



## Policy # 62003.1

---

# POWER-BASED VIOLENCE/SEXUAL MISCONDUCT PROCEDURES

---

*The purpose of these procedures are to provide Grambling State University with a clear set of procedural guidelines which address allegations of Conduct that fall outside the scope of the Title IX Regulations (i.e., power-based violence) and may be addressed by applying GSU's Power-Based Violence/Sexual Misconduct Policy. The Title IX Grievance Procedure and its terms supersede any policies pertaining to the investigation or adjudication of "sexual harassment" as defined in this protocol.*

### **I. SCOPE**

The U.S Department of Education's (USDOE) Title IX Regulations apply to both:

1. Conduct on the basis of sex that constitutes "sexual harassment" (§106.30); and
2. Conduct that relates to the university's "education program or activity" against a person in the United States on or after August 14, 2020.

### **A. SEXUAL HARASSMENT (§106.30)**

Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following criteria:

1. An employee of the university conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. 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; and/or
3. "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).

### **B. EDUCATION PROGRAM OR ACTIVITY**

An education program or activity includes locations, events, or circumstances in which the university exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the university. The Title IX Regulations exclude any education program or activity that does not occur in the United States. (§106.44(a).)

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

---

Conduct that does not satisfy the USDOE's jurisdictional requirement, such as off-campus behavior alleged to have an on-campus effect, may be addressed under alternative procedures such as the overarching BOR's Policy addressing Power-Based Violence.

**II. OVERVIEW OF KEY TERMS**

- a. For purposes of this Title IX Grievance Procedure, key terms are defined as follows:
  - i. **Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment to the university's Title IX Coordinator or any official of the university who has authority to institute corrective measures on behalf of the university.
  - ii. **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
  - iii. **Decision Maker:** An individual selected by the institution and charged with determining responsibility for an allegation of power-based violence.
  - iv. **Formal Complaint:** Under the Title IX Grievance Policy, a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the university investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the university with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or by any additional method designated by the university.
  - v. **Respondent:** An individual alleged to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
  - vi. **Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following criteria:
    1. An employee of the university conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
    2. 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; and/or

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

---

3. “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).
- vii. **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 university’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.

**III. FORMAL GRIEVANCE PROCESS**

This section outlines the steps taken to initiate the grievance and procedural requirements for investigations and adjudications of Formal Complaints in accordance with federal regulations.

**A. FILING A FORMAL COMPLAINT**

A Formal Complaint is a [Title IX/Power-Based Violence/Sexual Misconduct Incident Report Form](#) filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment as defined by the Title IX Regulations against a Respondent and requesting a university to investigate the allegation of sexual harassment. The submission of a Formal Complaint and its receipt by the Title IX Coordinator triggers the Formal Grievance Process.

A Formal Complaint must be in writing and may be filed with the Title IX Coordinator in person, by mail, or by e-mail. The Formal Complaint must contain the Complainant’s physical or digital signature, or some other indication that the Complainant is the person filing it. (§106.30.) At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity.

When a university receives an allegation of conduct that falls within the scope of the Title IX Grievance Procedure, whereby it meets both the Title IX Regulations’ definition of “sexual harassment” and their jurisdictional requirements (see Section I), but no Formal Complaint is filed, Title IX Regulations prevent Grambling State University from administering a formal grievance process (including any informal or early resolution) that permits the imposition of any disciplinary sanctions or other actions against a Respondent. Supportive measures, however, still be offered.

**B. TITLE IX COORDINATOR FILING COMPLAINT**

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

---

A Title IX Coordinator may sign a Formal Complaint to initiate or continue the Title IX Formal Grievance Procedure, if necessary, to fulfill the university's duty under Title IX to not be deliberately indifferent to actual knowledge of sexual misconduct.

Signing a Formal Complaint does not make a Title IX Coordinator a Complainant or otherwise a party.

**C. WITHDRAWAL**

After filing a Formal Complaint, a Complainant may withdraw their Formal Complaint at any time by providing written notice to the Title IX Coordinator. The withdrawal of the Formal Complaint concludes the Title IX Formal Grievance Procedure process unless the Title IX Coordinator takes acts under Subsection B of this Section.

**D. CONSOLIDATION**

Grambling State University, at its discretion, may consolidate Formal Complaints alleging sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents; or by one party against another party, where allegations of sexual harassment arise out of the same facts or circumstances.

**E. MANDATORY DISMISSAL**

If the conduct alleged in the Formal Complaint does not satisfy the requirements of sexual harassment as defined by §106.30, the university must dismiss the Formal Complaint under this grievance process. However, the Title IX Coordinator will review the Complaint for violations of the University's Power-Based Violence policy. This review under the Power-Based Violence policy may result in the possible investigation and resolution of the case. The university will notify the parties simultaneously and in writing that the Formal Complaint is being dismissed for the Title IX Grievance Process or the transfer of the case for review per the application of the power base violence policy. Each party may appeal this dismissal using the procedures outlined in the Sexual Misconduct policy.

**F. PERMISSIVE DISMISSAL**

The university may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein.
- b. The Respondent is no longer enrolled in or employed by the university; or
- c. Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon dismissal, the university must promptly send written notice of the dismissal and reason(s) simultaneously to the parties.

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

---

**IV. INITIAL STEPS AND DETERMINATION OF APPROPRIATE PROCEDURES**

Upon actual knowledge of a report of the alleged conduct, the Office for Civil Rights and Title IX should perform an initial assessment consistent with the information outlined in the University's Power-Based Violence and Sexual Misconduct Policy. The policy includes making initial contact with the potential Complainant of the Report and offering information to include Supportive Measures.

If the initial assessment reveals that the alleged conduct **does** meet the definition of sexual harassment as contained within the USDOE's Title IX Regulations, the investigation must proceed pursuant to the **Title IX Formal Grievance Procedures below**. If the alleged conduct **does not** meet the USDOE's definition of sexual harassment, the investigation will proceed pursuant to **University's Policy addressing Power-Based Violence**.

**V. INVESTIGATION****A. NOTICE**

Upon receipt of a Formal Complaint, the university must provide written notice of the following to known parties:

The investigation and adjudication process, including any informal processes.

- i. Allegations of sexual harassment, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- ii. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- iii. The parties may have an advisor of their choice, who may be, but is not required to be, an Attorney.
- iv. The parties may inspect and review evidence.
- v. The parties are prohibited from knowingly making false statements or knowingly submitting false information during the investigation and adjudication process; and
- vi. If the university decides to investigate additional allegations not included in the original notice, it must provide notice of the additional allegations to the parties whose identities are known.

**B. INVESTIGATION PROCEDURE**

The Title IX Coordinator shall appoint an Investigator to investigate the allegations documented in the Formal Complaint. The investigation may include but is not limited

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

---

to, interviewing the Complainant, the Respondent, and any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files; and gathering and examining other relevant documents, social media posts, and other evidence.

The Investigator will attempt to collect all relevant information and evidence. Following the investigation, the Investigator will draft an investigation report succinctly describing all collected information. The Investigator will not determine whether a policy violation has occurred or recommend potential sanctions.

While investigating the allegations of any Formal Complaint of sexual harassment, the Investigator will conduct an objective evaluation of all relevant evidence. Relevant evidence is any evidence that may tend to make the allegations at issue more or less likely to be true. (See §106.45(b)(1)(ii).)

Grambling State University will use the preponderance of the evidence standard for all Formal Complaints. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the decision-maker that there is a greater than 50% chance that the claim is true.

When investigating a Formal Complaint and throughout the investigation and adjudication process, the university must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the university and not on the parties;
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any investigation or adjudication proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the university may establish restrictions regarding the extent to which an advisor may participate in the proceedings, as long as the restrictions apply equally to both parties' advisors;
5. Provide written notice to each party of the date, time, location, participants, and purposes of each Formal Grievance Process meeting in which they are invited to participate, with sufficient time for the party to prepare to participate;

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

---

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.
  - i. Prior to completion of the investigative report, the university must send the report to each party and the party's advisor. The evidence is subject to inspection and review in an electronic format or a hard copy. The parties must be provided at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report.
  - ii. The university must make available at any hearing all such evidence subject to the parties' inspection and review, to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to the hearing, sends each party and advisor, the investigative report in an electronic format or a hard copy for their review and written response.

**C. HEARINGS**

The University must provide a live hearing. An Adjudicator/Hearing Chairperson will consider all the evidence presented and determine whether a Respondent is responsible for a violation of this protocol. The Adjudicator/Hearing Chairperson will not be the same person as the Title IX Coordinator or the investigator. A trained third-party Adjudicator will adjudicate cases.

At the request of either party, the University must provide for the live hearing with the parties located in separate rooms, with technology enabling the Adjudicator/Hearing Chairperson and parties to see and hear the party simultaneously or the witness answering questions. The University will create a transcript or recording (audio or audiovisual) of any adjudicative hearing to be made available to the parties for inspection and review pursuant to FERPA (Family Educational Rights & Privacy Act).

At the live hearing, the Adjudicator/Hearing Chairperson must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination at the live hearing must be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Advisors may be present solely to advise

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

---

or support the party and are prohibited from speaking directly to the Investigator, Adjudicator/Hearing Chairperson, other parties, or witnesses during the hearing, except for conducting cross-examination.

Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the university must provide one without fee or charge. The advisor of the university's choice may be, an attorney, but is not required. This process would allow the parties to conduct cross-examination of one another.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant. If the Questions and evidence offered to prove consent which concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent are considered relevant.

If a party or witness does not submit to cross-examination at the live hearing, the decision maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility provided. The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the university's discretion, any or all parties, witnesses, and other participants will appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The University must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

**D. DETERMINATION REGARDING RESPONSIBILITY**

The Adjudicator/Hearing Chairperson, must issue, simultaneously to both parties, a written determination regarding responsibility, which must include:

- a. Identification of the allegations potentially constituting sexual harassment;
- b. A description of the procedural steps taken from receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the university's policy to the facts;



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

---

- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions the university will impose on the Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and
- f. Procedures and permissible bases for parties to appeal.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**E. SANCTIONS**

Description in range of sanctions for employees and students.

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- a. The nature, severity of, and circumstances surrounding the violation(s)
- b. The Respondent's disciplinary history
- c. Previous allegations or allegations involving similar conduct
- d. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- e. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- f. The need to remedy the effects of discrimination, harassment, and/or retaliation on the Complainant and the community
- g. The impact on the parties
- h. Any other information deemed relevant by the Decision Makers

Sanctions will be implemented as soon as possible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in these procedures are not exclusive of and may be in addition to other actions taken, or sanctions imposed by external authorities.

**A. Student Sanctions**

The following are the usual sanctions that may be imposed upon students singly or in combination: See the Grambling State University (GSU) Student Handbook for a complete listing and more detailed description of all possible sanctions.

- i. Reprimand: A written letter/expression or oral expression statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.

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

---

- ii. Discretionary Censures: Censures that may include but are not limited to parental notification, letter of apology, conflict resolution sessions, and university programming.
- iii. Required Education Counseling: A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- iv. Suspension: This suspension is for a specified period of time, and the student or the student organization may apply for readmission to the University after expiration of the specified period. During this period of suspension, the student is banned from the University. A notation will be placed on the student's transcript "Student is eligible to return (semester) (year)" when a student is suspended for disciplinary reasons for a specified period of time. The transcript indicates which semester the student will be eligible to return.
- v. Permanent Dismissal from the University and Banned from the University. A notation will be placed on a student's transcript "Student is ineligible to enroll," when the student is permanently dismissed from the university for disciplinary reasons.

**B. Employee Sanctions**

- i. Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:
  - ii. Warning – Verbal or Written
  - iii. Performance Improvement/Management Process
  - iv. Required Counseling
  - v. Required Training or Education
  - vi. Probation
  - vii. Loss of Annual Pay Increase
  - viii. Loss of Oversight or Supervisory Responsibility
  - ix. Demotion
  - x. Suspension with Pay
  - xi. Suspension Without Pay
  - xii. Termination
- xiii. Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.
  - 1. **Permanent Civil Service Employee** – Written Notice to Employee of Discipline or Removal: When an appointing authority decides to discipline or remove a permanent employee, the employee must be given written notice of the action being

taken before the time the action becomes effective. ([See Louisiana Civil Service Rule 12.8](#))

2. **Tenured Faculty**- Suspension, Dismissal and Due Process ([See Faculty Handbook page 35](#))

## **VI. APPEALS**

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the Notice of Outcome.

A three-member appeal panel chosen from the Title IX Hearing Pool will be designated by the Title IX Coordinator. No appeal panelists should have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal panel will be designated.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for an appeal (Review for Standing). This is not a review of the merits of the appeal but solely a determination as to whether the request meets the criteria and is timely filed.

### **a. Grounds for Appeal**

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the reasons in the Request for Appeal do not meet the grounds in this document, the request will be denied by the Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this document, the Appeal Chair will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-Makers.

All parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-Makers will be emailed the request with the approved grounds and then be given three (3) business days to submit a response to the portion

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

---

of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and will be emailed to the parties' University-issued email or otherwise approved account. Once emailed notice will be presumptively delivered.

**VII. INFORMAL RESOLUTION**

At any time prior to reaching a determination regarding responsibility, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The university may not offer an informal resolution process unless a Formal Complaint is filed. Parties are not required to participate in an informal resolution process and the university will not require them to waive their rights to a Title IX Formal Grievance process. (§106.45(b)(9).)

The University must:

1. Provide written notice to the parties disclosing:
  - i. The allegations;
  - ii. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
  - iii. The fact that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation and adjudication process with respect to the Formal Complaint; and
  - iv. Any consequences resulting from participation in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtain the parties' voluntary, written consent to the informal resolution process; and
3. Not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**VIII. TIME FRAME TO RESOLVE GRIEVANCE**

All allegations are acted upon promptly by the University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

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

---

Any time the general timeframes for resolution outlined in the Title IX Grievance Procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

**IX. RECORDKEEPING**

Records must be maintained for seven (7) years, records of:

1. Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the education program or activity;
2. Any appeal and the result thereof;
3. Any informal resolution process and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process. The training materials will be made publicly available on the Title IX Resources website.
5. Any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its education program or activity. If the university does not provide a Complainant with Supportive Measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the university in the future from providing additional explanations or detailing additional measures taken.

**X. EQUITABLE TREATMENT**

As required by the Title IX Regulations, universities are to treat Complainants and Respondents equitably by: (1) offering Supportive Measures to a Complainant, and (2) following a grievance process that complies with the procedural requirements of the Title IX Regulations before the imposition of any disciplinary sanctions against a Respondent. (§ 106.44(a); § 106.45(b)(1)(i).) Supportive Measures also may be offered as needed to Respondents and other individuals who belong to the university's community and who may be affected by sexual harassment.

An individual's status as a Respondent shall not be considered a negative factor during any process under this Procedure. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct unless and until the process concludes and a determination regarding responsibility is issued. Similarly, a person's status

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

---

as a Complainant, Respondent, or witness will not determine whether that person is deemed credible. (§ 106.45(b)(1) (ii-iv).)

Remedies are to be provided to a Complainant only if the grievance process described in this Procedure results in a determination that the Respondent is responsible for sexual harassment. Remedies are designed to restore or preserve equal access to the university's education program or activity and may include the same individualized services as Supportive Measures. Remedies may be disciplinary and punitive and may burden a Respondent. (§106.45(b)(1)(i).)

Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process (collectively, Title IX Administrators) will not have a conflict of interest or bias in favor of or against any party or participant in sexual misconduct (i.e., Complainants, Respondents, or Witnesses).

**XI. DISABILITIES ACCOMODATION IN THE RESOLUTION PROCESS**

The University is committed to providing reasonable accommodation 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 these procedures 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  
Acting/Interim Director  
Office for Civil Rights and Title IX  
Title IX Coordinator  
Brown Hall Rm. 127  
403 Main Street  
GSU Box 4233  
Grambling, LA 71245  
Phone: (318) 274-2660  
Email: [jonesken@gram.edu](mailto:jonesken@gram.edu)  
[titleix@gram.edu](mailto:titleix@gram.edu)  
<https://www.gram.edu/student-life/titleIX/>

