



Policy # 62002

SEXUAL MISCONDUCT POLICY

Effective Date: October 1, 2015

Revised Date: August 19, 2020

Responsible Office: Office of Title IX and Equal Employment Opportunity

Division: Finance

I. PURPOSE/OBJECTIVE

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

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

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

II. STATEMENT OF POLICY

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

For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, quid pro quo harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence, and stalking.

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

sexual misconduct complaints. Creating a safe environment is the responsibility of all members of the University community.

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

The University's policy will comply 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:

- (A) Title IX of the 1972 Education Amendments which (i) prohibits discrimination on the basis of sex in educational institutions and (ii) requires colleges and universities receiving federal funding to combat gender-based violence and harassment, and respond to survivors' needs in order to ensure that all students have equal access to education;
- (B) The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires policies and procedures for sexual assault and requires timely warning and external reporting of crimes; and
- (C) Section 304 of the Violence against Women Reauthorization Act of 2013 (VAWA), which extends the Clery Act to include dating violence, domestic violence and stalking and Act 172 of the 2015 Louisiana Legislative Session and any other applicable state laws

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

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

Beverly Crawford
Title IX Coordinator and Equal Employment Opportunity Officer
Office of Title IX and Equal Employment Opportunity
Brown Hall Room 127
403 Main Street
GSU Box 4233
Grambling, LA 71245
Phone: (318) 274-2660 or 2784
Email: crawfordb@gram.edu
[Title IX Sexual Misconduct Incident Report Form](#)

If the University is not open assistance can be obtained 24 hours a day, seven days a week from:

- University Police
 - on-campus – (318) 274-2222
 - off-campus – 911 Emergency

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

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

In addition, the Grambling State University Student Counseling and Wellness Resource Center (274-3277) and the Foster-Johnson Health Center (274-2351) are both located in Foster - Johnson Health Center. Information regarding these support services will be provided immediately upon receiving a report of sexual misconduct, but are not limited to individuals filing a formal complaint.

Assistance of a trained Confidential Advisor ¹is available for employees, students and non-students. The following university employees are designated as Confidential Advisors/Resources:

1. [Grambling State University Student Counseling and Wellness Resource Center](#)
Dr. Coleen Speed, Director
Telephone Number: (318) 274-4763
Location: Central Avenue – Grambling, LA 71245
Foster-Johnson Health Center

2. [Grambling State University Foster-Johnson Health Center](#)
Patrice Outley, MSN, APRN, FNP-C
Telephone Number: (318) 274-2351
Location: Central Avenue – Grambling, LA 71245
Foster-Johnson Health Center

3. **Off-Campus Community Resources/Local Hospitals:**

Emergency and Local Police: 911

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

¹ *A **Confidential Advisor** primarily serves to aid a student involved in a Sexual Misconduct complaint in the resolution process as a confidential resource. As suggested by the term “confidential advisor,” communications with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the communications under state and federal laws.

[Piney Hills Sexual Assault Center](#)

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

[Domestic Abuse Resistance Team \(DART\)](#)

108 W Alabama Ave, Ruston, LA 71270
(318) 251-2255

III. APPLICABILITY

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

IV. DEFINITIONS

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

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.

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 conduct that could constitute sexual harassment irrespective of whether formal complaint has been filed.

Complaint (formal): A document filed/signed by a Complainant (or the Title IX Coordinator) alleging harassment, sex-based discrimination, or retaliation against a Respondent and requesting the University investigate the allegation.

Confidential Advisor: An employee who is not a Mandated Reporter of sex discrimination or sexual misconduct (irrespective of Clery Act Campus Security Authority status).

Consent: Agreement to engage in sexual activity must exist from beginning to end of each instance of sexual activity. The agreement 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. Consent cannot be 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 (as defined 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.

Dating Violence (as defined in Louisiana Revised Statute): Includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C) For purposes of this Section, "dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship.
- (2) The type of relationship.
- (3) The frequency of interaction between the persons involved in the relationship.

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

Decision-Maker Panel: Refers to those who have decision-making and sanctioning authority within the University's Grievance Process.

Domestic Abuse (as defined by Louisiana Revised Statute): 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)

Domestic Violence (as defined by the 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.

Family Violence (as defined by Louisiana Revised Statute): 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)

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

Investigator: The person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

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.

Inter-campus Transfer Policy: The transcript of a student who has been accused of a sexually-oriented criminal offense and withdraws pending disciplinary action shall be withheld until investigation and adjudication of the matter by the institution is completed.

Interpersonal Violence: Includes dating violence, domestic violence, and stalking.

Live Hearing: 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.

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.

Mandated Reporter: An employee of the University who is obligated by policy to share knowledge, notice and/or reports of sex discrimination, sexual misconduct, and/or retaliation on behalf of the University.

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.

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.

Privacy: 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.

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 whose reported, alleged conduct could constitute Sexual Misconduct under this Policy.

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.

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 Battery (as defined by Louisiana Revised Statute): Includes any act or offense under the provisions of LA RS 14:41 to 14:43.1.

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 Harassment: 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 harassment also includes sexual assault, dating violence, domestic violence, and stalking. For purposes of this Policy, the various forms of prohibited Sexual Harassment are sometimes referred to as "Sexual Misconduct."

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

Sexual Oriented Criminal Offense: Any sexual assault offense as defined in LA. R.S. 14:41 to 14:43.1

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.

Stalking (as defined by Louisiana Revised Statute) : Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include, but not be limited to, the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, 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) For purposes of this stalking definition: "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 (LA RS 14:40.2(C)(1)); and "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) (2)

Standards of Conduct: The University's minimum expectations 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 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, and/or retaliation.

Title IX Coordinator: The official designated by the University to ensure compliance with Title IX and the University's Title IX program, as well as oversee implementation and enforcement this Policy. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

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

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

University: Grambling State University

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 its education program and activities. The 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, or sexual harassment and for allegations of retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is a difficult time for all those involved.

Applicable Scope

The University's prohibitions against sex discrimination, sexual misconduct, and interpersonal violence apply to all students, faculty, staff, and visitors 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 interpersonal 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 on the basis of sex. Reports of sex discrimination that are not based on sexual misconduct will go through the same resolution process as reports of sexual misconduct. Sex discrimination can encompass sexual harassment, sexual assault, and stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this policy is reported, the allegations are subject to resolution using the Grievance Process provided herein.

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, students, 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 Respondent is a University employee, the Title IX Coordinator will consult with the Chief Human Resources Officer.

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, or interpersonal violence should report it immediately to the Title IX Coordinator. The University will promptly and equitably investigate all suspected or alleged violations of this Policy.

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, and related 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 interpersonal 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 do not act with bias 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 318-274-6117. 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 318-274-6117. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

The University strongly encourages individuals, including third party bystanders, to report incidents of sex discrimination, sexual misconduct, and interpersonal violence 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 interpersonal violence in the context of their employment are **required** to report all the details of the incident (including the identities of the reporting parties and alleged responding parties) to the Title IX Coordinator. All employees with the exception of Confidential Advisors are considered Mandated Reporters.

Title IX Deputy Coordinator

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

Mrs. Merlene Aitken-Smith
Title IX Deputy Coordinator/Senior Associate Athletics Director/Senior Woman
Administrator
Phone: 318-274-6542
Email: smithmer@gram.edu

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:

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1. Grambling State University Student Counseling and Wellness Resource Center
Dr. Coleen Speed, Director
Telephone Number: (318) 274-4763
Location: Central Avenue – Grambling, LA 71245
Foster-Johnson Health Center

Grambling State University Foster-Johnson Health Center
Patrice Outley, MSN, APRN, FNP-C
Telephone Number: (318) 274-2351
Location: Central Avenue – Grambling, LA 71245
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2. **Off-Campus Community Resources/Local Hospitals:**

Emergency and Local Police: 911

[North Louisiana Medical Center](#)

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[Piney Hills Sexual Assault Center](#)

117 South Trenton St.
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Mailing Address:
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(318) 255-7273 or 1-800-869-1033

[Domestic Abuse Resistance Team \(DART\)](#)

108 W Alabama Ave, Ruston, LA 71270
(318) 251-2255

In addition, employees and students have on-campus access to medical services, guidance, and support at the Grambling State University Student Counseling and Wellness Resource Center (318) 274-3277 and the Grambling State University Foster-Johnson Health Center (318) 274-2351. Both are located in Foster-Johnson Health Center which is conveniently located on Central Ave. (south side of campus) adjacent to the Intramural Center.

Mandatory State Requirements

In addition to compliance with federal and state laws and regulations, the University shall implement the following measures to prevent and address campus sexual misconduct:

A. Campus Climate Survey:

- a. To adequately assess perceptions and behaviors of sexual misconduct on campus, the University shall administer an anonymous sexual assault campus climate survey to its

students once every three years. If GSU administers other surveys with regard to campus safety, the sexual assault survey may be included as a separate component of any such survey provided that the sexual assault component is clearly identified as such. The University is encouraged to supplement the statewide survey by collecting additional information that can be utilized to develop prevention and intervention strategies. Such a survey must be voluntary and administered to students who choose to participate allowing students to decline to participate.

- b. The school-specific results of the statewide survey must be reported to the Board of Regents.
- c. In the event that no funding is provided by the state for a statewide climate survey, the University is encouraged to administer such a survey on its own initiative.

B. Prevention and Awareness Programs: The University will annually offer and document education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction.

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

- a. Delineation and sharing protocols of investigative responsibilities;
- b. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
- c. Agreed-upon training and requirements for the parties to the MOU on issues related to sexually-oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible;
- d. A method of sharing general information about sexually-oriented criminal offenses occurring within the jurisdiction of the parties to the MOU in order to improve campus safety.

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- e. Assurances that local peace officers in addition to Grambling State University police officers complete a sexual assault awareness training program required by state law. La. R.S. 17:1805(H); 40:2405.8(A); (C)(1)

D. Institutional Task Force: The University will establish a task force to address sexual misconduct. All student stakeholder groups must be invited to be represented on the task force through the student body government.

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

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

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- f. Those individuals designated as confidential advisors shall complete online training developed by the Attorney General in collaboration with the Board of Regents.

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:

Notice/Reports of Sexual Discrimination, Sexual Misconduct 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.

Mrs. Beverly Crawford
Title IX Coordinator and EEO Officer
Office Location: Brown Hall RM 127
Phone: (318) 274-2660
Email: crawfordb@gram.edu

Individuals may submit a report of sex discrimination, sexual misconduct, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence or stalking (on the basis of sex) and retaliation 24 hours a day by accessing Grambling State University's on-line [Title IX Sexual Misconduct Incident Report Form](#) for this purpose.

This form may be accessed on Grambling State University's website using the following link:

https://cm.maxient.com/reportingform.php?GramblingStateUniv&layout_id=2

The completed report form goes to the Grambling State University 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 University tries to provide supportive measures to all involved parties, 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 whether to report a complaint with the Title IX Coordinator and/or law enforcement. The Complainant will be offered supportive measures regardless of their choice to pursue a complaint.

Alternatively, if the University is open any person may file a report in person during regular business hours (7:30 a.m. to 5:00 p.m., Monday - Thursday; 7:30 a.m. to 11:30 a.m., Friday) by contacting Grambling State University'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 can be 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 (e.g., online form, email) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

Supportive Measures

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, 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 all parties 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)

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- Altering campus housing assignment(s)
 - Altering work arrangements for employees or student-employees
 - Safety planning
 - Providing campus safety escorts
 - Implementing contact limitations (no contact orders) between the parties
 - Academic support, extensions of deadlines, or other course/program-related adjustments
 - Trespass, Be-On-the-Lookout (BOLO) and No-Contact 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. Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A witness to an incident **cannot** serve as an Advisor.

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. This risk analysis is performed by the Threat Assessment Team consisting of the Title IX Coordinator in conjunction with the Grambling State University Police Department, Office of Human Resources, Office of Student Conduct, and Student Counseling and Wellness Resource Center.

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

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. 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 FERPA.

Only a small group of officials who need to know will be told about the complaint. The group may include but is not limited to representatives from: Division of Student Affairs, University Police, Human Resources, Residential Life and the Threat Assessment 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 limited 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 consult with the student first before doing so.

Jurisdiction of the University

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

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 education 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 employment or an education 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;

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- 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;
 - c. Any situation that significantly infringes 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.

Timing of Complaints and Availability of Procedures

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

Amnesty for Students who Report Sexual Misconduct

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

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 and 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.

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

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.

Prohibited Conduct

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

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 notices/reports/complaints of sex discrimination and sexual misconduct will be carefully evaluated to determine if the alleged policy violation falls under 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 Grievance Process.

All complaints of sexual misconduct will be resolved using the Sexual Misconduct Procedures.

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>

Policy References:

- Title IX of the 1972 Education Amendments; Title 20 U.S.C. Sections 1681-1688
- 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 Sexual Misconduct Appendix A: Louisiana Campus Sexual Misconduct Policy
- Sexual Misconduct Policy and Procedures Memorandum, UL System PPM-S-II.XX. I, June 25, 2020

Related Material:

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.