



## Policy # 62002

---

### SEXUAL MISCONDUCT POLICY

---

**Effective Date:** October 1, 2015

**Revised Date:** August 28, 2018

**Responsible Office:** Title IX/EEO

**Division:** Finance

---

#### I. PURPOSE/OBJECTIVE

Grambling State University is required to implement policies and procedures to prevent acts of sexual misconduct. These policies and procedures must be in compliance with the Louisiana Board of Regents Uniform Policy on Sexual Misconduct. Additionally, the University is required to take prompt and appropriate action to investigate and effectively discipline those found responsible for such conduct in a manner consistent with the law and due process.

The purpose of this policy is to provide Grambling State University with a clear set of behavioral standards, common understandings of definitions, key concepts, and descriptions of sexual misconduct.

This policy applies to Grambling State University community members, including students, faculty, and staff. It is intended to protect and guide Grambling State University community members who have been affected by sexual misconduct, whether as a Complainant, a Respondent, or a third party.

#### II. STATEMENT OF POLICY

This Policy covers complaints of alleged sexual misconduct that may involve a student or employee either as an alleged perpetrator (accused) or as the victim (complainant). Sexual misconduct, as defined by this Policy and Procedure for Sexual Misconduct Complaints (this “Policy”), comprises a broad range of behaviors that will not be tolerated in the University’s community of trust.

For purposes of this Policy, sexual misconduct includes Sexual Exploitation, Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Stalking, Domestic Violence, Family Violence, Dating Violence and Retaliation, each as more fully defined below.

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

---

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

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires (i) policies and procedures for sexual assault and requires timely warning and external reporting of crimes; and Section 304 of the Violence against Women Reauthorization Act of 2013 (VAWA), which extends the Clery Act to include dating violence, domestic violence and stalking. Act 172 of the 2015 Louisiana Legislative Session and any other applicable state laws.

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

If the University is open, employees, students and non-students may file a report in person during regular business hours (7:30 a.m. to 5:00 p.m., Monday – Thursday, and 7:30 a.m. – 11:30 a.m., Friday) with the Title IX Coordinator in Brown Hall Room 127.

**Beverly Crawford**  
**Title IX Coordinator**  
**Office of Title IX/EEO**  
403 Main Street  
Brown Hall Room 127  
Grambling, LA 71245  
Phone: (318) 274-2660 or 2784  
Email: [crawfordb@gram.edu](mailto:crawfordb@gram.edu)

Assistance can be obtained 24 hours a day, seven days a week from:

- University Police
  - on-campus – (318) 274-2222
  - off-campus – 911 Emergency
  
- Local Hospital:
  - Northern Louisiana Medical Center-
    - 401 East Vaughn Avenue, Ruston, LA 71270  
(318) 254-2100

In addition, the Grambling State University Counseling Center (274-3277) and the Student Health Center (274-2351) are both located in Foster - Johnson Health Center. Information

---

regarding these support services will be provided immediately upon receiving a report of sexual misconduct, but are not limited to individuals filing a formal complaint.

**Assistance of a trained Confidential Advisor is available for employees, students and non-students. The following university employees are designated as Confidential Advisors:**

1. **Dr. Mary Coleen Speed**, GSU Student Counseling and Wellness Resource Center  
Telephone Number: (318) 274-3277  
Address: Grambling State University - Central Avenue – Grambling, LA 71245
2. **Ms. Taundra Turner**, GSU Student Counseling and Wellness Resource Center  
Telephone Number: (318) 274-4763  
Address: Grambling State University - Central Avenue – Grambling, LA 71245
3. **Dr. Carolyn Hester**, GSU School of Social Work  
Telephone Number: (318) 274-3302  
Address: Charles P. Adams RM 311C – Grambling State University  
Grambling, LA 71245
4. **Dr. Kevin Sly, GSU College of Business**  
Telephone Number: (318) 274-2320  
Location: Grambling State University – RWE Jones & Cole Street – Grambling, LA 71245  
Jacob T. Stewart RM 341

\*A **Confidential Advisor** primarily serves to aid a student involved in a Sexual Misconduct complaint in the resolution process as a confidential resource. As suggested by the term “Confidential advisor,” confidential communications with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the Communications under state and federal laws.

## **DEFINITIONS**

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

Public universities in the state of Louisiana shall use the federal and state definitions of the following terms when making all decisions regarding sexual misconduct including publication of definitions, disciplinary decisions, Clery reporting decisions, campus climate decisions, and

---

training and prevention decisions. If there are any changes to state and federal law, definitions must be amended to reflect any changes to federal and state laws and regulations.

- a. **Sexual Assault as defined by the Clery Act:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.
- b. **Sexual Assault as defined by Louisiana State Law:**
- c. **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.
- d. **Non-Consensual Sexual Contact:** Any intentional sexual touching or attempted sexual touching, without Consent.
- e. **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.
- f. **Stalking as defined by Clery Act:** Intentional and repeated following or harassing that would cause a reasonable person to feel alarmed or that would cause a reasonable person to suffer emotional distress or Intentional and repeated uninvited presence at another person's home, workplace, 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 of any member of the victim's family OR any person with whom the victim is acquainted. 34 CFR 668.46(a)(ii)
- g. **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, kidnaping, 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)

- h. **Domestic Violence definition in Clery Act:** Violence, including but not limited to, sexual or physical abuse or the threat of such abuse committed by a current or former spouse or intimate partner or any other person from whom the Alleged Victim is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:
- By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- i. **Family violence definition in Louisiana law:** Means any assault, battery, or other physical abuse, which occurs between family or household members who reside together or who formerly resided together. La. RS § 46.2121.1(2)
- j. **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)
- k. Dating **Violence definition in Clery Act:** Violence including, but not limited to, sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Alleged Victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
- l. **Dating Violence definition in Louisiana law:** "Dating violence" includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C) For purposes of this Section, "dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
- (1) The length of the relationship.
  - (2) The type of relationship.

---

(3) The frequency of interaction between the persons involved in the relationship.

Although the following definitions are not defined by state and/or federal law, the definitions used in institutional policy and in the implementation thereof by all Louisiana public post-secondary education institutions:

- m. **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."
- n. **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.
- o. **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.
- p. **Incapacitation:** An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. 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.

- q. **Coercion:** The use of express or implied threats, intimidation, or physical force, which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to Consent prior to engaging in sexual activity.
  
- r. **Responsible Employee:** All institution employees are mandatory reporters of suspected or known sexual harassment or sexual misconduct. All Responsible Employees are required to report to the Title IX Coordinator or other appropriate school designee; however, this 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.
  
- s. **Sexual 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.
  
- t. **Other Terms:**
  - i. **Complainant** - an individual whose report of sexual misconduct has not yet been investigated and validated.
  
  - ii. **Victim** - an individual who, after all due investigation and/or adjudication, has been found to be the target of sexual misconduct.
  
  - iii. **Respondent** - an individual against whom a sexual misconduct complaint is brought, which complaint has not yet been validated through investigation and/or adjudication.
  
  - iv. **Perpetrator** - an individual found guilty of sexual misconduct.
  
  - v. **Appeals Committee** – means a group of employees who will be appointed by the President to hear appeals of determinations of complaints regarding sexual harassment. All individuals will be Grambling State University staff or tenured faculty holding nine or twelve month appointments.



- 
- vi. **Clery Act** – means the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f) 34 C.F.R. Part 668.46.
  - vii. **Investigators** – means the individuals designated by the President to conduct investigations of alleged sexual misconduct, and to determine whether or not there is good cause to grant a hearing, as further described below.
  - viii. **Sexual Contact** – means the deliberate touching of a person’s intimate parts (including genitalia, groin, breast, or buttocks, or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person’s intimate parts.
  - ix. **Preponderance of Evidence** – means that the information shows that it is “*more likely than not*” that the accused individual violated this Policy.
  - x. **Standards of Conduct** – means the University’s Standards of Conduct.
  - xi. **Title IX Coordinator** – The Title IX Coordinator’s responsibilities include overseeing all Title IX Complaints and identifying and addressing all patterns or systemic problems that arise during the review of such complaints.
  - xii. **University** – means Grambling State University.

## **JURISDICTION**

### **Personal Jurisdiction.**

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

### **Geographic Jurisdiction.**

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



---

## **MANDATORY STATE REQUIREMENTS**

### **Prevention and Awareness Programs**

Grambling State University will annually offer and document 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.

### **Campus Climate Survey**

To adequately assess perceptions and behaviors of Sexual Misconduct on campus, Grambling State University shall administer the statewide campus climate survey annually to our students in accordance with ACT 172 or any other applicable law. Grambling State University is required to submit the results of the survey to the BoR by June 15, 2016 and annually thereafter, no later than June 15. Efforts will be taken to ensure that the survey avoids known biases regarding the gender and/or sexual orientation of victims and perpetrators of Sexual Misconduct. The statewide survey is intended as a tool for each institution to assess campus safety and to identify vulnerabilities.

### **Coordination with Local Law Enforcement:**

A Memorandum of Understanding (“MOU”) with local law enforcement and criminal justice agency located within the parish of the campus of the institution and other organizations such as crisis centers regarding the coordination of its efforts with those of local law enforcement agencies and other organizations such as crisis centers as appropriate to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws including, but not limited to, trends about sexually-oriented criminal offenses occurring against students of the institution and joint or shared trauma-informed training specific to assisting sexual assault victims. This MOU must be updated at least every two years. It must specifically include:

- a. Delineation and sharing protocols of investigative responsibilities;
- b. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
- c. Agreed-upon training and requirements for the parties to the MOU on issues related to sexually oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible;

- 
- d. A method of sharing general information about sexually oriented criminal offenses occurring within the jurisdiction of the parties to the MOU in order to improve campus safety.
  - e. Assurances that local peace officers in addition to each full-time college or university police officer complete a sexual assault awareness-training program required by state law. La. R.S. 17:1805(H); 40:2405.8(A); (C)(1)

### **Confidential Advisors**

A confidential advisor primarily serves to aid a student involved in a Sexual Misconduct complaint in the resolution process as a confidential resource. As suggested by the term “confidential advisor,” confidential communications with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the communications under state and federal laws. For example, an institution may be compelled by law to disclose communications between the student and his/her confidential advisor if directed by the court in civil litigation. Confidential advisors and all responsible employees shall undergo training in accordance with ACT 172 and other applicable state laws.

- a. The confidential advisor may, as appropriate, serve as a liaison between an alleged victim and the institution or local law enforcement when directed to do so in writing by an alleged victim who has been fully and accurately informed about what procedures shall occur if information is shared, and assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement.
- b. The confidential advisors are authorized by the institution to liaise with appropriate staff at the institution to arrange reasonable accommodations through the institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations. The same accommodations that are offered to the alleged victim may be offered to the accused. Any requests for accommodations shall not trigger an investigation by the institution.
- c. The confidential advisor shall be 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.
- d. The confidential advisor shall be authorized to advise the alleged victim of, and provide written information regarding, both the alleged victim’s rights and the institution’s responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issues by a court of competent jurisdiction or by the institution.
- e. 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.

- 
- f. Those individuals designated as confidential advisors shall complete online training developed by the Attorney General in collaboration with the Board of Regents.
  - g. Each institution shall list the contact information for obtaining a confidential advisor on its website.

### **Institutional Task Force**

The Title IX task force is assigned to address sexual misconduct. All student stakeholder groups will be invited to be represented on the task force through the student body government.

### **TIMING**

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

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

### **RETALIATION AND RELATED MISCONDUCT**

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

Individuals who participate in the investigation process, whether as parties to the investigation or as witnesses, are expected to provide truthful information in accordance with the University's Standards of Conduct. It is not the practice of the University to pursue disciplinary action against a complainant or witness for his or her improper use of alcohol or drugs (e.g., underage drinking), provided that such student is acting in good faith as a complainant or witness to the events of the alleged sexual misconduct.

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

---

## **CRIMINAL PROCEEDINGS**

### **Effect of Criminal Proceedings**

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

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

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

## **ROMANTIC RELATIONSHIPS IN POWER DIFFERENTIALS**

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

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

## **ACADEMIC FREEDOM**

It is important to safeguard academic freedom and protect the openness and integrity of the teaching process inside the classroom. As such, it is understood that discussion of certain sexual topics and/or touching of students within certain classroom settings may well be professionally appropriate and do not

---

necessarily constitute sexual misconduct. The context of the actions will be considered in determining whether allegations are appropriately addressed under this policy or another University policy. Additionally, these policies and procedures will not be enforced in a manner that will infringe upon any individual's First Amendment Freedom of Speech.

## **AMNESTY FOR STUDENTS WHO REPORT SEXUAL MISCONDUCT**

Grambling State University encourages reporting of sexual misconduct and seeks to remove any barriers to reporting by making the procedures for reporting an incident of sexual misconduct ("an incident") transparent and straightforward. The university recognizes that a student who has been drinking or using drugs at the time of an incident also may be hesitant to make a report because of potential disciplinary consequences for their own conduct. Thus, a student who reports sexual misconduct, either as a complainant or a third-party witness, will not be subject to disciplinary action by university for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The university may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

## **THE PROCESS**

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

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

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 University 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

### **Informal Resolution**

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

**Purpose of Informal Resolution:** **Informal Resolution is not acceptable for acts of sexual violence or sexual assault.** Informal resolution provides an opportunity for the complainant to ensure that the Accused is made aware of his or her complaint by the University. The Title IX Coordinator or delegate will notify the Accused of the complaint. Additionally, the complainant can be offered an opportunity to confront the accused (if they so wish), in the presence of, and facilitated by the Title IX Coordinator, and to communicate his or her feelings and perceptions regarding the incident, the impact of the incident, and

---

his or her wishes and expectations regarding protection in the future. The accused individual will have an opportunity to respond during this meeting.

**Informal Resolution Where Accused Acknowledges Responsibility:** If, during the course of the Informal Resolution, the accused individual elects to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct, the Title IX Coordinator will propose a sanction(s). If both the complainant and the accused agree to such proposed sanction(s), the complaint will be resolved without any further rights of appeal by either party. If the accused individual fails to agree to the proposed resolution, the Formal Resolution Process will be initiated.

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

**Temporary Remedial Measures:** As early as possible, the Title IX Coordinator will determine whether temporary remedial measures are warranted, such as suspension from employment with or without pay suspension from classes, issuance of a no contact directive, reassignment of job duties, or changing class or classroom assignments. If immediate action is required to protect the complainant, the Title IX Coordinator shall work with the appropriate administrators to implement such measures.

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

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

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

## **Formal Resolution**

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

**Investigation Process:** The Title IX Coordinator may transfer the complaint to a different complaint process or may initiate a formal investigation if it is determined that sufficient evidence exists to warrant further investigation. Both the complainant and the accused will receive information from the Title IX Coordinator in writing regarding any instructions regarding the investigation process as well as an anticipated timeline for completion.



---

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

**Timeline:** The anticipated timeline to complete such an investigation will depend on the complexity of the investigation and the severity and extent of the harassment. The parties will be informed by the Title IX Coordinator if the time period for the investigation extends past the timeline that is initially anticipated, and the Coordinator's decision regarding extensions will be final.

**Determination:** The Title IX Coordinator will receive the Investigation reports and will make a recommendation regarding a determination that is designed to bring an end to any discriminatory conduct, reasonably prevent its reoccurrence, and remedy any effects on the victim. Both parties will be notified in writing regarding the Title IX Coordinator's determination through the issuance of a Determination Letter as well as a Memorandum Opinion within 10 business days. Upon written request, either party to the complaint has the opportunity to review the information that was considered by the Investigator at a mutually agreeable time and location on the university campus determined by the Title IX Coordinator. In the event that the determination is that faculty or employee employment actions should take place, such actions will conform with all required employee/faculty procedures and requirements that are relevant to the particular individual's employment.

**Appeal:** The Title IX Coordinator's Determination Letter can be appealed by either party in writing to the Appeals Committee within seven (7) calendar days. The Appeals Committee will consider all information generated in the investigation as well as any additional information provided by either party and will render a written recommendation to the University President that either upholds or overturns the Title IX Coordinator's determination or any combination thereof.

The Appeals Committee will provide the opportunity for the Complainant and Accused to appear before the Committee to provide a verbal or written statement. Either party may also be asked to provide additional information to the Appeals Committee by the Appeals Committee.

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

**Final Determination:** The Appeals Committee will generate a report to the President who will review the Appeals Committee's report and make a decision regarding the status of the employee or student. The President's decision is final.

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

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

## **COMPLIANCE WITH FEDERAL AND STATE LAWS**



---

The Sexual Misconduct Policy complies with applicable federal and state laws and regulations, and shall be amended to reflect any changes to federal and state laws and regulations including, but not limited to, the following:

- (A) Title IX of the 1972 Education Amendments which (i) prohibits discrimination on the basis of sex in educational institutions and (ii) requires colleges and universities receiving federal funding to combat gender-based violence and harassment, and respond to survivors' needs in order to ensure that all students have equal access to education;
- (B) The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires (i) policies and procedures for sexual assault and (ii) requires timely warning and external reporting of crimes; and
- (C) Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA), which extends the Clery Act to include dating violence, domestic violence and stalking.

Institutions' compliance with applicable laws and regulations and this policy may be monitored through the requirement of regular reporting to the system office or through other means.