

# Power-Based Violence and Sexual Misconduct Policy

**Authority:** Title IX Coordinator

**Date Enacted or Revised:** July 22, 2013; Revised October 26, 2015; April 17, 2018; May 15, 2019; August 14, 2020; October 12, 2021; March 15, 2022; August 23, 2022

## Purpose

McNeese State University prohibits discrimination on the basis of sex. This policy applies to all members of the McNeese community, guests, visitors, and authorized users of the University's facilities in accordance with federal and state law, including Act 472 of the 2021 Legislative Session of the Louisiana Legislature (Act 472), Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII), the Violence Against Women Act (VAWA), The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and other applicable laws. The comprehensive scope of this policy includes procedures to address both power-based violence (which includes sexual misconduct) and Title IX conduct. This policy is designed to help McNeese create and maintain safe learning, working, and living environments for all individuals who participate in the institution's activities and programs, including online instruction. This policy defines community expectations with respect to this right and establishes a mechanism for addressing behavior that violates these expectations. This policy complies with the Board of Regents Uniform Policy on Power-Based Violence and Sexual Misconduct. McNeese State University will ensure that this policy and procedures will not infringe upon freedom of speech rights as affirmed by the First Amendment of the Constitution.

All students, faculty, staff, administrators, and contracted personnel will be held accountable for compliance with this policy, and any violation of this policy may lead to disciplinary action which may include suspension, expulsion, termination, and/or removal. Every member of the University community is hereby apprised that certain forms of power-based violence and sexual misconduct may subject an individual not only to institutional discipline but also to criminal prosecution or civil liability.

The health, safety, and well-being of students, employees, and campus visitors are the University's primary concern. If you or someone you know may be the victim of any form of power-based violence or sexual misconduct, you are strongly urged to seek immediate assistance. Assistance can be obtained 24 hours a day, seven days a week from:

### Office of Student Services Online Reporting and Resources

<https://www.mcneese.edu/student-services/report>

<https://www.mcneese.edu/student-services/resources>

### McNeese State University Police

- 9-1-1, emergency.
- Ext. 5711 when calling from a campus landline.
- (337) 475-5711 when calling from other landlines or cell phones.

## Associated Policies and Procedures

[McNeese Student Handbook and Code of Student Conduct](#)

[Sequence of Criminal Justice Center according to the Office of Justice Programs](#)

## Compliance with Federal and State Laws

This policy complies with applicable federal and state laws and regulations, and must be amended to reflect any changes to federal and state laws and regulations including, but not limited to, the following:

- [Title IX of the Education Amendments of 1972](#) which (i) prohibits discrimination on the basis of sex in educational institutions and (ii) requires colleges and universities receiving federal funding to combat gender-based violence and harassment and respond to survivors' needs in order to

ensure that all students have equal access to education. McNeese does not discriminate on the basis of sex in the employment, education programs, or activities it operates. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. For more information visit [www.mcneese.edu/titleix](http://www.mcneese.edu/titleix). Reports of Title IX violations will be managed according to the [Title IX Grievance Procedure](#).

- **The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** (Clery Act), which requires (i) policies and procedures for sexual assault and (ii) requires timely warning and external reporting of crimes.
- **Section 304 of the Violence Against Women Reauthorization Act of 2013** (VAWA), which extends the Clery Act to include dating violence, domestic violence, and stalking.

## Definitions

- **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 complainant. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
- **Dating violence definition in Louisiana law:** “Dating violence” includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C) For purposes of this Section, “dating partner” means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the people involved in the relationship.
- **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 complainant 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.
- **Domestic abuse definition in Louisiana law:** Includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3)
- **Family violence definition in Louisiana law:** Means any assault, battery, or other physical abuse which occurs between family or household members who reside together or who formerly resided together. La. RS § 46.2121.1(2)
- **Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Nonforcible Sexual Offenses:**
  - **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Louisiana law.
  - **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent in Louisiana.
- **Power-based violence:** Any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person.

- **Quid Pro Quo:** An employee conditioning the provision of aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.
- **Sexual assault as defined in Clery Act:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program.
- **Sexual assault as defined in Louisiana law:**
  - **Non-consensual sexual contact:** Any intentional sexual touching, or attempted sexual touching, without consent.
  - **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.
  - **Sexually oriented criminal offense:** Any sexual assault offense as defined in La. R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.
  - **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.
- **Sexual assault with an object:** To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Stalking as defined in Clery Act:** Intentional and repeated following OR harassing that would cause a reasonable person to feel alarmed OR that would cause a reasonable person to suffer emotional distress OR intentional and repeated uninvited presence at another person's home, workplace, school, or any other place which would cause a reasonable person to be alarmed OR would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to the victim OR any member of the victim's family OR any person with whom the victim is acquainted. 34 CFR 668.46(a)(ii).
- **Stalking as defined in Louisiana law:** Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include, but not be limited to, the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written, or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. RS § 14:40.2(A) "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes, but is not limited to, making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. RS § 14:40.2(C)

## Other Definitions

Although the following definitions are not defined by state and/or federal law, the definitions shall also be used in institutional policy and in the implementation thereof by all Louisiana public postsecondary education institutions:

- **Coercion:** The use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.
- **Confidential advisor:** The confidential advisor primarily serves to aid a student involved in a sexual misconduct complaint in the resolution process as a confidential resource. As suggested by the term "confidential advisor," communication with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the communication under state law and federal laws. For example, an institution may be compelled by law to disclose communication between the student and his/her confidential advisor if directed by the court of civil litigation. The institution shall designate individuals who shall serve as confidential advisors.
- **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, 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.

- **Incapacitation:** An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to incapacitation; however, someone who is drunk or intoxicated is not necessarily incapacitated, as incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive, or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.
- **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.
- **Responsible employee:** An employee who receives a direct statement regarding or witnesses an incident of power-based violence. "Employee" does not include an enrolled student whose employment is contingent upon enrollment as a student, unless the student works for the institution in a position such as a teaching assistant or residential advisor. 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 relationship violence or who has participated (or is expected to participate) in any manner in an investigation or proceeding under this policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits retaliation. For purposes of this policy, an attempt requires a substantial step towards committing a violation.
- **Sexual harassment:** Unwelcome conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; (ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or (iii) such conduct is so severe, pervasive, and objectively offensive that it unreasonably interferes with a person's employment or education, or creates an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course of academic research. Sexual harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this policy, the various forms of prohibited sexual harassment are referred to as "sexual misconduct."
- **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.

## Participant Definitions

- **Complainant:** An individual who is alleged to have been the subject of an incident of power-based violence or sexual misconduct.
- **Victim:** An individual who, after all due investigation and/or adjudication, has been found to be the target of sexual misconduct.
- **Respondent:** An individual who has been accused of conduct that could constitute power-based violence or sexual misconduct prohibited by the policy.
- **Perpetrator:** An individual found guilty of sexual misconduct.
- **Third Party:** Any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

## Procedure for Reporting Power-Based Violence and Sexual Misconduct Offenses

It is incumbent upon all members of the University community to report instances of power-based violence and sexual misconduct. A report may be made by an individual affected by power-based violence (first-party responder) or a person with knowledge of power-based violence (third-party responder). Any person who receives or becomes aware of a complaint of sexual misconduct or Title IX misconduct, excluding appointed confidential advisors and those with professional roles requiring confidentiality, should report the complaint to the Title IX coordinator promptly by using the online reporting form, email, phone communication, or through an in-person meeting. Individuals who have experienced sexual misconduct may report to the Title IX coordinator, and/or may file a criminal report with law enforcement, and/or may contact a confidential advisor.

McNeese State University allows complainants to file both informal and formal complaints against the respondent. If the complainant chooses to file an informal complaint, the complainant must be notified of the right to end the informal process at any time and the right to pursue a formal complaint and/or take legal action.

A report (verbal or written) will become a formal complaint if a first-party reporter files a written and signed document with the Title IX coordinator describing an incident of power-based violence and indicating that they want the institution to take further steps, such as conducting a full investigation and possibly holding an adjudication to resolve the alleged issue. The institution can also convert a report to a formal complaint if the institution determines that, in order to meet its Title IX and power-based violence obligations to provide a safe and nondiscriminatory environment for the broader institutional community, it must take further steps to address and resolve the matter. In such cases, the complainant must be allowed to submit on paper, in electronic form, or in person whereby the individual can file a formal complaint by meeting with the Title IX coordinator to provide a verbal description of the sexual misconduct. The Title IX Office will use this verbal description to draft a written document that the individual will review, verify, and sign to constitute a formal complaint. In cases where it is determined that sexual misconduct of a violent or criminal nature has been committed, the University may take appropriate action with or without the concurrence of the victim or person bringing the complaint in order to protect the University community.

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

McNeese State University will take all reasonable measures to protect the privacy of the complainant and of the respondent, while promptly investigating and responding to the report. All complaints of power-based violence or sexual misconduct, investigation documents, and documents relative to the resolution of the complaint will be maintained in a confidential file in the Title IX coordinator's office. McNeese State University is subject to privacy requirements of the Family Educational Rights and Privacy Act ("FERPA"), while considering its responsibility to provide a safe and nondiscriminatory environment for students, including the complainant.

## **Mandatory Reporting for Employees**

An employee who receives a direct statement regarding or witnesses an incident of power-based violence or sexual misconduct committed by or against a student is a responsible employee (unless they are designated specifically as a confidential advisor). A responsible employee shall promptly report the incident to the Title IX coordinator. The following must be reported:

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

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

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

If an individual chooses to make an initial report to an employee other than the Title IX coordinator, that employee must refer the information to the Title IX coordinator because the Title IX Office bears responsibility for responding to reports of power-based violence and sexual misconduct.

Once the information is received by the Title IX coordinator, it should constitute a report.

If an employee believes an individual may intend to share any information regarding an instance of power-based violence or sexual misconduct, the employee should seek to confirm that the reporting party understands the employee's obligations as a mandatory reporter. If the reporting party would prefer to speak with a confidential resource, the employee should direct the reporting party to a confidential resource.

Per the Board of Regents Uniform Policy of Power-Based Violence and Sexual Misconduct, a responsible employee who is determined by disciplinary procedures to have knowingly failed to make a report or, with the intent to harm or deceive, made a report that is knowingly false **shall be terminated**.

## Online Anonymous Reporting

McNeese provides online reporting options to collect anonymous disclosures of incidents of power-based violence and crimes patterns on campus. An individual may submit a confidential report about a specific crime to the institution using the online reporting system.

Office of Student Services Reporting Webpage: <https://www.mcneese.edu/student-services/report>

McNeese Police Silent Witness Form: <https://www.mcneese.edu/police/forms/silent-witness-form/>

## Amnesty Clause

Under the University's **amnesty program** the following persons reporting to McNeese officials will not be subject to conduct violations of alcohol and/or drug use policies occurring at or near the time of power-based violence, sexual violence, or the seeking of assistance for severe intoxication of alcohol or drugs: a bystander reporting sexual violence in good faith; a complainant reporting sexual violence; a bystander in good faith seeking medical assistance for someone else with significant intoxication of alcohol or other substances; a victim seeking medical assistance for themselves for significant intoxication of alcohol or other substances; a participant in a disciplinary process or judicial proceeding. Additionally, an individual eligible for amnesty may not be subjected to any disciplinary action for any violation of the code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment. All reasonable measures will be used to protect the privacy of the complainant and the respondent while promptly investigating and responding to the report. Immunity does not apply to an individual who perpetrates or assists in the perpetration of sexual misconduct or power-based violence.

## Retaliation Prohibition

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

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

McNeese 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 been 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.

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

## Supportive Measures

Once the Title IX Coordinator learns of any report of alleged power-based violence, sexual misconduct, or other Title IX violation, supportive measures will be implemented as needed (with or without the filing of a complaint). Supportive measures are available to a complainant and respondent (alleged). Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent regardless of whether a complaint (or Formal Complaint) has been filed. Such measures may include counseling, extensions of deadlines, 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.

## Immediate Actions and Protective Measures

The Title IX coordinator, vice president for student affairs, dean of student services, and the campus police department may take immediate interim actions to protect the safety of the University community, to enable students with complaints and witnesses to continue studies, and to ensure the integrity of an investigation. Should a case involve an employee, the director of human resources will be consulted to ensure immediate actions align with applicable laws and policies. These actions may include:

- Interim suspension of an accused student or employee;
- No-contact orders;
- Modifying class or work schedules as necessary;
- Making alternate housing or workplace arrangements;
- Addressing other academic or workplace concerns;
- Involving law enforcement to assist in maintaining order or safety; and/or
- Any other appropriate action warranted by the circumstances.

## Confidential Advisors

Select individuals within the faculty/staff community have been designated to serve as confidential advisors. This does not preclude the institution from partnering with national, state, or local victim services organizations to serve as confidential advisors or in other confidential roles.

Confidential advisors complete training programs that include information on power-based violence (including “sexual harassment” under Title IX, as well as other types of power-based violence falling outside Title IX’s jurisdictional requirements), trauma-informed interactions, Title IX requirements, state law on power-based violence, and resources for victims. Confidential advisors also complete annual training relative to power-based violence and Title IX.

The confidential advisor to an alleged victim of power-based violence or sexual misconduct shall inform the alleged victim of the following:

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

The confidential advisor may, as appropriate, serve as a liaison between an alleged victim and the University or local law enforcement, when directed to do so in writing by an alleged victim who has been fully and accurately informed about what procedures shall occur if information is shared. The confidential advisor may assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement. The confidential advisor shall:

- Be authorized by the University to liaise with appropriate University staff to arrange reasonable accommodations to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations;
- Be authorized to accompany the alleged victim, when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings;
- Advise the alleged victim of, and provide written information regarding, both the alleged victim’s rights and the University’s responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the University;
- Not be obligated to report crimes to the University or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law; and



- To the extent authorized under law, provide confidential services to students. Any requests for accommodation made by a confidential advisor, as provided in this section, shall not trigger an investigation by the University.

Current confidential advisors are:

- Dr. Troy Hidalgo, (337) 475-5748, [shidalgo@mcneese.edu](mailto:shidalgo@mcneese.edu)
- Dr. Dena Matzenbacher, (337) 475-5434, [dena@mcneese.edu](mailto:dena@mcneese.edu)
- Dr. Twila Sterling Guillory, (337) 475-5542, [tsterling@mcneese.edu](mailto:tsterling@mcneese.edu)
- Lacie Wentzel, (337) 475-5277, [lwentzel@mcneese.edu](mailto:lwentzel@mcneese.edu)

More information concerning confidential advisors is available in the On-Campus Resources section of this policy.

## Rights of Each Party

Both the complainant and respondent parties maintain rights.

### Complainant Rights

- Complainant will have the opportunity to experience prompt proceedings and a fair, impartial investigation and resolution.
- University officials will treat the incident seriously and the incident will be investigated and adjudicated by appropriate criminal and/or University officials. Proceedings shall be conducted by officials trained on sexual assault and other intimate partner violence issues. Proceedings shall use preponderance of the evidence standard (which is “more likely than not” and the standard used by civil courts in the United States).
- Complainant will be treated with dignity, respect, and in a non-judgmental manner.
- University officials will inform complainant of their option to notify appropriate law enforcement authorities, including on-campus police and local police, and offer assistance in notifying proper authorities when an individual discloses an incident of sexual misconduct.
- University personnel will not discourage anyone from reporting, nor encourage them to under-report or report the incident as a lesser crime.
- University personnel will cooperate in obtaining, securing, and maintaining evidence (including a medical examination) necessary in legal/criminal proceedings.
- Complainant will be provided with written notification of on- and off-campus available services for mental health, victim advocacy, legal assistance, and other available community resources.
- Complainant will honor and can obtain no contact/restraining orders or enforce an order already in existence to prevent unnecessary or unwanted contact or proximity to a respondent when reasonably available.
- Complainant will be afforded the opportunity to request immediate on-campus housing relocation or other steps to prevent unnecessary or unwanted contact or proximity to a respondent when reasonably available.
- Complainant will be informed that he/she is entitled to be accompanied to any related meeting or proceeding by an advisor of their choice, knowing that the respondent also has the same opportunity to have others present during any proceeding.
- Complainant will be informed that he/she is entitled to receive, in writing, the results within ten business days of such outcome being reached.
- University must allow complainants to make the decision regarding whether to file a complaint and what type of complaint to file. Complainants may file both informal and formal complaints against the respondent. If the complainant chooses to file an informal complaint, the complainant must be notified of the right to end the informal process at any time and the right to pursue a formal complaint and/or take legal action.
- Per state law, complainants who are confirmed to be victims may petition and be granted the right to have a perpetrator of an incident of power-based violence against the victim barred from attending a class in which the victim is enrolled.
- Complainants have the right to obtain a copy of any report made that pertains to the alleged victim.

### Respondent Rights

- All sexual misconduct cases will be treated seriously.
- The respondent will be treated with dignity, respect, and in a non-judgmental manner.
- The respondent will be advised of on- and off-campus organizations and services that may be of assistance.
- University personnel will cooperate in investigating the case fully for legal and Student Conduct & Resolution proceedings.
- The respondent will be informed of available counseling and psychological services.
- The respondent will be informed that he/she is entitled to be accompanied to any related meeting or proceeding by an advisor of their choice, knowing that the complainant also is provided with the same opportunity to have others present during any proceeding
- The respondents will be informed that he/she is entitled to receive, in writing, the results within ten business days of such an outcome being reached.



- Respondents will be informed of McNeese's obligation to withhold the student's transcript during the investigation.

## Complaint Reporting

The Power-Based Violence and Sexual Misconduct Policy provides options for reports to be filed formally or informally.

### Informal Complaint

Individuals who believe they are victims of power-based violence or sexual misconduct may have the option of proceeding informally or formally. One may find informal resolution particularly appropriate if the conduct is isolated and of the following nature: sexual innuendo; display or distribution of drawings, pictures, or other materials with sexual content; sexual or "dirty" jokes; or comments with sexual content. Pictures, drawings, diagrams, or other materials and discussions which are of an academic nature related to the course syllabus and instructional outcomes are, by necessity, excluded from being considered as sexual misconduct. An informal resolution involves a remedy-based, non-judicial process designed to eliminate or address sexual misconduct or potential power-based violence. This aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties. Please note that the formal complaint process is available for sexual harassment or misconduct of any nature, and that these examples are not intended to discourage use of the formal complaint process.

If one chooses to proceed informally, the employee or student should contact the Title IX coordinator to report the sexual harassment or misconduct and specify that they wish to proceed informally. The Title IX coordinator will make an initial decision about whether a case qualifies for an informal resolution. Resolution at the informal complaint process level can be mediated by the Title IX coordinator and/or may include an agreement in which one or more of the parties involved agree to accept discipline in the form of a warning, censure, probation, or other such disciplinary action as may be warranted by the circumstances of each case. Note: Mediation is not considered appropriate for conduct that involves violent or criminal behavior.

To the extent the parties are able to achieve a satisfactory resolution of the complaint through the informal resolution process, the complaint will be considered resolved. The accused and the accuser will receive written notification of the outcome and disposition of the complaint. The fact that a complaint of sexual harassment or misconduct may be concluded at the request of the accusing party does not preclude the filing of a formal complaint by others, including appropriate University officials.

In those cases, in which a mutually satisfactory resolution of an informal complaint of sexual harassment or misconduct cannot be achieved, either the complainant or the respondent may request in writing to advance the complaint to the formal complaint process. This request should be submitted in writing to the Title IX coordinator within seven working days of the proposed informal resolution.

### Formal Complaint

If a potential complainant wishes to pursue an incident of power-based violence or sexual misconduct beyond simply reporting it, they may file a formal complaint. The filing of a formal complaint means that the individual is asking the University to take further steps, such as a full investigation and possibly an adjudication to resolve the alleged issue. Any complainant (i.e., an alleged victim or survivor or someone who has otherwise been directly affected by power-based violence) may file a formal complaint, and the University will treat it as such.

An individual who is alleged to have been subjected to an incident of power-based violence (i.e., a victim or a person who has been directly affected by power-based violence) and subsequently files a formal complaint will be referred to as a complainant.

Any third-party reporter (i.e., someone who has knowledge of or witnessed power-based violence) may request the University to treat their report as a formal complaint, but that request would not make the third-party reporter into a complainant.

Similarly, the fact that the Title IX coordinator converts a report to a formal complaint does not make the Title IX coordinator a complainant. However, the Title IX coordinator reserves the right to initiate a formal complaint in order to meet an institution's Title IX obligations to provide a safe and nondiscriminatory environment. Depending on the conduct alleged and the location of the incident, a formal complaint and subsequent investigation will be governed by either this policy or the [Title IX Grievance Procedure](#). Formal complaints that do not meet the scope of Title IX will be resolved using the non-Title IX grievance procedures explained in a later section of this policy.

A formal complaint should be a written statement detailing the allegations on the [Title IX Reporting Form](#), which is submitted online and directed to the Title IX coordinator.

### Withdrawal of Formal Complaint

Complainants are allowed to withdraw their formal complaint. If a formal complaint is withdrawn, the Title IX Coordinator should assess the information provided and proceed accordingly. Withdrawal of the formal complaint should ordinarily end the formal complaint and resolution process. However, the Title IX Coordinator reserves the right to proceed with the formal complaint, even after the complainant withdraws it, in order to protect the interests and safety of the University's community. In such cases, the complainant will be notified immediately of the University's decision to proceed.

### **Power-Based Violence or Sexual Misconduct (Non-Title IX) Grievance Procedure**

#### Notice to Respondent

The person alleged to have committed power-based violence is called the respondent. The respondent will be notified in writing that a formal complaint alleging power-based violence has been filed against them. The respondent will be advised that they may have an advisor accompany them to any meeting or interview related to the investigation and resolution process.

Within seven business days of receiving notice of the formal complaint, the respondent should arrange to meet with the Title IX coordinator. The Title IX coordinator is required to provide the same information that was presented to the complainant during their initial contact.

After reviewing the formal complaint and meeting with the Title IX coordinator and appropriate decision makers, the respondent may choose to end the resolution process by accepting responsibility for the conduct alleged in the formal complaint. If the respondent accepts responsibility for the conduct alleged in the formal complaint, the appropriate decision makers should determine the appropriate sanction for the respondent. If the respondent disputes the allegations in the formal complaint, the matter will proceed to an investigation.

## **Investigative Process**

The Title IX coordinator will designate investigators specifically trained in power-based violence and sexual misconduct investigations to conduct a prompt, thorough, and fair investigation. Assigned investigators should not be the Title IX coordinator nor the decision makers.

The process should begin with intake meetings conducted by the Title IX coordinator. The investigation phase should include interviewing the complainant or reporter, 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 and evidence.

As a part of the investigation, the institution will provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence.

Both complainants and respondents are advised of the utilization of advisors throughout the investigation process. Parties should be advised that advisors are not permitted to participate directly in resolution hearings or informal resolution conferences, except to the extent an advisor's participation is required during Title IX grievance hearings. They may be present solely to advise or support the party and are prohibited from speaking directly to the investigator, the sexual misconduct or power-based violence adjudicator, other parties, or witnesses.

## **Findings and Investigative Report**

At the conclusion of the investigation, investigators will prepare a report (the "investigative report") summarizing and analyzing the relevant facts determined through the investigation, with reference to any supporting documentation or statements. The report will be delivered to the Title IX coordinator, who should analyze the report to ensure that the investigation was prompt, impartial, thorough, and consistent with this policy. Before the investigative report is finalized, the complainant and respondent are given the opportunity to review one another's statements and may also be provided with a written summary of other information collected during the investigation if the information is requested and the Title IX coordinator deems it appropriate to disclose.

A complainant or respondent should submit any comments about their own statement, or on any investigation summary that might be provided, to the investigators within five calendar days after the statement or summary was provided. Following receipt of any comments submitted, or after the five-day comment period has lapsed without comment, the investigators should address any identified factual inaccuracies or misunderstandings, as appropriate.

The final investigative report should provide a summary of the investigators' impressions, including context for the evidence collected, but should not make a final determination as to whether a violation of the Power-Based Violence and Sexual Misconduct Policy occurred, reserving that decision (and any sanctions) for the appropriate decision maker(s). The parties should be provided with a copy of the final investigative report

simultaneously.

## Resolution Process

The Title IX coordinator and/or the investigator must provide information on the investigation and resolution process outlined in the institutional policy to the complainants and respondents. The process must be fair and timely, regardless of whether it is an informal administrative resolution phase or a formal adjudication. Reports of Title IX violations unrelated to sexual misconduct or power-based violence will be managed according to the [Title IX Grievance Procedure](#).

Disciplinary proceedings shall begin as practicable as possible and shall be conducted by an official trained in issues related to sexual misconduct. Institutions can conduct investigations and hearings remotely. In making a determination concerning the alleged sexual misconduct, institutions shall use the preponderance of the evidence standard. Students will have the right to written notice of allegations, the right to an advisor, and the right to submit, cross-examine, and challenge the evidence in a live hearing. Both the complainant and respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of such sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled, and each shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding. Both the complainant and respondent are entitled to be informed in writing of the results of any disciplinary proceeding not later than ten business days after the resolution. Sanctions may range from a warning to expulsion, depending upon the behavior and its severity. Sanctions for students will be selected from those outlined in the [Student Code of Conduct](#). Sanctions for employees are applied through collaboration with supervisors. Sanctions may include, but are not limited to counseling, education, probation, reassignment, demotion, suspension, and termination.

Both parties will be given an equal right of appeal.

Survivors will not have to come face-to-face with the accused during a hearing and from answering questions posed personally by the accused. The University will provide "rape shield" protections and ensure that survivors are not required to divulge any medical, psychological, or similar privileged records.

## Appeals

The University provides an appeal process that is equally available to the parties and includes the procedures and permissible basis for the complainant and respondent to appeal. Appeals should only be raised on one or more of the following grounds:

1. a procedural irregularity that affected the outcome of the matter;
2. to consider new facts or information that were not known or knowable to the appealing party before or during the time of the resolution and that are sufficient to alter the decision;
3. the Title IX coordinator, investigator, or adjudicator(s) had a conflict of interest or bias that affected the outcome of the matter;
4. the decision reached was not supported by a preponderance of evidence; and/or
5. the sanctions were disproportionate to the findings.

As to all appeals, the institution will at a minimum:

1. Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;
2. Ensure the decision maker(s) for the appeal is/are not the same individual(s) who reached the determination regarding responsibility or dismissal, the investigator(s) or the Title IX coordinator;
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome;
4. Issue a written decision describing the result of the appeal and the rationale for the result; and
5. Provide a written decision simultaneously to both parties.

## Training

The University ensures that Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process receive training on the definition of sexual harassment in § 106.30 and power-based violence, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The University ensures decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The University ensures investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

The institution ensures adequate trainings on required topics as promulgated by Title IX are made available to the Title IX coordinators, campus law enforcement officers, security personnel, and officials with authority to institute corrective measures.

Training materials are made available publicly on the University's website, or available upon request for inspection by members of the public. For more information, visit [www.mcneese.edu/titleix](http://www.mcneese.edu/titleix).

## Prevention and Awareness Programs

McNeese State University will annually offer education and prevention programs that include but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction. The institution must provide and document all training programs.

- **Awareness programs:** Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce sexual misconduct.
- **Bystander intervention:** Bystander intervention training consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- **Ongoing prevention and awareness campaigns:** Ongoing prevention and awareness campaigns consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
- **Prevention programs:** Primary prevention programs consist of initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- **Risk reduction:** Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence. Additional options may include designation and publication of "red zones" (i.e., times and places of high incidence of crimes, including sexual violence).

## Transcript Withholding, Notation, and Communication

A student who is the subject of a power-based violence or sexual misconduct formal complaint and attempts to transfer to another institution shall have their transcript withheld or a notation will be placed on the student's transcript. If it is not known whether the student seeks to transfer to another institution, the student's transcript shall either be withheld or notated.

The student will be notified their transcript has been withheld or notated, and of the appeals process to have the hold or notation removed. Either the transcript is withheld, or the notation remains on the transferring student's transcript until a determination is made the transferring student is not responsible for power-based violence nor sexual misconduct violation, or the transferring student prevails in a request to appeal the withholding of a transcript or notation, whichever occurs first.

## Withholding Student Transcripts

If a student's transcript is withheld upon the filing of a formal complaint, a disciplinary hold administered by the Office of Student Services will be placed on the transcript of the student who is the subject of a formal complaint. For any student who is the subject of a power-based violence formal complaint that also constitutes sexual harassment under Title IX, an investigation will commence, and a notation will be placed on the student's transcript, rather than withholding the transcript.

When a student transcript is withheld, if a student seeks to transfer and would like to provide their transcript to another institution, the receiving institution must make a timely inquiry regarding the purpose of the transcript hold. Upon such an inquiry, appropriate and factual information will be disclosed, consistent with the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

## Notation

A notation may be placed on the transcript of a student attempting to transfer to another institution. For a transferring student who is the subject of a pending investigation, the notation on the transcript shall read: "ADMINISTRATIVE MATTER PENDING" or other notation sufficient to place the receiving institution on notice and trigger an inquiry regarding the notation. For a transferring student for whom a final decision has been rendered, and the student has been found to be responsible for power-based violence, the notation on the transcript shall read: "STUDENT FOUND RESPONSIBLE IN VIOLATION OF CODE OF CONDUCT" or other notation sufficient to place the receiving institution on notice and trigger an inquiry regarding the notation. When a student transcript is notated as described above, the receiving institution must make a timely inquiry regarding the purpose of the transcript notation. For a transferring student found to be responsible for power-based violence, the notation will remain indefinitely. If a student is not found responsible, the notation will be removed, and an updated version of the student's transcript will be sent to the receiving institution (if known).

## Transcript Withholding and Notation Appeal

A student whose transcript has been withheld or notated as described above may request a release of the hold or 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 updated version of the student's transcript will be provided. Such requests shall be submitted in writing to the dean of student services for review by the Conduct and Academic Integrity Committee. The requesting student will be notified of a decision no later than seven business days from the date that the appeal request is made.

## Incoming Transfer Transcripts

As part of the admissions process, incoming transfer students will not acquire full admissions status until student conduct, Title IX, and power-based violence background checks have been completed by all the transfer student's prior institutions. This process will be managed by the Office of the Registrar and Admissions in collaboration with the Office of Student Services. Should there be an indication of a prior or pending violation, the dean of student services will communicate with the student's previous institution to determine an admittance recommendation or contingency plan. The University's Conduct and Academic Integrity Committee may be utilized to assist.

## Resources

In addition to resources listed below, the Office of Student Services resource webpage located at <https://www.mcneese.edu/student-services/resources> provides information helpful to complainants and respondents.

## Crime Victim Resources

The following offices provide a variety of resources to victims of crime on campus:

Office	Phone Number
Provost/Vice President for Academic Affairs and Enrollment Management	(337) 475-5508
Vice President for Student Affairs	(337) 475-5502
Dean of Student Services	(337) 475-5609
Title IX Coordinator	(337) 475-5609
Human Resources and Student Employment Director	(337) 475-5977
Office of Inclusive Excellence	(337) 475-5428
Campus Housing	(337) 562-6504
Counseling Services Director	(337) 475-5136
Student Health Services Director	(337) 475-5748
Athletics Director	(337) 475-5563

Office	Phone Number
Senior Associate Athletics Director/Compliance	(337) 475-5296
Deputy Director of Athletics	(337) 475-5563

## Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault, & Stalking

### On-Campus Resources

Resource	Address/Location on Campus	Phone Number
Counseling Center	Kaufman Hall Room 112	(337) 475-5136
Student Health Services	550 E Sale Rd	(337) 475-5748
Student Services	4300 Jefferson Davis Dr Holbrook Student Union	(337) 475-5609
Housing and Residence Life	565 Beauregard Dr Housing Office and Clubhouse	(337) 562-6504
Kay Dore' Counseling Clinic	808 Blue and Gold Dr	(337) 562-4115
University Police	4175 Allen Dr Box 90540 Lake Charles, LA 70609	(337) 475-5711
Office of Inclusive Excellence	Burton Business Center, Room 404B	(337) 475-5428
Title IX Coordinator	4300 Jefferson Davis Dr Holbrook Student Union Annex Room 102	(337) 475-5610
Confidential Advisor	Dr. Troy Hidalgo Student Health Services Hardtner Hall Email: <a href="mailto:shidalgo@mcneese.edu">shidalgo@mcneese.edu</a>	(337) 475-5748
Confidential Advisor	Dr. Dena Matzenbacher, Professor College of Nursing and Health Professions Hardtner Hall Email: <a href="mailto:dena@mcneese.edu">dena@mcneese.edu</a>	(337) 475-5434
Confidential Advisor	Dr. Twila Sterling-Guillory, Associate Professor College of Nursing and Health Professions Hardtner Hall Email: <a href="mailto:tsterling@mcneese.edu">tsterling@mcneese.edu</a>	(337) 475-5542
Confidential Advisor	Lacie Wentzel Recreation Complex Email: <a href="mailto:lwentzel@mcneese.edu">lwentzel@mcneese.edu</a>	(337) 475-5277

### Off-Campus Resources

Resource	Address/Location	Phone Number
Local Police	Lake Charles Police Department 830 Enterprise Blvd, Lake Charles, LA 70601	(337) 491-1456
	Calcasieu Parish Sheriff's Office 5400 E Broad St, Lake Charles, LA 70615	(337) 491-3600
Hospitals	Memorial Hospital 1701 Oak Park Blvd, Lake Charles, LA 70601	(337) 494-3000
	Lake Area Medical Center 4200 Nelson Rd, Lake Charles, LA 70605	(337) 474-6370
	Christus St. Patrick Hospital 524 Dr. Michael DeBakey Dr, Lake Charles, LA 70601	(337) 436-2511
Counseling and Mental Health	Family and Youth Counseling Agency 220 Louie St, Lake Charles, LA 70601	(337) 436-9533
District Attorney Victim Support	Calcasieu Parish District Attorney Sexual Assault Nurse Examiner (SANE) Program 1020 Ryan St, Lake Charles, LA 70601	(337) 437-3400

Resource	Address/Location	Phone Number
Rape Crisis Center	OASIS (formerly Calcasieu Women's Shelter) 601 West 18 <sup>th</sup> St, Lake Charles, LA 70601	(337) 436-4552
Calcasieu Women's Shelter – Rape Crisis Outreach Staff	OASIS (formerly Calcasieu Women's Shelter) 601 West 18 <sup>th</sup> St, Lake Charles, LA 70601	(337) 494-7273
Domestic Violence Intake Center (Protective Orders)	OASIS (formerly Calcasieu Women's Shelter) 601 West 18 <sup>th</sup> St, Lake Charles, LA 70601	(337) 436-4552 1 (800) 223-8066
Magistrate	1001 Lakeshore Dr, 3rd Flr, Lake Charles, LA 70601	(337) 721-3100
Local County Courthouse	1001 Lakeshore Dr, 3rd Flr, Lake Charles, LA 70601	(337) 721-3100
Victim Advocacy – Calcasieu Parish District Attorney	Victim Assistance Unit 1020 Ryan St, Lake Charles, LA 70601 <a href="http://calcasieuda.com/victim-services/">calcasieuda.com/victim-services/</a>	Victim Assistance Coordinators:  Diane Eldridge (337) 437-3105  Kathy Duhon (337) 437-3140
Legal Assistance	OASIS (formerly Calcasieu Women's Shelter) 601 West 18 <sup>th</sup> St, Lake Charles, LA 70601	(337) 436-4552 for domestic violence (337) 494-7273 for sexual assault
National Sexual Assault Hotline		1 (800) 656-4673
National Domestic Violence Hotline		1 (800) 799-7233
Statewide Domestic Violence Hotline		1 (888) 411-1333

## Memoranda of Understanding (MOU): Coordination with Local Law Enforcement

McNeese State University, law enforcement, and criminal justice agencies located within Calcasieu Parish, including the campus police department, the local district attorney's office, and any law enforcement agency with criminal jurisdiction over the campus, shall enter into and maintain a written memorandum of understanding (MOU) to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about power-based violence committed by or against students.

MOUs contains the following provisions:

- Delineation and sharing protocols of investigative responsibilities;
- Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
- Agreed-upon training and requirements for the parties to the MOU on issues related to sexually oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible;
- A method of sharing general information about sexually oriented criminal offenses occurring within the jurisdiction of the parties to the MOU to improve campus safety;
- Assurances that local peace officers, in addition to each full-time University police officer, complete a sexual assault awareness training program required by state law; and
- Provision for joint or shared trauma-informed training specific to assisting sexual assault victims.

Each executed MOU is reviewed annually by the University president, Title IX coordinator, and the chief of McNeese Police and shall be revised as considered necessary.

## Mandatory State Requirements

- McNeese State University will administer the statewide campus climate survey every three years as per University of Louisiana System Board policy.
- McNeese State University will submit the results of the survey to the Board of Regents by the specified deadline.
- McNeese State University will post the following information on its website:
  - The contact information for obtaining a confidential advisor;
  - Reporting options for complainants of a sexually oriented criminal offense;
  - The process of investigation and disciplinary proceedings of the University;
  - The process of the investigation and adjudication of the criminal justice system;



- Potential reasonable accommodations that the institution may provide for a complainant;
  - The telephone number and website address for a local, state, or national hotline providing information to sexual violence victims, which shall be updated on a timely basis; and
  - The name and location of the nearest medical facility where an individual may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.
- McNeese State University will establish a task force to address sexual misconduct. The Student Government Association will be invited to appoint one female representative and one male student representative to serve on the task force.
  - McNeese State University will publish a semiannual security report on the web to contain updated campus security policies and campus crime statistics. The reports shall be updated and posted by April 10 and October 10 of each academic year.
  - McNeese police will submit a sex crime data report by February 15 of each year, containing the information prescribed by the Board of Regents to the system president, the University president, and the Title IX coordinator.
  - McNeese State University will offer education and prevention programs to students during the first semester of enrollment and on an ongoing basis throughout their enrollment. The programs cover, at a minimum:
    - Statements that the institution prohibits all forms of sexual misconduct, as defined by this policy, and the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by federal law;
    - The definitions of dating violence, domestic violence, sexual assault, and stalking under state law;
    - The definition of “consent,” as provided in this policy,
    - Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or to intervene when there is a real or perceived risk of sexual misconduct against a person other than the individual;
    - Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
    - Information about the procedures that complainants should follow, and that the institution will follow, after an incident of sexual misconduct has occurred; and
    - Any other content or resources that support prevention and reduction of sexual misconduct.

## **Communication**

This policy is distributed via the Administrative Advisory Council and the University Policies webpage.