the finding(s) and provides firm and definite support for modification, the matter will be submitted to the University President or designee to review, in consultation with the Title IX Officer, and make any necessary modifications to the report.
- iv. If the sanctions are clearly inappropriate or disproportionate, alter the sanctions or interventions accordingly.

After necessary consideration and consultation with others, as appropriate, including the Title IX Officer, the University President or the designee may accept

or modify the recommendations made by the Appeals Board. The University President's final and unreviewable decision will be made available to the participating parties, in writing, simultaneously.

6. Additional Information

- a. **Prevention and Awareness Programs** - Southeastern offers education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction on an annual basis.
- b. **Preservation of Evidence.** Preservation of evidence is critical in instances of sexual misconduct. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to prove sexual misconduct or to obtain a judicial order of protection), the support of crisis counseling, and immediate police response.
- c. **Amnesty from Student Discipline for the Reporting Party.** Assisting students who are reporting sexual misconduct is the University's primary interest. In order to facilitate reporting, the University may choose not to charge students who report sexual misconduct and any material witnesses with Student Code of Conduct violations for behavior that otherwise would be considered violations (for example consuming alcohol underage or consuming illegal drugs).
- d. **Retaliation.** Retaliation against an individual for making a good faith complaint of unlawful discrimination, harassment or other unlawful practice, or for using or participating in the complaint process, is a violation of University policy and is strictly prohibited. More about the University's retaliation policy can be found at <http://www.southeastern.edu/resources/policies/assets/retaliation.pdf>.
- e. **Support Services.** Upon receiving a report of sexual misconduct, Southeastern will immediately provide to complainants and respondents the following: on- and off-campus resources, including but not limited to local advocacy, counseling, health and mental health services, as applicable. These are offered regardless of whether the complainant chooses to formally report the incident. Southeastern has developed and distributed contact information for this purpose as well as provide such information on-line.
- f. **Campus Climate Survey.** As per BoR and ULS Policy and in accordance with ACT 172, each institution will administer a campus climate survey annually to their students with the intention of assessing campus safety and identify vulnerabilities. This will be coordinated by the BoR and institutions will be required to submit

results of the survey to the BoR. Nicholls State University may supplement the statewide survey by collecting additional information that can be utilized to develop prevention and intervention strategies appropriate for its institution.

- g. Coordination with Local Law Enforcement.** University Police, in accordance with BoR and ULS Policy as well as best practices, has established agreements with local law enforcement agencies that enhance the coordination of training, information sharing in investigations, evidence preservation, and responsibilities. A copy of the MOU describing these factors in detail is maintained in the University Police Department.
- h. Freedom of Speech.** This policy and procedures will be implemented in a manner that does not infringe upon anyone's First Amendment Rights.

Confidential Advisors

Confidential advisors are available to help victims of sexual misconduct. Confidential advisors are designated individuals who have been trained to aid a person involved in a sexual misconduct complaint in the resolution process as a confidential resource. Southeastern's confidential advisors are the licensed counselors employed by the University Counseling Center. Their contact information follows:

Annette Baldwin-Newton, slucc@southeastern.edu
Curtis Meyers, slucc@southeastern.edu
Emily Moise, slucc@southeastern.edu
Paige LeBleu Moody, slucc@southeastern.edu
Thomas Caffery, slucc@southeastern.edu

The University Counseling Center is located at:

The University Counseling Center Building
303A Texas Ave., Student Union Annex
SLU Box 10310
Hammond, LA 70402
985/549-3894.

The Process of Investigation and Adjudication of the Criminal Justice System

For useful information concerning what to expect should you choose to pursue the criminal court process RAINN (Rape, Abuse & Incest National Network) provides useful information. Log on to www.rainn.org/get-info/legal-information/working-with-the-criminal-justice-system

For information regarding programs offered by the District Attorney's Office for the 21st Judicial District Court dealing with Victim's Assistance, Rape Crisis and Domestic Violence log on to www.21jdda.org

The National Sexual Assault Telephone Hotline

If you need immediate help, call 800.656.HOPE(4673) to be connected with a trained staff member from a sexual assault service provider in your area.

RAINN Online Chat Information

Visit online.rainn.org to chat one on one with a trained support specialist with RAINN (Rape, Abuse, & Incest National Network) anytime 24/7.

Medical Information

The hospital nearest to the University where a victim may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection is North Oaks Medical Center located at 15790 Paul Vega, M.D. Drive, Hammond, LA. Information regarding transportation to North Oaks can be obtained by contacting the University Counseling Center (549-3894) located in the first floor of Pride Hall.