



Policy # 62003

**POWER-BASED VIOLENCE/SEXUAL MISCONDUCT
POLICY**

Effective Date: August 10, 2021

Revised Date: September 14, 2023

Responsible Office: Office for Civil Rights and Title IX

Division: Operations and Administration

I. PURPOSE/OBJECTIVE

Grambling State University is required to implement policies, procedures, practices, and educational programs to prevent, respond to, and redress incidents involving acts of power-based violence, including sexual misconduct and Title IX conduct. These policies and procedures comply with the Louisiana Board of Regents (BOR) Power-Based Violence/Sexual Misconduct Policy and Procedures, applicable federal and state laws and regulations and, will be amended to reflect any changes therein. Louisiana Board of Regents (BOR) Power-Based Violence/Sexual Misconduct Policy and Procedures requires Grambling State University to address allegations of power-based violence, including sexual harassment and sexual assault, within a timely and effective manner.

The purpose of this policy is to provide Grambling State University community members with information, guidance to address individuals who have been affected by power-based violence, whether as a Complainant, a Respondent, or a Witness, and provide fair and equitable procedures for all parties. This policy is applicable to student conduct that occurs both on and off-campus.

II. STATEMENT OF POLICY

This Policy covers power-based violence, which is a broader term that covers gender/sex-based misconduct beyond the Title IX Regulations' "sexual harassment" definition. Power-based violence is defined as any form of interpersonal violence intended to control or intimidate another person by asserting power over the person. It includes but is more expansive than sexual misconduct and Title IX misconduct. These behaviors will not be tolerated in the University's community of trust. The University is committed to fostering a community that promotes prompt reporting of power-based violence and sexual misconduct and timely and fair resolution of complaints. Creating a safe learning, working, and living environment is the responsibility of all members of the University community.

The comprehensive scope of this Policy includes procedures to address both power-based violence (which includes sexual misconduct) and Title IX conduct (see Title IX Formal Grievance Procedures).

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Additionally, this policy is in accordance with federal and state laws, including Act 472 of the 2021 Legislative Session of the Louisiana Legislature (Act 472), Title IX of the Education Amendments of 1972 (Title IX), and Title VII of the Civil Rights Act of 1964 (Title VII), the Violence Against Women Act (VAWA), The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and other applicable laws.

This Policy is not intended to infringe upon or restrict rights guaranteed by the United States Constitution, including the right to free speech under the First Amendment or the due process clauses of the Fifth and Fourteenth Amendments.

A. REPORTING POWER-BASED VIOLENCE

Anyone may report an incident of power-based violence (to include Sexual Misconduct and Title IX Conduct) even if they do not intend to pursue a Formal Complaint.

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

A report can be made by any individual who has:

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

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

B. REPORTING POSSIBLE THREATS TO UNIVERSITY

Students, faculty, and other personnel may access the [Title IX/Power-Based Violence/Sexual Misconduct Incident Report Form](#) to report potential threats. The form requires the following information:

1. Name of Institution, person, or group being threatened;
2. Name of student, individual, or group threatening violence;
3. Date and time the threat was made; and
4. Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.

The process for anonymous reporting and for safeguarding the identity of a person who reports an incident of power-based violence, or a safety threat is included in Section VII-Confidential and Anonymous Reporting.

For every report of an incident of power-based violence or a safety threat received, the university and the campus law enforcement agency or security officers' actions are documented. These policies shall also provide guidelines on referring the reports to the appropriate law enforcement agencies.

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.

Kennedy Jones, JD, LL.M
Acting/Interim Director
Office for Civil Rights and Title IX
Title IX Coordinator
Brown Hall Room 127
403 Main Street
GSU Box 4233
Grambling, LA 71245
Phone: (318) 274-2660
Email: jonesken@gram.edu
titleix@gram.edu

[Title IX/Power-Based Violence/Sexual Misconduct Incident Report Form](#)

If the University is not open, 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

- [North Louisiana Medical Center](#)
401 East Vaughn Ave. Ruston, LA 71270
(318) 254-2100

Assistance may also be obtained 24 hours a day by accessing the online [Title IX/Power-Based Violence/Sexual Misconduct Incident Report Form](#)

In addition, supportive measures for the safety and well-being of any affected person as well as the campus community may obtain assistance by contacting the various resources below.

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Grambling State University Student Counseling and Wellness Resource Center (274-3277) and the Foster-Johnson 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/Resources:

Grambling State University Student Counseling and Wellness Resource Center

Location: Central Avenue – Grambling, LA 71245
Foster-Johnson Health Center

M. Coleen Speed, PhD, LMFT

Licensed Marriage & Family Therapist #726, BCPC #10057
Student Counseling Center/Temporarily Nursing Building
318-274-3163
speedc@gram.edu

Kim Gibson, MS

Developmental Psychology
Student Counseling Center/Temporarily Nursing Building
318 274 2774
gibsonk@gram.edu

Grambling State University Foster-Johnson Health Center

Location: Central Avenue – Grambling, LA 71245
Foster-Johnson Health Center

Patrice Lewis-Outley, MSN, APRN, FNP-C

Director of Student Health Services
Telephone Number: (318) 274-2288
outleyp@gram.edu

Dawn Holmes

Registered Nurse
Telephone Number: (318) 274-3411
Holmesd@gram.edu

Kimbreyana McDuffie

Family Nurse Practitioner
Telephone Number: (318) 274-7718
mcduffiek@gram.edu

Calandra Moore
Family Nurse Practitioner
Telephone Number: (318) 274-7718
moorec@gram.edu

Off-Campus Community Resources/Local Hospitals:

Emergency and Local Police: 911

[North Louisiana Medical Center](#)
401 East Vaughn Ave. Ruston, LA 71270
(318) 254-2100

[Pine Hills Sexual Assault Center](#)
117 South Trenton St., Ruston, LA 71270
Mailing Address:
100 W. Texas Ave., Second Floor, Ruston, LA 71270
(24-Hr Crisis Hotline) (318) 255-7273 or 1-800-869-1033

[Domestic Abuse Resistance Team \(DART\)](#)
108 W Alabama Ave, Ruston, LA 71270
(318) 251-2255

III. Applicability

This Policy applies to all students, faculty, staff, visitors, volunteers as well as to contractors, consultants, and vendors doing business or providing services to the University

IV. Revision/Reviewed

The University will review, evaluate, and make revisions or amendments to this policy as needed to reflect any changes to federal and state laws and regulations.

V. Definitions

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

Advisor: A person chosen by a party or appointed by the Institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Chancellor/President: The chief executive officer of a public postsecondary education Institution.

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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.

Complainant: An individual who is alleged to be the victim of behavior that could constitute power-based violence under this policy (or an individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX) irrespective of whether a Formal Complaint has been filed.

Confidential Advisor: A person designated by an Institution to provide emergency and ongoing support to students who are alleged victims of power-based violence.

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 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, 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.

Decision Maker: An individual selected by the institution and charged with determining responsibility for an allegation of power-based violence.

Employee: An employee is defined as:

- i. An administrative officer, official, or employee of a public postsecondary education board or Institution.
- ii. Anyone appointed to a public postsecondary education board or Institution.
- iii. Anyone employed by or through a public postsecondary education board or Institution.
- iv. Anyone employed by a foundation or association related to a System Management Board or Institution.

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The employee category does not include a student enrolled at a public postsecondary institution unless the student works for the GSU in a position such as a teaching assistant or residential advisor.

Formal Complaint: A signed document filed by a Complainant or signed by the Title IX Coordinator alleging power-based violence or retaliation and requesting the Institution investigate and possibly adjudicate the alleged issue. A third party who knows of or witnessed an incident of power-based violence but who did not suffer such conduct themselves may request that the Institution treat their third-party Report as a Formal Complaint.

GSU can convert a report to a Formal Complaint if it determines that, in order to meet its state and/or federal obligations to provide a safe and nondiscriminatory environment for the broader institutional community, it must take further steps to address and resolve the matter.

For purposes of alleged misconduct that satisfies the jurisdictional requirements of Title IX, see Formal Complaint in the GSU Title IX Grievance Procedures.

Institution: A public postsecondary education institution.

Informal Resolution: A voluntary process that is separate and distinct from an Institution's investigation and adjudication processes that allows the parties (i.e., Complainant and Respondent) to reach a mutually agreeable resolution.

Incapacitation: An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Individuals who are asleep, unresponsive, or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

Investigators: Individuals designated by the Title IX Coordinator to conduct investigations of alleged power-based violence.

Mandatory Reporter: An individual who is obligated by law to report any knowledge they may have of power-based violence. For purposes of this Policy, mandatory reporters include Responsible Employees. (See definition of Responsible Employee.)

Power-based Violence: Any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person, to include the following:

- a. Dating violence (R.S. 46:2151(C)).
- b. Domestic abuse and family violence (R.S. 46:2121.1(2) and 2132(3)). For the purpose of this Part, domestic abuse shall also include any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement

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or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.

- c. Nonconsensual observation of another person's sexuality without the other person's consent, including voyeurism (R.S. 14:283.1), video voyeurism (R.S. 14:283), nonconsensual disclosure of a private image (R.S. 14:283.2), and peeping tom activities (R.S. 14:284).
- d. Sexual assault (R.S. 14:41, 42 through 43.5, 89, 89.1, and 106).
 - i. Sexual Battery (14:43.1)
 - ii. Misdemeanor sexual battery (14:43.1.1)
 - iii. Second degree sexual battery (14:43.2)
 - iv. Oral sexual battery (14:43.3)
 - v. Female genital mutilation (14:43.4)
 - vi. Intentional exposure to HIV (14:43.5)
 - vii. Crime against nature (14:89)
 - viii. Aggravated Crime against nature (14:89.1)
 - ix. Obscenity (14:106)
- e. Sexual exploitation means an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person's sexuality including prostituting another person (R.S. 14:46.2 and 82 through 86).
 - i. Human trafficking (14:46.2)
 - ii. Prostitution (14:82)
 - iii. Prostitution of person under 18 (14:82.1)
 - iv. Purchase of commercial sexual activity (14:82.2)
 - v. Solicitation for prostitutes (14:83)
 - vi. Inciting prostitution (14:83.1)
 - vii. Promoting prostitution (14:83.2)
 - viii. Prostitution by massage (14:83.3)
 - ix. Sexual massages (14:83.4)
 - x. Pandering (sexual) (14:84)
 - xi. Letting premises for prostitution (14:85)
 - xii. Enticing persons into prostitution (14:86)
- f. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course or academic research.
- g. Stalking (R.S. 14:40.2) and cyberstalking (R.S. 14:40.3).
- h. Unlawful communications (R.S. 14:285).

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- i. Unwelcome sexual or sex- or gender-based conduct that is objectively offensive and has a discriminatory intent.

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

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

System: A Louisiana public postsecondary management board.

System President: The president of a public postsecondary education system.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Institution's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Title IX Coordinator: The individual designated by a public postsecondary education institution as the official for coordinating the Institution's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 and Act 472 the 2021 Regular Legislative Session of the Louisiana Legislature.

Title IX Grievance Procedure: A process for addressing and resolving a "Formal Complaint" that satisfies requirements set forth in 34 C.F.R. §106.30. *See accompanying Title IX Grievance Procedure for key terms.*

Title IX Sexual Harassment: For the purposes of determining whether power-based violence will be treated as a potential violation of Title IX in accordance with the Title IX Grievance Procedure, Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. An employee of the Institution conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

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- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

VI. Safety Education

The University shall, in consultation with campus or local law enforcement agencies develop and distribute information to students regarding power-based violence, campus safety, and internet and cell phone safety and online content that is a potential threat to school safety.

The information shall include the following:

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

The information shall be distributed as part of a new student orientation and shall be posted on Grambling State University website.

VII. Retaliation Prohibition

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

GSU expressly prohibits retaliation against anyone who: 1) in good faith reports what they believe is power-based violence, 2) cooperates with an investigation or proceeding under this policy, or 3) opposes conduct that they believe to violate this policy. However, an individual who reports an incident of power-based violence or participates in an investigation or proceeding and has perpetrated or assisted in the perpetration of committing the power-based violence reported, is still subjected to an investigation for a potential violation of this policy and may be subject to disciplinary action

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

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

VIII. Reporting Power-Based Violence**A. Mandatory Reporting for Employees**

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

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

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

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

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

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

The University recommends as a best practice that, if an employee believes an individual may intend to share any information regarding an instance of power-based violence, the employee should seek to confirm that the reporting party understands the employee's obligations as a mandatory reporter. If the reporting

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party would prefer to speak with a confidential resource, the employee should direct the reporting party to a confidential resource. A list of confidential resources is provided in the policy.

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

B. Student's False Reporting

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

C. Confidential and Anonymous Reporting

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

1. A person employed by or under contract with the Institution to which the report is made, if the disclosure is necessary to conduct the investigation of the report or any related hearings.
2. A law enforcement officer as necessary to conduct a criminal investigation of the report.
3. A person alleged to have perpetrated the incident, to the extent required by law; or
4. A potential witness to the incident is necessary to conduct an investigation of the report.

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

An alleged victim shall be advised of the right to seek a Confidential Advisor. *See additional information pertaining to Confidential Advisors.*

D. Immunities and Amnesty

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An individual acting in good faith who reports or assists in the investigation of a report of an incident of power-based violence, or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident may not be subjected to any disciplinary action by the University in which the individual is enrolled or employed for any violation of the University's code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment.

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

Such a student shall not be sanctioned by the University for a Nonviolent Student Conduct Violation, such as underage drinking, that is revealed in the course of making such a report.

IX. Transcript Withholding, Notation & Communication Policy

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

At a minimum, for any student who is the subject of a power-based violence Formal Complaint and who attempts to transfer to another institution, the Institution from which the student seeks to transfer ("Sending Institution") shall either (1) withhold the transcript of the student or (2) place a notation on the student's transcript. If the Sending Institution does not know whether the student seeks to transfer to another Institution, the student's transcript shall either be withheld or notated.

The Sending Institution shall notify the student that their transcript has been withheld or notated, and of the appeals process to have the hold or notation removed. Either the transcript is withheld, or the notation remains on the transferring student's transcript until the Institution makes a determination that the transferring student is not responsible for power-based violence, or the transferring student prevails in a request to appeal the withholding of a transcript or notation pursuant to Part c of this Section, whichever occurs first.

A. WITHHOLDING STUDENT TRANSCRIPTS

If the Sending Institution chooses to withhold upon the filing of a Formal Complaint, the Institution shall place an administrative hold on the transcript of a student who is the subject of the Formal Complaint. For any student who is the subject of a power-based violence Formal Complaint that also constitutes sexual harassment under Title

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IX, the Institution should commence an investigation and place a notation on the student's transcript, rather than withholding the transcript.

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

B. NOTATION

If the Sending Institution chooses to notate upon the filing of a Formal Complaint, the Institution may place a notation on the transcript of a student attempting to transfer to another institution. For any student who is the subject of a power-based violence Formal Complaint that also constitutes sexual harassment under Title IX, the Sending Institution should commence an investigation and place a notation on the student's transcript, rather than withholding the transcript.

For a transferring student who is the subject of a pending investigation, the notation on the transcript shall read: "**ADMINISTRATIVE MATTER PENDING**" or other notation sufficient to place the Receiving Institution on notice and trigger an inquiry regarding the notation directed to the Sending Institution.

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

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

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

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

C. TRANSCRIPT WITHHOLDING AND NOTATION APPEALS

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

Such a request shall be submitted in writing to the [Grambling State University Office of the Registrar](#). The University's Registrar shall notify the student requesting of its decision no later than seven (7) business days from the date that the appeal request is made.

X. Victims' Rights Policy

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to university officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by university officials.
- The right to have University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by university officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by university officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by university authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by university law enforcement and/or other University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.

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- The right to a university-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location
 - Assistance from University staff in completing the relocation
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation accommodation
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- The right to have the University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.

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- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- [The right to have the University compel the participation of faculty and staff witnesses].
- The right to the use of the appropriate standard of evidence, preponderance of the evidence to make a finding after an objective evaluation of all relevant evidence
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- The right to a fundamentally fair resolution as defined in grievance procedures.

XI. Power-Based Violence Grievance Procedure

See the Power-Based Violence/Sexual Misconduct Procedures

These policies and procedures also address cases involving employees.

A. Supportive Measures

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

Supportive Measures are made available to the Respondent.

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

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

XII. Training

A. Responsible Employees

The University will annually provide training for each of its (i) Responsible Employees; (ii) individuals who are involved in implementing the Institution's student grievance procedures, including each individual responsible for resolving Formal Complaints of reported power-based violence or power-based violence policy violations; (iii) Title IX Coordinator(s); and (iv) employees who have responsibility for interviewing any alleged victims of power-based

The training will be held no later than the beginning of the 2022-2023 academic year.

No later than January 1, 2022, BOR, in coordination with the attorney general and in consultation with state or local victim services organizations, shall develop the annual training program required in this Section. BOR shall annually review the annual training program and revise it as needed.

B. Confidential Advisors

The University has designated individuals who serve as Confidential Advisors and partnered with local victim services organizations to serve as Confidential Advisors in confidential roles.

University Confidential Advisors shall complete a training program that includes information on power-based violence (including “sexual harassment” under Title IX, as well as other types of power-based violence falling outside Title IX’s jurisdictional requirements), trauma-informed interactions, Title IX requirements, state law on power-based violence, and resources for victims.

The Confidential Advisors shall also complete annual training relative to power-based violence and Title IX. The initial and annual training shall be developed by the Attorney General in collaboration with BOR and shall be provided through online materials.

The [University’s website](#) shall provide contact information for obtaining a Confidential Advisor.

The Confidential Advisor to an alleged victim of power-based violence shall inform the alleged victim of the following:

1. The rights of the alleged victim under federal and state law and the policies of the University.
2. The alleged victim’s reporting options, including the option to notify the Institution, the option to notify local law enforcement, and any other reporting options.
3. If reasonably known, the potential consequences of those reporting options.
4. The process of investigation and disciplinary proceedings of the Institution.
5. The process of investigation and adjudication of the criminal justice system.
6. The limited jurisdiction, scope, and available sanctions of the institutional student disciplinary proceeding, and that it should not be considered a substitute for the criminal justice process.
7. Potential reasonable accommodation that the University may provide to an alleged victim; and
8. The name and location of the nearest medical facility where an alleged victim may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such a facility.

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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.

The Confidential Advisor shall:

1. Be authorized by the institution to liaise with appropriate staff at the Institution to arrange reasonable accommodation through the Institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodation.
2. 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.
3. 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.
4. 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; and
5. To the extent authorized under law, provide confidential services to students. Any requests for accommodation made by a Confidential Advisor, as provided in this Section, shall not trigger an investigation by the Institution.

XIII. Data Publications*A. Power-Based Violence Climate Survey*

Beginning in the 2022-2023 academic year, the University shall administer an anonymous Power-Based Violence Climate Survey (Survey) developed by the BoR to its students once every three (3) years and every third year thereafter. If the University administers other surveys with regard to campus safety, this Survey may be included as a separate component of any such survey, provided that the power-based violence component is clearly identified as such. Survey results must be submitted to the System Management Board and BoR, and published in a prominent, easily accessible location on the University's website.

Participation in the Survey shall be voluntary. No student shall be required or coerced to participate in the Survey, nor shall any student face retribution or

negative consequences of any kind for declining to participate. The University shall make every effort to maximize student participation in the Survey.

B. *Campus Security Report*

In accordance with Act 447 of the 2021 Regular Legislative Session of the Louisiana Legislature, the University will publish on its website a [semiannual security report](#) to contain updated campus security policies and campus crime statistics.

The reports shall be updated and posted by April Tenth (10) and October Tenth (10) of each academic year. The report must include, at a minimum, all information relative to such policies and statistics specified in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092 (Clery Act).

The report shall be posted in a prominent location that is readily accessible from the main landing page of the Institution's website. If an individual campus does not have its own website, this information shall be posted on the main website of the Institution, with the campus clearly indicated.

C. *Sex Crime Data Report*

By February Fifteenth (15) of each year, each University's campus police department shall submit a report containing the information required in Appendix C of the Power-Based Violence/Sexual Misconduct Policy to the System President, the Institution's Chancellor, and the Institution's Title IX Coordinator.

The President shall ensure the report is posted on the Institution's website.

XIV. Memorandum of Understanding

On or before January 1, 2022, Grambling State University shall enter into and maintain a written memorandum of understanding (MOU) with law enforcement and criminal justice agency located within the parish of the campus of the Institution, including the campus police department and the local district attorney's office. The written memorandum of understanding (MOU) will clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about power-based violence committed by or against students of the Institution. This MOU must be signed by all parties to the MOU

The MOU shall include the following:

1. Delineation and sharing protocols of investigative responsibilities.
2. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.

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3. Agreed-upon training and requirements for the parties to the MOU on issues related to power-based violence for the purposes of sharing information and coordinating training to the extent possible.
4. A method of sharing general information about power-based violence occurring within the jurisdiction of the parties to the MOU in order to improve campus safety; and
5. A requirement that the local law enforcement agency include information on its police report regarding the status of the alleged victim as a student at an Institution.

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

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

XV. Website Compliance

In addition to publishing the specified reports outlined in this Policy, the University will list on their websites:

- a. Contact information for obtaining a Confidential Advisor.
- b. Reporting options for alleged victims of power-based violence.
- c. The process of investigation and disciplinary proceedings of the Institution.
- d. The process of investigation and adjudication of the criminal justice system.
- e. Potential reasonable accommodation that the Institution may provide to an alleged victim.
- f. The telephone number and website address for a local, state, or national hotline providing information to victims of power-based violence, which shall be updated at least on an annual basis.
- g. The name and location of the nearest medical facility where an individual may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.
- h. Each current memorandum of understanding between the Institution and local law enforcement and criminal justice agency located within the parish of the campus (12:15-13:5); and
- i. Data publications as specified in Section XV of this Policy.

XVI. Non-Discrimination Statement

Title IX is a federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX prohibits use of federal money to support sex

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discrimination in education programs and provides individuals protection against such practices.

In compliance with federal law and USDOE federal guidance, including the provisions of Title VII of the Civil Rights Act of 1964 (Title VII), Title IX of the Education Amendments of 1972 (Title IX), Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, the ADA Amendments Act of 2008, the Age Discrimination in Employment Act of 1967 (ADEA), Executive Order 11246, Executive Order 13988, the Vietnam Era Veterans Readjustment Assistance Act of 1974 as amended by the Jobs for Veterans Act, the Uniformed Services Employment and Reemployment Rights Act, as amended, and the Genetic Information Nondiscrimination Act of 2008, an Institution shall not discriminate against individuals on the basis of their race, sex, sexual orientation, gender identity, gender expression, religion, color, national or ethnic origin, age, disability, military service, covered veteran's status, or genetic information in its administration of education policies, programs, or activities; admissions policies; scholarship and loan programs; athletic or other Institution-administered programs; or employment.

XVII. Disabilities Accommodations

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Director of the Student Counseling and Wellness Resource Center, if a student, or the Chief Human Resources Officer, if an employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

Inquiries about the application of this policy should be directed to the Title IX Coordinator whose contact information is available on [Grambling State University's Title IX website](#):

Kennedy Jones, JD, LL.M
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