



Sexual Misconduct and Power-Based Violence Policy

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Policy Type:	University
Responsible Executive:	President
Responsible Office:	Special Proj. and Title IX
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I. Policy Statement

The University of Louisiana Monroe (ULM) strives to create and maintain a safe learning, working, and living environment for all individuals who participate in or attempt to participate in ULM’s activities and programs.¹To that end, ULM prohibits sexual misconduct² and power-based violence and is committed to:

- providing a learning, working, and living environment that promotes personal integrity, civility and mutual respect in an environment free from sexual misconduct as provided in Title IX of the Education Amendments of 1972 (“Title IX”), and other applicable laws, as well as power-based violence,
- implementing policies and procedures to prevent acts of power-based violence/sexual misconduct,
- taking prompt and appropriate action to investigate and effectively disciplining those accused of such conduct in a manner consistent with the law and due process,
- providing support and assistance to complainants of sexual misconduct/ power-based violence
- reporting instances of sexual misconduct/ power-based violence in accordance with law.

II. Purpose of Policy

The Sexual Misconduct and Power Based Violence Policy (“Policy”), and the Sexual Misconduct and Power-Based Violence Grievance Procedures address the requirements of Title IX of the Education Amendments of 1972 (“Title IX”), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), Section 304 of the Violence Against Women Reauthorization Act of 2013 (“VAWA”), ACT 472 of the 2021 Legislative Session of the Louisiana Legislature (ACT 472), as well as other federal and state laws, rules and regulations.

- Title IX prohibits discrimination on the basis of sex in educational institutions, 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.
- The Clery Act requires policies and procedures for sexual assault and also requires timely warning and external reporting of crimes.

¹The University of Louisiana at Monroe does not discriminate on the basis of race, color, national origin, age, retirement status, religion, sex, sexual orientation, citizenship, Vietnam era or veteran status, sickle cell trait; pregnancy, childbirth or related medical conditions, or disability in admission to, access to, treatment in, or employment in its programs and activities as required by Title VI and Title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963; Executive Order 11246 of 1965; the Age Discrimination in Employment Act of 1967; Title IX of the Educational Amendments of 1972; the Rehabilitation Action of 1973; the Americans with Disabilities Act of 1990; the Americans with Disabilities Amendment Act of 2008; the Vietnam Era Veterans Readjustment Assistance Act of 1974; the Immigration Reform and Control Act of 1986; Title II of the Genetic Information Nondiscrimination Act of 2008; and the Louisiana Employment Discrimination Law.

² This policy specifically addresses power based violence and sexual misconduct. For a comprehensive understanding of the prohibitions against other forms of harassment, discrimination and retaliation, reference should be made to the non-discrimination policy statement above and the University’s Anti- Discrimination, Harassment and Retaliation Policy (<https://webservices.ulm.edu/policies/download-policy/361>), the Student Code Of Conduct, and various handbooks for faculty and staff (classified and unclassified).

- Section 304 of the VAWA extends the Clery Act to include sexual assault, dating violence, domestic violence and stalking at higher education institutions.

Title IX, which articulates the fundamental anti-discrimination principle that underlies all of the above laws, states as follows:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Consistent with these, other applicable state and federal laws, as well as both student and employee standards of conduct, ULM prohibits discrimination on the basis of sex, sexual orientation, and/or gender in any University program or activity. "Sexual misconduct," including sexual harassment, sexual assault, sexual violence, sexual exploitation, dating violence, domestic violence, and stalking, is also prohibited by this Policy as well incidents of other power-based violence described in this Policy.

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.

The University of Louisiana at Monroe offers education and prevention programs that are intended to prevent and reduce sexual misconduct and power-based violence, prevent violence, promote safety and bystander intervention and reduce risk. These programs include, but are not limited to: awareness programs, bystander intervention, ongoing prevention and awareness campaigns, primary prevention programs and education on risk reduction. The University is committed to providing comprehensive, intentional programming, initiatives, strategies and campaigns.

III. Applicability

This Policy applies to all students, faculty, staff, visitors, and to other members of the University community, as well as to contractors, consultants, and vendors doing business or providing services to the University. Reports and or complaints of workplace related sexual harassment/sexual misconduct between employees will be referred to Human Resources.

IV. Definitions

Advisor: means 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: The chief executive officer of a public postsecondary education institution.

Coercion: The use of expressed 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/sexual misconduct.

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.

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.

Day: A business day when the University is in normal operations.

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

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.

Education Program or Activity: Locations, events or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

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.

The employee category does not include a student enrolled at a public postsecondary Institution unless the student works for the Institution 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. The Institution 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.

Final Determination: A conclusion by the preponderance of the evidence standard that the alleged conduct occurred and whether it did or did not violate policy.

Finding: A conclusion by the preponderance of the evidence standard that the alleged prohibited conduct did or did not occur as alleged.

Force: physical force, violence, threat, intimidation, or coercion

Grievance Process: A method of formal and or informal resolution designated by the University to address conduct that falls within the scope of this Policy.

Grievance Process Pool: Includes any investigators, hearing officers, appeal officers and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

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.

Investigators: Individuals designated by the Title IX Coordinator to conduct an investigation of alleged power-based violence. The Investigators will be a trained individuals who objectively collects and examines the facts and circumstances of potential violations of this Policy and documents them for review. The Investigators will be neutral and will not have a conflict of interest or bias against the Complainant or Respondent, or Complainants and Respondents generally.

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.

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.)

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

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

Notice: Means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of sex discrimination, sexual misconduct, sexual harassment, and/or retaliation on behalf of the University.

Official with Authority (OWA): An employee of the University explicitly vested with the responsibility to implement corrective measures for sex discrimination, sexual misconduct and sexual harassment, and/or retaliation on behalf of the University.

Parties: Include the Complainant(s) and Respondent(s), collectively.

Perpetrator: an individual found guilty of sexual harassment.

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

Preponderance of the Evidence: The standard of evidence used for determination of responsibility of policy violations; whether it is more likely than not that the Respondent violated the policy as alleged.

Remedies: Post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's educational program.

Resolution: The result of an informal or Formal Grievance Process.

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.

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 power-based 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.

Sanction: A consequence imposed by the University on a Respondent who is found to have violated this policy.

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 Uniform Crime Reporting program.

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.

Title IX Sexual Harassment: Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome conduct of a sexual nature, whether verbal or physical; (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 University's education program or activity; 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).

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 harassment, sexual assault, sexual abuse, violence of a sexual nature, dating violence, domestic violence, stalking and sexual exploitation.

Stalking as defined by Clery Act [34 CFR 668.46(a)]: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition: "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; and "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Standards of Conduct: the University's Standards of Conduct for students, faculty and staff.

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.

Title IX Team: Refers to the Title IX Coordinator, Deputy Title IX Coordinators, and any member of the Grievance Process Pool.

University: The University of Louisiana Monroe.

Victim - an individual who, after all due investigation and/or adjudication, has been found to be the target of sexual harassment.

V. Policy Procedure

Rationale for Policy

The University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex discrimination, sexual misconduct, power based violence or retaliation.

Applicable Scope

The University's prohibitions against sex discrimination, sexual misconduct and power-based violence apply to all students, faculty, and staff, visitors and to other members of the University community, as well as to contractors, consultants, and vendors doing business or providing services to the University. The purpose of this policy is the prohibition of sex discrimination, sexual misconduct and power-based violence. Sex discrimination is adverse treatment of an individual based on sex or gender. Sex discrimination encompasses sexual misconduct but also includes other behavior that does not constitute sexual misconduct.

Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Reports of sex discrimination that are not based on sexual misconduct should be reported to the Title IX Coordinator and will be resolved through the appropriate University process as determined based on the specific facts of the report. Sex discrimination reports/complaints that are not based on sexual misconduct will **not** go through the same resolution process as reports of sexual misconduct.

Other times, sex discrimination can encompass sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking or other types of power-based violence. When an alleged violation of this policy is reported, the allegations are subject to resolution using the processes described in the Sexual Misconduct and Power Based Violence Grievance Procedures.

When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community includes, but is not limited to, students³, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

When the Complainant or Respondent is a University employee, the Title IX Coordinator will consult with the Director of Human Resources.

Violations of this policy may lead to disciplinary action to include suspension or removal. Every member of the University community is put on notice that a violation of this policy may subject an individual not only to institutional discipline but also to personal liability.

Moreover, this Policy applies to on-campus and off-campus conduct, including online or electronic conduct, when the off-campus conduct: (i) occurs during a University sponsored employment or education activity or program; (ii) adversely impacts the education or employment of a member of the University community; or (iii) otherwise threatens the health and/or safety of a member of the University community.

Any person who receives a report or becomes aware of an incident of sex discrimination, sexual misconduct, power-based violence or retaliation should report it immediately to the Title IX Coordinator. The University will promptly and equitably address all suspected or alleged violations of this Policy.

The University will document all reports of sexual misconduct/power-based violence and safety threats as well as the actions taken by the University including those of the University Police Department.

³For the purpose of this policy, the University defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the University.

Title IX Coordinator

The Title IX Coordinator has the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex discrimination, sexual misconduct, sexual harassment, power-based violence and retaliation prohibited under this policy. The Title IX Coordinator is responsible for implementing and monitoring compliance with Title IX, VAWA and this Policy on behalf of the University. This includes coordination of training, education, communications, and administration of grievance procedures for the handling of suspected or alleged violations of this Policy. The Title IX Coordinator is also responsible for maintaining documentation of all reports of incidents of sex discrimination, sexual misconduct and power-based violence, and for establishing a protocol for recordkeeping of such incidents.

Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The Members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator contact the University President at 318-342-1010. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the University President at 318- 342-1010. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

Administrative Contact Information

Reports/Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Ms. Treina Kimble - Special Projects Officer and Title IX Coordinator

Office Location: University Library Suite 612

Phone: (318) 342-1004

Email: kimble@ulm.edu

Mailing Address:

Treina Kimble

ULM Library Suite 612 Monroe, LA 71209

The University considers the Title IX Coordinators, Deputy Title IX Coordinators and the Human Resources Director to be Officials with Authority, employees of the University explicitly vested with the responsibility to implement corrective measures for sex discrimination, sexual misconduct and sexual harassment, and/or retaliation on behalf of the University.

The University strongly encourages all individuals, including third party bystanders, to report incidents of sex discrimination, sexual misconduct, power-based violence and retaliation prohibited under this Policy to the Title IX Coordinator.

With the exception of the Confidential Advisors, all other University employees as well as students working as Resident Assistants and Graduate Assistants, who receive a report of sex discrimination, sexual misconduct, or power-based violence in the context of their employment are required to report all the details of the incident (including the identities of both the reporting party and alleged responding party) to the Title IX Coordinator. All employees with the exception of Confidential Advisors are considered Responsible Employees and Mandatory Reporters.

However, according to state law a Mandatory Reporter 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.

Deputy Title IX Coordinators

The Deputy Title IX Coordinators aid the Title IX Coordinator with coordination of training, education, communications, and administration of grievance procedures for the handling of suspected or alleged violations of this Policy. The Deputy Title IX Coordinators can receive reports of alleged violations of the policy and will in turn inform the Title IX Coordinator.

Individuals wishing to obtain confidential assistance without making a report to the University may do so by speaking with a confidential advisor. The following persons are designated Confidential Advisors:

Ms. Karen Foster - ULM Counseling Center (318)342-5220 or via email at kfoster@ulm.edu

Ms. Kim Storm- ULM Counseling Center (318) 342-5220 or via email at storm@ulm.edu

Ms. Brittina Johnson – ULM Counseling Center (318) 342-5220 or via email at brjohnson@ulm.edu

Ms. Kimberly Bradshaw – ULM Counseling Center (318) 342-5220 or via email at kbradshaw@ulm.edu

Mr. Cole Thornton – ULM Counseling Center (318) 342-5220 or via email at cothornton@ulm.edu

Mr. Russell Hollis – ULM Counseling Center (318) 342-5220 or via email at rhollis@ulm.edu

In addition, employees and students have on-campus access to medical services, guidance, and support at the ULM Counseling Center (318)342-5220 and the ULM Health Clinic (318) 342- 1651. Both facilities are located at 1140 University Avenue, Monroe, Louisiana, 71209.

Confidential Advisors are trained and available to discuss incidents of sexual misconduct or power-based violence in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these trained confidential advisors **will not** trigger the University’s investigation into an incident. In addition to providing confidential counseling, confidential advisors also provide emergency and ongoing support to individuals who have experienced sexual misconduct or power-based violence, including:

- The provision of information regarding the individual’s reporting options and possible outcomes, including without limitation, reporting to the University pursuant to this Policy and notifying local law enforcement;
- The provision of resources and services, including, but not limited to, services available on campus and through community-based resources, such as, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- The provision of information regarding orders of protection, no contact orders or similar lawful orders issued by the University or a criminal or civil court;
- An explanation of the individual’s right to have privileged, confidential communications with the confidential advisor consistent with state and federal law;
- Assistance in contacting campus officials, community-based sexual assault crisis centers and/or local law enforcement upon requested; and/or
- Assistance with securing supportive measures and accommodations upon request.

These resources are available whether or not a reporting party chooses to make an official report or participate in the University’s Investigation and Resolution Procedures or in the criminal process, and can assist parties with obtaining needed resources, explain reporting options, navigating the reporting process, and providing ongoing support as needed.

Confidential Resources

In addition, employees and students have on-campus access to medical services, guidance, and support at the ULM Counseling Center (318)342-5220 and the ULM Health Clinic (318) 342- 1651. Both facilities are located at 1140 University Avenue, Monroe, Louisiana, 71209.

Talking to a counselor or a nurse does not constitute reporting the incident. However, the counselor or nurse can help you report the incident if you choose to do so. Talking to a counselor or nurse or reporting the incident can be initiated at any time.

In the immediate aftermath of sexual misconduct such as sexual assault or rape, medical care and the collection of physical evidence are very important. The individual should not shower, bathe, or change clothes and may be taken to the hospital emergency room or Student Health Services. Employees, students and non-students may also access assistance 24 hours a day, 7 days a week from the following:

University Police Department:

3811 DeSiard Street
Monroe, LA 71209
1 -911 emergency; on-campus
(318) 342-5350, off campus

Off-Campus Community Resources

Local Hospitals:

St. Francis Medical Center - Downtown

309 Jackson St.
Monroe, LA 71201
318-966-4000

Oschner LSU Health Shreveport-Monroe Medical Center

4864 Jackson St.
Monroe, LA 71201
318-330-7000

Glenwood Medical Center

503 McMillan Rd.
West Monroe, LA 71291
318-329-4200

The Wellspring

<http://wellspringofnela.org> 318-323-1505
Domestic Violence and Sexual Assault Hotline
24 Hour help line at 318-998-6030 or Toll Free at 1-888-411-1333

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Notice/Reports of Sexual Discrimination, Sexual Misconduct/Power Based Violence or Retaliation

Reports may be submitted in person, by phone, in writing, electronically, or anonymously and may be submitted by complainants, third parties or bystanders to the Title IX Coordinator.

Ms. Treina Kimble - Special Projects Officer and Title IX Coordinator

Office Location: University Library Suite 612

Phone: (318) 342-1004

Email: kimble@ulm.edu

Individuals may submit a report of sex discrimination, sexual misconduct/power-based violence, or retaliation 24 hours a day by accessing ULM's on-line [Sex Discrimination and Sexual Misconduct/Power-Based Violence and Report Form](#) for this purpose. This form may be accessed on ULM's website using the following link:

https://cm.maxient.com/reportingform.php?UnivofLouisianaMonroe&layout_id=40

The completed report form goes to the ULM Title IX Coordinator. The form can be submitted anonymously if desired. Anonymous reports are accepted but can give rise to a need to investigate. The report will be reviewed by the Title IX Coordinator, who will determine which department should address the report and route it accordingly.

The University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

The Complainant can choose to make or not to make a complaint with the Title IX Coordinator and/or law enforcement.

The Complainant will be offered supportive measures regardless of their choice to report/make a complaint. Alternatively, if the University is open any person may file a report in person during regular business hours (7:30 to 5:00 p.m., Monday - Thursday; 7:30 a.m. to 11:30 a.m., Friday) by contacting ULM's Title IX Coordinator.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). A formal complaint is normally filed with the Title IX Coordinator in person. However the Title IX Coordinator can make arrangements to receive a formal complaint, by mail, or by electronic mail.

As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment, sex discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter sexual harassment, sex discrimination, power-based violence and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. University will act to ensure as minimal an academic impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement. An employee's or student's failure to comply with the terms of supportive measures directives is a separate violation of the University Codes of Conduct.

Right to an Advisor

The parties may each have an advisor of their choice. An advisor is 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.

Emergency Removal

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. The Title IX Coordinator refers the Respondent to the Counseling Center for a detailed safety and risk assessment. Trained personnel at the Counseling Center will perform the risk assessment using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being

imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested [in a timely manner], objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Promptness

All allegations are acted upon promptly by 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.

Any time the general timeframes for resolution outlined in University procedures will be delayed, University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Privacy

Every effort is made by the University to preserve the privacy of reports.⁴

⁴For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the University's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses.

The University will not share the identity of any individual who has made a report or complaint of sexual harassment, sex discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to designate which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint. The group may include but is not limited to: Division of Student Affairs, University Police, Human Resources, Residential Life and the Violence Risk Assistance Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy. The University will not access or use a party's medical, psychological and similar treatment records unless given voluntary written consent to do so.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Jurisdiction of the University

This policy applies to the education programs and activities of the University, to conduct that take place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by University's recognized student organizations. The Respondent must be a member of University's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to University's educational program. The University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

The University has designated individuals who have the ability to have privileged communications as Confidential Advisors/Resources. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers [or to these policies and procedures to which their employer has agreed to be bound by their contracts].

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Related Misconduct

In accordance with this Policy, the Title IX Coordinator is empowered to hear allegations of 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, as well as to recommend sanctions in response. 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.

Amnesty Policy

Individuals who participate in the reporting/investigation process, whether as the complainant or as a witness, are expected to provide truthful information in accordance with the University's Standards of Conduct. It is the policy of the University to provide amnesty for any student who reports in good faith, sexual misconduct/power-based violence.

Immunity will not apply to an individual who perpetrates or assists in the perpetration of sexual misconduct/power-based violence. The University shall not sanction the student for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of such a report.

Romantic Relationships in Power Differentials

The University does not prohibit consensual 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, 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.

Retaliation Prohibition

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated.

Institutions 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 Report.

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 are required to report retaliation.

Retaliation may result in disciplinary action independent of the sanctions or remedial measures imposed in response to the underlying allegations of sexual misconduct. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to 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 discrimination, sexual misconduct or power-based 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.

It is prohibited for University or any member of University's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Employee’s Failure to Report or False Reporting

A Responsible Employee who is determined by the University’s disciplinary procedures to have knowingly failed to make a report of sexual misconduct/power-based violence, or with the intent to harm or deceive, made a report that is knowingly false **shall be terminated**.

Student’s False Reporting

Any student who knowingly and in bad faith makes a false accusation of sexual misconduct/power-based violence or retaliation in any form will be subject to an investigation for a potential violation of this policy as well as the Code of Student Conduct.

Prohibited Conduct

The University prohibits discrimination on the basis of sex, sexual orientation, and/or gender in any University program or activity. Sexual Misconduct is a form of sex discrimination and is prohibited by this policy. Power-based violence is also prohibited by this policy.

Sexual misconduct includes, but is not limited to, sexual harassment, sexual assault, sexual abuse, violence of a sexual nature, dating violence, domestic violence, stalking and sexual exploitation.

The Title IX Regulations of 2020 have defined in detail the complaints of sexual harassment that fall under the jurisdiction of Title IX and require a specific protocol for addressing and resolving a grievance. Specifically Sexual Harassment as defined by Title IX is conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome conduct of a sexual nature, whether verbal or physical; (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 University’s education program or activity; 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).

All notice/reports/complaints of sex discrimination and sexual misconduct/power-based violence will be carefully evaluated to determine if the alleged policy violation falls under the scope of Title IX jurisdiction or outside the scope of Title IX jurisdiction. Any alleged policy violation that is determined to be outside the scope of Title IX jurisdiction must be dismissed for Title IX purposes and will be addressed using the Process B Grievance Process specified in the Sexual Misconduct and Power-Based Violence Grievance Procedures.

Formal complaints of sexual misconduct/power-based violence will be resolved using the Sexual Misconduct and Power-Based Violence Grievance Procedures.

Investigation and Resolution Procedures

See the Sexual Misconduct and Power-Based Violence Grievance Procedures for a detailed description of the steps involved in the resolution of any complaint involving sexual misconduct/power-based violence.

In addressing a report/complaint of sexual misconduct/power-based violence, the University may use some or all of the following processes: Initial Assessment and Supportive Measures, Formal Complaint, Informal Resolution, Formal Investigation and Grievance Process (a formal investigatory process that goes to a live hearing with cross examination, leading to a finding), Sanctioning and Appeal.

Regardless of the specific processes employed, the University will complete its Investigation and Resolution Procedures in a fair, impartial and thorough manner. The University will provide periodic updates to the parties as it deems appropriate.

All parties will be informed that the University uses a process in which the responding party is considered “not responsible” for an alleged Policy violation until proven responsible by a preponderance of the evidence.

The Title IX Coordinator will work with both parties to ensure they are aware of the right to have an Advisor of their choosing.

Initial Assessment

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, University initiates a prompt initial assessment to determine the next steps the University needs to take.

Supportive Measures

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University’s education program or activity.

Formal Complaint

A document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s).

Informal Resolution

A process of resolution available to the parties that does not require a formal investigation and hearing/deliberation by a Decision-maker Panel. Informal resolution is not an option under Title IX jurisdiction when the complaint is made by a student against a University employee.

Formal Investigation

A process employed by appointed investigators to investigate allegations of misconduct. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. An Investigation Report and is generated and provided to the Decision- maker Panel for deliberation along with any other relevant evidence.

Live Hearing

A Formal hearing used in the Grievance Process. The University will use a remote hearing protocol that allows all parties to be present, even though they are not in the same room. The Decision-maker Panel will conduct the hearing as per hearing protocol, with testimony and cross examination from the parties and witnesses. The Decision-maker panel will deliberate, make a finding and impose/recommend disciplinary sanctions.

Sanctioning

Disciplinary sanctions imposed by the Decision-Maker Panel on a student, or by the appropriate administrative unit on an employee who is found responsible for violations of this policy.

Appeals

Any party may file a request for appeal in writing to the Title IX Coordinator within three (3) days of the delivery of the Notice of Outcome. There are specific grounds for appeal that must be met. Appeals will be heard by an Appeal Panel.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

Transcript Withholding, Notation & Communication

In accordance with state law, ULM has developed a transcription notation and communication policy to effectuate communication regarding the transfer of a student who is the subject of a sexual misconduct/power-based violence Formal Complaint or who has been found responsible for an incident of sexual misconduct/power-based violence pursuant to an Institution's investigative and adjudication process.

Any ULM student who is the subject of a sexual misconduct/power-based violence Formal Complaint will have a temporary hold on their transcript until a notation is placed upon their transcript. The notation on the transcript shall read: **"ADMINISTRATIVE MATTER PENDING."** The purpose of this notation to place the Receiving Institution on notice and trigger an inquiry regarding the notation directed to the Sending Institution. For a student for whom a final decision has been rendered, and the student has been found to be responsible for sexual misconduct/power-based violence, the notation on the transcript shall read: **"STUDENT FOUND RESPONSIBLE IN VIOLATION OF CODE OF CONDUCT."** This notation is to place the Receiving Institution on notice and trigger an inquiry regarding the notation directed to ULM.

The University will notify the student that the transcript has been notated and of the appeals process to have the notation removed. The notation remains on the transferring student's transcript until the Institution makes a determination that the transferring student is not responsible for sexual misconduct/power-based violence or the transferring student prevails in a request to appeal the notation, whichever occurs first.

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

A student whose transcript has been notated as described above may request 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, an Institution must send an updated version of the student's transcript.

The request for expungement shall be submitted in writing to the Office of Student Advocacy and Accountability (OSSA) to be addressed by the appropriate decision makers, designated by the University. The University shall notify the requesting student of its decision no later than seven (7) business days from the date that the expungement request is made.

When a student transcript notated as described above is received by ULM, the various offices receiving the transcripts as part of the admissions process will forward information regarding the student and the transcript notation to the OSAA. OSAA will 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.

Upon receipt of the information from the sending institution, OSSA will confer with the Title IX Coordinator and refer the information to the Counseling Center for a detailed safety and risk assessment. Trained personnel at the Counseling Center will perform the risk assessment using its standard objective violence risk assessment procedures.

The Counseling Center will provide the safety and risk analysis report and associated recommendations to OSSA, who will then consult with the VPSA regarding the student’s admission to ULM. The Final determination will be communicated to the appropriate admissions office, who then will contact the student.

Recordkeeping

The University will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University’s education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on University’s website.; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to the University’s education program or activity; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The University will also maintain any and all records in accordance with state and federal laws.

Revision of this Policy and Procedures

This Policy and procedures supersede any previous policies addressing sexual harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

VI. Enforcement

Title IX Coordinator is responsible for the implementation, oversight, and enforcement of this Policy.

VII. Policy Management

The University President is the Responsible Executive for this policy. The Special Projects Officer and Title IX Coordinator is the responsible officer who implements and administers the policy.

VIII. Exclusions

N/A

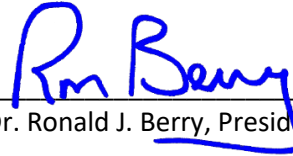
IX. Effective Date

October 14, 2021

X. Adoption

This policy is hereby adopted on this 14th day of October 2021.

Approved by:



Dr. Ronald J. Berry, President

XI. Appendices, References and Related Materials

References:

- Title IX of the 1972 Education Amendments; 20 U.S.C. §§ 1681-1688
- Nondiscrimination of the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, Office for Civil Rights, Department of Education Final Rule, 85 Fed. Reg. 30026, May 19, 2020
- Regulations Implementing Title IX of the Education Amendments of 1972 (Title IX), 34 CFR Part 106, eff. August 15, 2020
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as amended; 20 U.S.C. § 1092(f)
- Section 304 of the Violence against Women Reauthorization Act of 2013 (VAWA); PL113-4 (March 7, 2013)
- Louisiana Revised Statutes, Titles 14 and 46
- LA. R.S. 17:1805(H); 40:2405.8(A); (C)(1)
- LA. R.S. 17:3351
- Louisiana Campus Accountability and Safety Act, LA. R.S. 17:2299.11 *et seq.*
- La. Executive Order No. BJ 2014-14
- Louisiana Board of Regents Uniform Policy on Power-Based Violence/Sexual Misconduct (“Policy”)
- Sexual Misconduct and Power-Based Violence Grievance Procedures, October 14, 2021

Related Materials:

This policy was drafted and created using the various Title IX Model Procedures published by ATIXA and made available to the University through a limited license.

XII. Revision History

This Policy and the Sexual Misconduct and Power-Based Violence Grievance Procedures cancel and replace the following policy and procedures effective as of October 14, 2021:

- Sexual Misconduct Policy and Grievance Procedures, August 19, 2020