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AGENDA

PLANNING, RESEARCH and PERFORMANCE COMMITTEE

Wednesday, August 24, 2022

12:25 p.m.

Claiborne Building, 1st Floor
Thomas Jefferson Room A&B 1-136
1201 North Third Street
Baton Rouge, Louisiana

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
 - A. R.S. 17:1808 (Licensure)
 1. Renewal Applications
 - a. Alcorn State University
 - b. Embry-Riddle Aeronautical University
 - c. San Joaquin Valley College
 - d. United States University
 - e. Upper Iowa University
 - f. Walden University
 - B. Proprietary Schools Advisory Commission
 1. Change of Ownership Applications
 - a. Acadiana Area Career College-Lafayette, LA
 - b. Blue Cliff College-Alexandria, LA
 - c. Blue Cliff College-Lafayette, LA
 - d. Blue Cliff College-Metairie, LA
 - e. Blue Cliff College-Metairie-Satellite Location, LA
 2. Initial Applications
 - a. Smith Institute of Massage Therapy-Shreveport, LA
 - b. OceanPointe Dental Assisting Academy of Prairieville-Prairieville, LA
 - c. 160 Driving Academy-Shreveport, LA
 - d. Synergy Massage Institute-New Orleans, LA
 - e. Kingdom Technical College-Shreveport, LA
 3. Renewal Applications
 - a. Ben D. Johnson Education Center, Natchitoches, LA – License #2300
 - b. CDL Mentors of Baton Rouge Truck Driving School, Baton Rouge, LA – License #2319

- c. Delta College of Arts & Technology, Baton Rouge, LA – License #857
 - d. Diesel Driving Academy-Baton Rouge, Baton Rouge, LA – License #717
 - e. Global Trucking Academy, LLC, Marksville, LA – License #2245
 - f. Holmes Healthcare Training Center, Corp. New Orleans, LA – License #2301
 - g. Integrated Education Solutions, LLC, Violet, LA – License #2292
 - h. Lincoln College of Technology, Nashville, TN – License #2051
 - i. Louisiana Institute of Massage Therapy, Lake Charles, LA – License #2180
 - j. McCann School of Business, Monroe, LA – License #2294
 - k. Med-Advance Training, Baton Rouge, LA – License #2272
 - l. Oak Park School of Dental Assisting, LLC, Lake Charles, LA – License #2118
 - m. OceanPointe Dental Academy of Hammond, Hammond, LA – License #2332
 - n. Operation Spark, New Orleans, LA – License #2347
 - o. Ouachita Truck Driving Academy, LLC, Sterlington, LA – License #2050
 - p. Petra College, INC., Hammond, LA – License #2215
 - q. Precision Welding Testing & Training, Geismar, LA – License #2293
 - r. Remington College-Lafayette, Lafayette, LA—License #2152
 - s. Remington College-Shreveport, Shreveport, LA—License #2153
 - t. Safe Road Truck Driving Academy, New Orleans, LA—License #2333
 - u. Skillz Academy, New Orleans, LA—License #2334
- 4. Approval of Final Rulemaking – Approval to publish the final rule change in the Louisiana Register’s September publication.
 - 5. Appointment of Mr. Chris Broadwater to the Advisory Commission on Proprietary Schools

IV. Amendments to the Uniform Policy on Power-Based Violence

V. Other Business

VI. Adjournment

Committee Members: Terrie P. Sterling, Chair; Judy A. Williams-Brown, Vice Chair; Stephanie A. Finley; Robert W. Levy; Charles R. McDonald; Sonia A. Pérez; Wilbert D. Pryor; Felix R. Weill
 Staff: Susannah Craig, Deputy Commissioner for Strategic Planning and Student Success

Agenda Item III.A.1.a

Alcorn State University Division of Nursing Natchez, Mississippi

BACKGROUND

Alcorn State University (Alcorn) is not incorporated in Louisiana. The university was first licensed by the Board of Regents in 1993. The institution is a publicly-supported university headquartered in Alcorn, Mississippi, with its nursing school located in Natchez. Alcorn is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools as well as the Accreditation Commission for Education in Nursing.

ACADEMIC PROGRAM

Alcorn currently offers associate, bachelor's, and master's degrees in nursing through the institution's Natchez, Mississippi facility. The nursing programs are professionally accredited by the National League for Nursing. Instruction provided in Louisiana is limited to nursing practicum experiences. The institution reports an enrollment of 3 students in the doctoral program, master's program and certificate program.

FACULTY

Two faculty are involved in practicum experiences at Louisiana sites. A full-time faculty member holds a doctorate degree and a part-time faculty member holds a master's degree.

FACILITIES

Practicum experiences are completed at hospital and clinical facilities in Central and East Louisiana.

STAFF RECOMMENDATION

Given the scope of the programs and the credentials of its faculty, the institution's campus, program accreditation, and the general oversight by the home campus, Senior Staff recommends approval of the application for license *renewal* from Alcorn State University.

**Agenda Item III.A.1.b
Embry-Riddle Aeronautical University
Daytona Beach, Florida**

BACKGROUND

Embry-Riddle Aeronautical University (Embry Riddle) first registered with the Board of Regents in 1987. The institution is headquartered in Daytona Beach, Florida and provides educational programs at the associate, bachelor's, and master's degree levels. The institution is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

ACADEMIC PROGRAM

Embry-Riddle currently offers certificate, associate, bachelor's and master's degrees in aeronautical-related fields (professional aeronautics, aviation maintenance, technical management, aeronautical science and management, unmanned systems, systems management, engineering, etc.).

Degree Level	LA Unduplicated Enrollment
Master's	24
Bachelor's	117
Associate	6
Certificate	1
Non-Degree	9
Total	157

FACULTY

Embry-Riddle employs 12 faculty members to support its operations at Barksdale Air Force Base, one faculty member on a full-time basis. All faculty hold master's degrees from institutions with recognized accreditation and four faculty are also trained at the doctoral level.

FACILITIES

Embry-Riddle currently utilizes space at Barksdale Air Force Base for administrative and instructional purposes. Embry-Riddle's computer multimedia and telecommunication facilities are made available to faculty and students for instructional and research purposes.

STAFF RECOMMENDATION

Given its regional accreditation, the credentials of its faculty and the scope of its current operations at Barksdale AFB, the Senior Staff recommends that the Board of Regents approve license *renewal* for Embry-Riddle Aeronautical University, located in Daytona Beach, Florida.

AGENDA ITEM III.A.1.c

San Joaquin Valley College Visalia, CA

BACKGROUND

San Joaquin Valley College (SJVC) is not incorporated in the State of Louisiana. SJVC is a private for-profit junior college with fifteen campuses in California and an online division. SJVC is accredited by the Accrediting Commission for Community and Junior Colleges.

ACADEMIC PROGRAM

San Joaquin Valley College prepares graduates for professional careers by offering Certificates of completion, associate and bachelor's degrees in business, medical and technical career fields. San Joaquin does not currently have any students enrolled in Louisiana.

FACULTY

San Joaquin Valley College has 13 full-time faculty and 54 part-time faculty that support programs available in the Louisiana online operations. 16 of these faculty hold doctoral degrees, 45 faculty members have master's degrees and another 3 hold a bachelor's degree.

FACILITIES

San Joaquin Valley College provides online instruction to Louisiana students.

STAFF RECOMMENDATION

Given the scope of the programs and the credentials of its faculty, and program accreditation, the general oversight by the home campus, Senior Staff recommends that the Board of Regents approve the application for license *renewal* from San Joaquin Valley College.

AGENDA ITEM III.A.1.d

United States University San Diego, CA

BACKGROUND

United States University (USU) is not incorporated in the State of Louisiana. USU is a private, for-profit university in San Diego, CA. USU is regionally accredited by the Western Association of Schools and Colleges (WASC) Senior College and University Commission and the California Bureau for Private Postsecondary Education.

ACADEMIC PROGRAM

United States University offers 26 academic programs that lead to undergraduate and graduate degrees in health sciences, business, information technology, education and nursing. The institution currently has 15 students in its Louisiana Unduplicated Headcount Enrollment at the master's level and one at the bachelor's level.

FACULTY

United States University has 13 full-time faculty at the doctorate level and 330 part-time faculty at various degree levels, but the majority (196) holding a doctorate.

FACILITIES

United States University provides online instruction to Louisiana students.

STAFF RECOMMENDATION

Given the scope of the programs and the credentials of its faculty, the institution's campus, program accreditation, and the general oversight by the home campus, Senior Staff recommends approval of the application for license *renewal* from United States University.

AGENDA ITEM III.A.1.e

**Upper Iowa University
Fayette, IA**

BACKGROUND

Upper Iowa University (UIU) is not incorporated in the State of Louisiana and first registered with the Board of Regents in 1976. UIU is a private university headquartered in Fayette, Iowa. The University is accredited by the Higher Learning Commission (HLC).

ACADEMIC PROGRAM

The university offers 26 academic programs that lead to undergraduate and graduate degrees. UIU's programs include business, criminal justice, health and human services, psychology, social science, public administration, and criminal justice. The institution currently has 505 students in its Louisiana Unduplicated Headcount Enrollment.

Degree Level	LA Unduplicated Enrollment
Master's	82
Bachelor's	383
Associate	39
Certificate	1
Total	505

FACULTY

Upper Iowa University (UIU) has 104 part-time faculty that all hold a master's degree or higher.

FACILITIES

Upper Iowa University (UIU) offers classroom or laboratory instruction in Louisiana at five locations:

- Alexandria
- Baton Rouge
- DeRidder
- Fort Polk
- New Orleans

STAFF RECOMMENDATION

Given the scope of the programs and the credentials of its faculty, the institution's campus, program accreditation, and the general oversight by the home campus, Senior Staff recommends approval of the application for license *renewal* from Upper Iowa University.

AGENDA ITEM III.A.1.f

Walden University Minneapolis, MN

BACKGROUND

Walden University (WU) is not incorporated in the State of Louisiana. WU is an online for-profit university headquartered in Minnesota. The University is accredited by the Higher Learning Commission (HLC). WU has earned specialized accreditations from the following organizations: Council on Social Work Education, Council for Accreditation of Educator Preparation, Accreditation Council for Business Schools and Programs, Council for Accreditation of Counseling and Related Educational Programs, Global Accreditation Center for Project Management, and Accreditation Board for Engineering and Technology (ABET).

ACADEMIC PROGRAM

Walden University (WU) offers 160 academic programs that lead to undergraduate and graduate degrees. Fields of study include business administration, education, health science, criminal justice, information technology, psychology, marketing and communication. The institution currently has 514 students in its Louisiana Unduplicated Headcount Enrollment.

Degree Level	LA Unduplicated Headcount Enrollment
Doctorate	147
Master's	260
Bachelor's	98
Associate	0
Certificate	6
Other	3
Total	514

FACULTY

Walden University (WU) has a total of 3,110 full-time and part-time faculty at various degree levels.

FACILITIES

Walden University (WU) provides online instruction to Louisiana students.

STAFF RECOMMENDATION

Given the scope of the programs and the credentials of its faculty, the institution's campus, program accreditation, and the general oversight by the home campus, Senior Staff recommends approval of the application for license *renewal* from Walden University (WU).

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Minutes
Board of Regents' Proprietary Schools Advisory Commission
July 12, 2022

The Louisiana Board of Regents' Proprietary Schools Advisory Commission met Tuesday, July 12, 2022, in Room 1-155 in the Claiborne Building. Prior to calling the meeting to order, new commission member Susana Schowen, appointed by Louisiana Community and Technical College System was administered the oath of office. Chair James Fontenot called the meeting to order at 10:10 a.m. The roll was then called, and a quorum was established. There were no public comments to be read.

Commission Members Present

Melanie Amrhein, Vice Chair
Sherrie Despino
James Fontenot, Chair
Randy Plaisance
Susana Schowen

Staff Members Present

Courtney Britton
Chandra Cheatham
Dr. Susannah Craig
Mighan Johnson
Antonio Williams

Commission Members Absent

Jada Lewis
Carmen Million
James Dorris

Guests Present

(See Appendix)

The first item of business was the approval of minutes from the Commission's meeting of May 10, 2022.

On motion of Sherrie Despino, seconded by Randy Plaisance, the Proprietary Schools Advisory Commission unanimously adopted the minutes of the May 10, 2022 Proprietary Schools Advisory Commission meeting.

The next agenda item considered by the Commission was the change of ownership applications for schools recently purchased by Education Management. The schools are Acadiana Career College-Lafayette, Louisiana, Blue Cliff

College-Alexandria, Alexandria, LA, Blue Cliff College-Lafayette, Lafayette, LA, Blue Cliff College-Metairie, Metairie, LA, Blue Cliff College-Metairie Satellite Location, Metairie, LA, They were represented by DeKenya Douglas, COO, and LaShawn Colligan. Ms. Chandra Cheatham, Board of Regents, reviewed the materials for the Commission members, informing them that the institutions offer a variety of courses in the following areas: Clinical Medical Assisting, Massage Therapy, Health Information Management Billing and Coding, Clinical Administrative Medical Assisting, Medical Office Administration, etc. The applications met all legal and administrative requirements to be approved for a change of ownership and new licenses.

The discussion focused on how often change of ownerships occurs and the purpose for change of ownership, the history of the school, any possible name changes, Houma campus closure, and plans for potential new location of Blue Cliff College-Baton Rouge in 2023. Following the discussion,

on motion of Melanie Amrhein, Vice Chair, seconded by Sherrie Despino, the Proprietary Schools Advisory Commission unanimously voted that the Board of Regents approve the change of ownership applications for Acadiana Career College, Lafayette, Louisiana, Blue Cliff College, Alexandria, LA, Blue Cliff College, Lafayette, LA, Blue Cliff College, Metairie, LA, and Blue Cliff College-Satellite Location, Metairie, LA.

The next item considered by the Commission was the initial license application from Smith Institute of Massage Therapy Continuing Education. The school will be located in Shreveport, Louisiana. The school was represented by its owner, Ms. Mariquita Smith. Ms. Mighan Johnson, Board of Regents, reviewed the materials for the Commission members, informing them that the institution was proposing to offer one program: Massage Therapy Express (560 clock hours). The application met all legal and administrative requirements to be approved for an initial license.

Discussion included the school owner's training history, purpose for opening the school, the need for a school in the Shreveport area, and future plans for more instructors to expand the school, as well as financial discussion, recruiting efforts and advertising. Following the discussion,

on motion of Sherrie Despino seconded by Susie Schowen, the Proprietary Schools Advisory Commission unanimously voted that the Board of Regents approve the initial license application for Smith Institute of Massage Therapy Continuing Education, LLC, Shreveport, Louisiana.

The next item considered by the Commission was the initial license application from 160 Driving Academy - Shreveport. The school will be in Shreveport, Louisiana. The school was represented by Tess Cavalier, Director of Compliance and Real Estate. Mr. Antonio Williams reviewed the materials for the Commission members, informing them

that the institution was proposing to offer one program: Class A CDL (160 clock hours). The application met all legal and administrative requirements to be approved for an initial license.

The commission then discussed the opening of the New Orleans area school last year, the company's history, the market for drivers and the company's partnerships to supply several large retailers and businesses with drivers. Following the discussion,

on motion of Melanie Amrhein, seconded by Susana Schowen, the Proprietary Schools Advisory Commission unanimously voted that the Board of Regents approve the initial license application for 160 Driving Academy - Shreveport, in Shreveport, Louisiana.

The next item considered by the Commission was the initial license application from OceanPointe Dental Assisting Academy of Prairieville, LLC. The school will be in Prairieville, Louisiana. The school was represented by Dr. Neil Oza, Owner. Mr. Williams reviewed the materials for the Commission members, informing them that the institution was proposing to offer one program: Dental Assisting (161 clock hours). The application met all legal and administrative requirements to be approved for an initial license.

The commission then discussed most recent graduating class job placements for Dr. Oza's Hammond location, the location of the new school and the hosting site practice, the future possibility of night classes. Following the discussion,

on motion of Sherrie Despino, seconded by Melanie Amrhein, the Proprietary Schools Advisory Commission unanimously voted that the Board of Regents approve the initial license application for OceanPointe Dental Assisting Academy of Prairieville, LLC, Prairieville, Louisiana.

The next item considered by the Commission was the initial license application from Synergy Massage Institute. The school will be in Metairie, Louisiana. The school was represented by the owner, Erin Warner. Mr. Williams reviewed the materials for the Commission members, informing them that the institution was proposing to offer one program: Massage Therapy (500 clock hours). The application met all legal and administrative requirements to be approved for an initial license.

The commission then discussed history of the school owner and their first proprietary school location opened last year, the most recent graduating classes job placements for that location and the need to duplicate the model in other areas, and the school's low student/teacher ration. Following the discussion,

on motion of Sherrie Despino, seconded by Susana Schowen, the Proprietary Schools Advisory Commission unanimously voted that the Board of Regents approve the initial license application Synergy Massage Institute, Metairie, LA.

The next item considered by the Commission was the initial license application from Kingdom Technical College. The school will be located in Shreveport, Louisiana. The school was represented by its manager Latesha Heard and instructor, Mr. DeCarlos Heard. Mr. Williams reviewed the materials for the Commission members, informing them that the institution was proposing to offer three programs: Welder 1 (600 clock hours), Welder 2 (1000 clock hours) and Welder 3 (1500 clock hours). The application met minimum requirements to be approved for an initial license.

Following further discussion regarding loss of the school's previous license, the background of school staff, curriculum history, job prospects, school equipment and the school's financial capabilities,

on motion of Melanie Amrhein, seconded by Susana Schowen, the Proprietary Schools Advisory Commission unanimously voted that the Board of Regents approve the initial license application for Kingdom Technical College, Shreveport, Louisiana.

The next agenda item considered by the Commission was operating license renewals. Over the previous two months, 21 schools submitted complete renewal applications. Ms. Britton noted one school, Advanced Healthcare Institute of Prairieville, LA, chose to not renew their license. The school has submitted copies of student transcripts digitally to the Board of Regents.

On motion of Melanie Amrhein, seconded by Susana Schowen, the Proprietary Schools Advisory Commission unanimously voted that the Board of Regents renew the licenses of the following proprietary schools:

Ben D. Johnson Educational Center, Natchitoches, LA – License #2300
 CDL Mentors of Baton Rouge Truck Driving School, Baton Rouge, LA – License #2319
 Delta College of Arts & Technology, Baton Rouge, LA – License #857
 Diesel Driving Academy, Baton Rouge, LA – License #717
 Global Trucking Academy, Marksville, LA – License #2245
 Holmes Healthcare Training Center, New Orleans, LA – License #2301
 Integrated Education Solutions, Violet, LA – License #2292
 Lincoln College of Technology, Nashville, TN – License #2051
 Louisiana Institute of Massage Therapy, Lake Charles, LA – License #2180
 McCann School of Business, Monroe, LA – License #2294
 Med-Advance Training, Baton Rouge, LA – License #2272
 Oak Park School of Dental Assisting, Lake Charles, LA – License #2118
 OceanPointe Dental Academy of Hammond, Hammond, LA – License #2332
 Operation Spark, New Orleans, LA – License #2247
 Ouachita Truck Driving Academy, Sterlington, LA – License #2050
 Petra College, Inc., Hammond, LA – License #2215
 Precision Welding Testing & Training, Geismar, LA – License #2293
 Remington College, Lafayette, LA – License #2152
 Remington College, Shreveport, LA – License #2153
 Safe Road Truck Driving School, New Orleans, LA – License #2333
 Skillz Academy, New Orleans, LA – License #2334

The next agenda item was an update on program approvals. Chair Fontenot reminded the Commission that program approvals were being shared for informational purposes only. No questions were brought forward regarding the following program approvals.

Academy of Acadiana

New Iberia, LA

- Added Program
Medical Assistant - 480.0 clock hours

Advance Nurse Training

New Orleans, LA

- Amended Program
Clinical Medical Assistant - 720.0 clock hours

Baton Rouge Dental Assistant Academy – South

Baton Rouge, LA

- Added Program
Dental Assistant Hybrid - 180.0 clock hours

Charity Institute of Careers

Lafayette, LA

- Amended Program
Phlebotomy - 600.0 clock hours

Compass Career College

Hammond, LA

- Amended Programs
Medical Assistant (Hybrid) – 750.0 clock hours
Medical Billing and Coding (Hybrid) – 750.0 clock hours
- Added Programs
Phlebotomy Technician (Hybrid) – 150.0 clock hours
Medical Office Specialist (Hybrid) – 200.0 clock hours
Shielded Metal Arc Welding (SMAW) – 280.0 clock hours
Gas Metal Arc Welding (GMAW) and Flux Core Arc Welding (FCAW) – 280.0 clock hours
Gas Tungsten Arc Welding (GTAW) – 385.0 clock hours
Aluminum Welding—245.0 clock hours

Cross Road CDL Academy

Harvey, LA

- Added Program
Class A CDL - 600.0 clock hours

Delta Arts & Technology

Baton Rouge, LA

- Amended Program
Medical Office Health Information Technician - 794.0 clock hours

Delta Arts & Technology

Lafayette, LA

- Amended Program

Medical Office Health Information Technician - 794.0 clock hours

Durham Transport

Shreveport, LA

- Added Program
Class B CDL - 80.0 clock hours

ITI

Baton Rouge, LA

- Amended Program
Drafting & Design Technology (AOS) – 96.5 quarter credit hours

Lafayette Dental Assistant School

Lafayette, LA

- Amended Programs:
Dental Assistant Hybrid - 180.0 clock hours

Shreveport Dental Assistant School

Shreveport, LA

- Amended Programs:
Dental Assistant Hybrid - 180.0 clock hours

For the other business items, a discussion of the upcoming rule changes was held and Ms. Courtney Britton updated the commission on the board's vote regarding the previous meeting's adjudicatory hearing results. The next meeting of the Proprietary Schools Advisory Commission is scheduled for Tuesday, September 13, at 10:00 a.m., in Room 1-155 of the Claiborne Building. There being no further business, the meeting adjourned at 11:14 a.m.

APPENDIX A
GUESTS

LaShawn Colligan	Blue Cliff College / Education Management
Tess Cavellier	160 Driving Academy
DaKenya Douglas	Blue Cliff College
LaTasha Heard	Kingdom Technical College
DeCarlos Heard	Kingdom Technical College
Amanda LaGroue	LA Department of Justice
Neil Oza	OceanPointe Dental
Mariquita Smith	Smith Institute
Erin Warner	Syneryg Massage Institute

Agenda Item III.B.4

Approval of Final Rulemaking

Authorize publication of final rulemaking to amend Section 2301 of the Proprietary Schools rules to allow for changes to Proprietary Schools forms to increase efficiency and agility, as well as ensure alignment with the upcoming online platform implementation.

Background:

Administrative Code Title 28 Part III, Section 2301, currently lists every form approved by the Advisory Commission on Proprietary Schools and the individual items contained on each form. If staff and/or the Commission decide that an additional data element is needed on an existing form or that a new form should be created, the Rulemaking process outlined in the Administrative Code must be followed.

In addition, many Proprietary Schools forms currently require notarization by rule, even when not required by law (R.S. 17:3140). To meet this current requirement, during the application process licensed schools would still have to submit multiple forms with physical notarization, nullifying the hoped-for process improvements gained through the new online license application platform, EDvera.

Initial Rulemaking was approved and published in June 2022 and during the public comments period, no official public comments were received. Senator Jackson and school owner, Billy Clark, did reach out to Program Administrator, Courtney Britton to inquire whether that these changes would lessen the amount of data collected or remove prescriptive elements of the law. Both individuals were assured that the changes were limited to the forms themselves and that data collection and other requirements were addressed in other parts of law and rule. Any data or form that is currently required to be collected will still be collected. Only the collection vehicles will be modified by these rule changes.

Given there were no other concerns, formal public comments or requests for a hearing, final rulemaking can be printed in the September issue of the Louisiana Register.

STAFF RECOMMENDATION

Senior Staff recommends that the Board of Regents authorize the publication of Final Rulemaking regarding the Proprietary Schools rules change.

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ELECTRONIC RETURN RECEIPT REQUESTED
August 15, 2022

Electronic Rule Submission

To: Senator Page Cortez, President of the Senate
Representative Clay Schexnayder, Speaker of the House

Re: Rulemaking – Summary Report
Proprietary Schools

On June 10, 2022, we electronically forwarded the notices of intent on behalf of the Louisiana Board of Regents to amend the rules and regulations to LAC: III.2301, Proprietary Schools: Forms. The rulemaking removes redundancy in the description of the forms and form names, which are not relative to rulemaking. This streamlining will allow for expedited process improvement if a form needs to be updated and for improved function of new online systems to better serve proprietary schools in the state.

The notice of intent was duly published in the June *Louisiana Register* and a public comment period was granted with the proposed published rules. Of the 154 specific schools notified regarding the proposed change, there were no comments submitted to the Board of Regents in the proscribed manner. Senator Katrina Jackson and Delta College owner did reach out separately to inquire whether the proposed rule changes would lessen the data collected from schools or remove prescriptive elements of law and rule. Both were assured that that the proposed changes only impact forms names and design, not specific requirements of rule or law. The agency wishes to advise that no hearings were requested or conducted regarding these rule changes, and we have no testimony to submit pursuant to R.S. 49:953(A)(2).

No changes have been made to the rule since the report was submitted. We anticipate publishing these rules in the September *Louisiana Register*. This information is submitted in compliance with Section 968D of the Administrative Procedure Act.

Sincerely,

Dr. Susannah Craig
Deputy Commissioner for Strategic Planning and Student Success

Rule
Board of Regents
Proprietary School Section
Forms (LAC 28:III 2301)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq. and Proprietary School Law, R.S. 17:3140 et seq., notice is hereby given that the Board of Regents has amended the rules and regulations to LAC 28:III.2301. These changes include removing redundancy in the description of the forms related to oversight of licensed Louisiana proprietary schools and proprietary school student records. The changes also include the removal of form names, which are not relative to rulemaking. The streamlining of the proprietary school forms section will allow for expedited process improvement if a form needs to be renamed or updated or if a new form needs to be created. The changes will also allow for improved function of new online systems to better serve proprietary schools in the state. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part III. Proprietary Schools
Chapter 23
Forms

§2301. Proprietary Schools Licensure Forms

A. In order to obtain a new proprietary school license, an individual or organization will have to fill out forms published by the commission that include the following information:

- a. institutional contact information;
- b. programmatic information;
- c. surety information;
- d. recruitment and instructional staff information;
- e. tuition and financial documentation.

B. In order to renew a proprietary school license, an individual or organization will have to fill out forms published by the commission that include the following information:

- a. institutional contact information;
- b. programmatic information;
- c. surety information;
- d. recruitment and instructional staff information;
- e. tuition and financial documentation;
- f. student data.

C. In order for an individual or institution to amend a licensed school's data or programs, an individual or organization will have to fill out forms published by the commission that include the following information:

- a. institutional contact information;
- b. programmatic information;
- c. surety information;
- d. recruitment and instructional staff information;
- e. tuition and financial documentation.

D. In order for a former student to receive records or restitution, an individual will have to fill out forms published by the commission that include the following information:

- a. student contact and identifying information;
- b. school, program and enrollment information;
- c. tuition and payment information;
- d. direction of requested materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2.

HISTORICAL NOTE: Promulgated by the Board of Regents, Proprietary School Section, LR 40:1688 (September 2014), amended LR 44:1005 (June 2018).

Agenda Item III.B.5

Appointment of Advisory Commission on Proprietary Schools Member

Appoint new commission member to fill current vacancy.

Background:

Board appointment to the Advisory Commission on Proprietary Schools, Ms. Mary Lou Potter, recently announced she would complete her four years as a member. Commissioner of Higher Education, Dr. Kim Hunter-Reed, has recommended that the Board appoint Mr. Chris Broadwater, former State Representative, and former VP for Workforce Policy at LCTCS, to the Proprietary Schools Advisory Commission.

After his time in the Louisiana Legislature, Mr. Broadwater joined the Louisiana Community and Technical College System as Vice President of Workforce Policy and served in that role for the past four years. From May of 2022 through May of 2023, he served as the LCTCS representative to the Proprietary Schools commission. In June he joined CSRS, Inc. as Vice President and Deputy General Counsel.

STAFF RECOMMENDATION

Given Mr. Broadwater's history of service to the state, years of experience with workforce policy and past experience with the commission, Senior Staff recommends approval of the appointment of Mr. Broadwater to the Advisory Commission on Proprietary Schools as the Board's representative.

AGENDA ITEM IV.

Amendments to the Uniform Policy on Power-Based Violence

Executive Summary

The Board of Regents created a Uniform Policy on Power-Based Violence as required by Acts 439 and 472 of the 2021 Regular Legislative Session. Reinforcing BoR's commitment to maintaining safe campus cultures, this new policy was adopted in a special Board meeting on August 10, 2021.

Since its implementation last year, all public postsecondary systems and their respective institutions have adopted policies aligned to the Uniform Policy, undergone training provided by Regents, and remained statutorily compliant with administrative up-the-chain reporting and data publication requirements.

We propose the following changes to the Uniform Policy to remain consistent with state law:

- Removal of the section titled "Sex Crime Data Report", which requires each institution's campus police department to submit by February 15th of each year a report containing certain information required by law to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice. The change does not remove this legal requirement rather it recognizes that Regents is not responsible for enforcement or oversight of this requirement or the resulting report. (Pg. 26 of the Uniform Policy)
- *Insertion of two additional columns* in the administrative reporting forms: (1) category of offense (Title IX or Power-Based Violence); and (2) time it took to resolve a complaint. (Pg. 34 of the Uniform Policy)
- An update to the definition of the term "employee" to reflect the revision included Act 689 of the 2022 Regular Legislative Session, which reads, "'Employee' does not include a student enrolled at a public postsecondary institution **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 a residential advisor." (Pg. 30 of the Uniform Policy)

STAFF RECOMMENDATION

Senior Staff recommends approval of the amendments to the Uniform Policy on Power-Based Violence.



BOR UNIFORM POLICY ON POWER-BASED VIOLENCE/SEXUAL MISCONDUCT

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I. INTRODUCTION

The Louisiana Board of Regents (BOR) is committed to the highest quality and most impactful educational experiences for all students attending public postsecondary institutions (Institutions) in the state. These experiences are key to Louisiana's prosperity and growth, and rely on campus environments that are safe, inclusive, and protective for the entire postsecondary education community. Leadership at all levels must collaborate on policy development and take all necessary steps to prevent discrimination, harassment, misconduct, and psychological and physical violence. Ultimately, we must fully commit to building and sustaining a strong culture of respect across campuses, systems, and the state.

This Uniform Policy on Power-Based Violence, promulgated pursuant to Act 472 of the 2021 Regular Legislative Session of the Louisiana Legislature, sets forth processes and procedures to guide public postsecondary education stakeholders in maintaining safety and protection for students and employees. Power-based violence is defined as any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person. It includes but is more expansive than sexual misconduct and Title IX misconduct (See definition in [Appendix A](#)). Act 472 directs the Board of Regents to establish uniform policies and best practices to implement measures to address the reporting of power-based violence on Institutions' campuses, the prevention of such violence, communication between Institutions regarding incidents of power-based violence, and the provision of medical and mental health care for these alleged victims.

Each Institution's Management Board shall institute policies incorporating the policies and best practices prescribed by BOR regarding the prevention and reporting of incidents of power-based violence committed by or against students of an Institution. This Policy shall be effective as of August 10, 2021. Each institution (or a Management Board for each of its member institutions) shall begin establishing policies and procedures in full compliance with this Policy and shall implement those policies no later than October 15, 2021. Each Management Board must review the policies of each of its member institutions for compliance with this Policy and applicable laws and regulations. Upon verification of such compliance, the Management Board shall forward the institutional policies no later than December 15, 2021 to the BOR.

Upon the effective date of this Policy, all institutions shall immediately begin complying with this Policy as well as the institutional policy, once adopted, under the supervision and control of their Management Boards. All policies and processes shall be posted on institutional websites as required in this Policy. Each Management Board shall ensure that its member institutions' policies comply with applicable federal and state laws and regulations and must be amended to reflect any changes to federal and state laws and regulations.

II. POLICY STATEMENT

The Louisiana Board of Regents (BOR) prohibits discrimination on the basis of sex in any Louisiana public postsecondary institution. This policy applies to all Louisiana public postsecondary institutions 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 (see Title IX Formal Grievance Procedures). All Institutions shall implement policies, procedures, practices, and educational programs to prevent, respond to, and redress incidents involving acts of power-based violence including sexual misconduct and Title IX conduct (See definition in Appendix A). This Policy is designed to help Institutions create and maintain safe learning, working and living environments for all individuals who participate in the institutions' activities and programs, including online instruction. It reflects BOR's strong commitment to promoting an environment that is free from power-based violence which includes sexual misconduct and Title IX conduct.

Institutions may develop supplementary procedures to further support the implementation of this Policy. However, this Policy establishes various mandatory obligations with which all institutional policies must comply.

The BOR will review, evaluate, and make any revisions or amendments to applicable power-based violence policies on an ongoing and as-needed basis.

Inquiries about the application of this policy should be directed to the relevant Institution's Title IX Coordinator, whose contact information is available on each Institution's Title IX website. Institutions shall provide additional information about Title IX on their respective Title IX websites and provide additional information about the U.S. Department of Education's Office for Civil Rights.

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

III. NONDISCRIMINATION

Each Institution must publish a notice of nondiscrimination in their power-based violence policies. The notice must be distributed to all students, employees, applicants for admission and employment, and other relevant individuals. The notice must be prominently displayed on the Institution's website and included in publications of general distribution that provide information to students and employees.

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

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

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

As part of their commitment to maintaining a community free of discrimination, and in compliance with Title IX's mandate, Institutions should address allegations of power-based violence, including sexual harassment and sexual assault, in a timely and effective manner. Further, Institutions will provide resources as needed for affected persons (Reporters, Complainants, Respondents and third parties within an Institution's community), and will not tolerate retaliation against any person who reports or participates in the investigation of alleged power-based violence or sex/gender discrimination.

IV. SCOPE

A. SCOPE

This Uniform Policy (Policy) serves as BOR's overarching policy against power-based violence in all of its forms. It outlines procedures mandated by state law and identifies best practices that address both Title IX Conduct and power-based violence which includes sexual misconduct.

This Policy is intended to inform and guide the development of institutional policy to address individuals who have been affected by power-based violence, whether as a Complainant, a Respondent, or a witness, and to provide fair and equitable procedures for all parties. It is applicable to all Institutions with respect to conduct that occurs both on and off campus.

Power-based violence, which is addressed in this overarching Policy, is a broader term that covers gender/sex-based misconduct beyond the Title IX Regulations' "sexual harassment" definition. Power-based violence prohibited by this Policy includes conduct defined in Act 472. (See defined terms in [Appendix A.](#))

The accompanying Title IX Formal Grievance Procedure covers a narrower sub-set of conduct (i.e., Title IX Conduct) that must be addressed under a defined formal grievance process as required by the U.S. Department of Education under new Title IX Regulations, effective August 14, 2020. When power-based violence meets the criteria specified in the Title IX Regulations, it must be addressed under the Title IX Formal Grievance Procedure, and not this overarching Power-Based Violence Policy, to the extent the processes differ between the two policies. (See 34 C.F.R. §106.44-.45.)

“Sexual harassment” is defined in the Title IX Regulations (§106.30) as conduct on the basis of sex that satisfies one or more of the following:

1. An Institution’s faculty or staff member/employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education programs or activities; or
3. Sexual assault, dating violence, domestic violence, or stalking. (See defined terms in [Appendix A.](#))

The Title IX Grievance Procedure applies to an Institution’s education program activity, which is defined by the Title IX Regulations to include locations, events, or circumstances in which an Institution exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the Institution. Under the Title IX Regulations, the Title IX Grievance Procedure does not apply to any education program or activity that does not occur in the United States (§106.44(a)).

However, power-based violence that is not covered by the Title IX Grievance Procedure, such as off-campus power-based violence alleged to have an on-campus effect or occurring during a study abroad program, may be addressed under this broader Policy.

Combined, BOR’s and Louisiana’s public postsecondary education systems and their Institutions’ policies and procedures are intended to ensure that all students impacted by an incident or Formal Complaint of power-based violence receive appropriate support and fair treatment, and that allegations of power-based violence are handled in a prompt, thorough and equitable manner.

B. OVERVIEW OF POLICY AND SELECTED DEFINITIONS

Institutions will address all reports of power-based violence (“Reports”) received by the Title IX Coordinator. Each Institution is authorized under this Power-Based Violence Policy and its accompanying Title IX Formal Grievance Procedure to take certain actions to address or remedy power-based violence after receiving a Report, during an investigation, and after an investigation, even if the matter does not proceed to adjudication.

Anyone can report an incident of power-based violence to an Institution under the procedure described in [Section VII](#) of this Policy. For example, a “Reporter” can be any individual who reports to an Institution that they are a victim or survivor of power-based violence or that they have been affected by sex/gender discrimination or power-based violence (sometimes referred to as a “First-Party Reporter”) or that they have knowledge of power-based violence happening to or affecting someone else (sometimes referred to as a “Third-Party Reporter”).

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. An Institution can also convert a Report to a Formal Complaint if the Institution determines that, in order to meet its Title IX 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 (hard copy), in electronic form, or in person, whereby the individual can file a Formal Complaint by meeting with the Title IX Coordinator (or Deputy Coordinator) to provide a verbal description of the sexual misconduct which the Title IX Office will use to draft a written document that the individual will review, verify, and sign to constitute a Formal Complaint.*

A “Complainant” refers to an individual who is alleged to have been subjected to an incident of power-based violence (i.e., a First-Party Reporter or a victim or person who has otherwise been affected by power-based violence or, under the Title IX Formal Grievance Procedure governing sexual harassment, an individual who is alleged to be the victim of conduct that could constitute sexual harassment). A Complainant has certain rights under this Policy, as discussed below.

A “Respondent” refers to an individual who has been accused of conduct that could constitute power-based violence prohibited under this Policy (or, under the Title IX Formal Grievance Procedure governing sexual harassment, an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment). A student Respondent has certain rights under this Policy, as discussed below, and under the Title IX Formal Grievance Procedure when that Procedure is applicable.

A “Third Party” refers to any other participant in the process, including a witness to the incident or an individual who makes a Report on behalf of someone else.

As used throughout this Policy, references to the “Title IX Coordinator” shall include any Deputy Title IX Coordinator and any other person expressly designated by the Title IX Coordinator to act on their behalf.

Additional definitions are contained in [Appendix A](#).

V. SAFETY EDUCATION

A healthy and prevention-minded campus culture allows students to learn to the best of their abilities on a safe and nurturing campus. Robust education and training programs for both students and employees are the cornerstone of these efforts and essential to building a culture in which sexual misconduct is rare and both Complainants and Respondents are well supported. Prevention depends on clear and well-communicated guidelines, underpinned by regular education on understanding of sexual misconduct and power-based violence, positive versus harassing behaviors, tools for reporting harassment and adjudicating disputes, and sanctions for violations.

Based on management board policy, the administration of each Institution, in consultation with campus or local law enforcement agencies, shall develop and distribute information to students regarding power-based violence, campus safety, and internet and cell phone safety and online content that is a potential threat to school safety.

The information shall include the following:

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

The information shall be distributed as part of new student orientation and shall be posted on an easily accessible page of each Institution's website.

The reporting process for possible threats to the campus shall, at a minimum, include:

- I. A standardized form to be used by students, faculty, and other personnel to report potential threats. The form shall request, at a minimum, the following information:
 - a. Name of Institution, person, or group being threatened;
 - b. Name of student, individual, or group threatening violence;
 - c. Date and time the threat was made; and
 - d. Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.
- II. A process for allowing anonymous reporting and for safeguarding the identity of a person who reports an incident of power-based violence or a safety threat.

Each Institution shall adopt a policy to implement the provisions of this Section. That policy must require that for every report of an incident of power-based violence or a safety threat received the actions taken by the Institution and the campus law enforcement agency or security officers be documented. The policies shall also provide for guidelines on referring the reports to the appropriate law enforcement agencies.

VI. 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.

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

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

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.

VII. REPORTING POWER-BASED VIOLENCE

An Institution's policy should provide that *anyone* can report an incident of power-based violence (to include Sexual Misconduct and Title IX Conduct).

A Report can be made by any individual who has:

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

Institutions should strongly encourage all individuals to report incidents of power-based violence even if the individual does not intend to pursue a Formal Complaint. In addition, the Institution should take prompt action to provide Supportive Measures for the safety and well-being of any affected person as well as the campus community.

A. REPORTING INCIDENTS OF POWER-BASED VIOLENCE

To make a Report, a reporting individual should report the incident to the **Title IX Coordinator or Deputy Coordinator**. Institutions are required to make available contact information for the Title IX Coordinator and any Deputy Coordinator(s), as well as methods for reporting power-based violence. Reporting methods may vary by Institution but shall include, at a minimum, in-person reporting, reporting by mail, and reporting via email.

The alleged victim shall have a right to obtain a copy of any Report made that pertains to the alleged victim.

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

a. ONLINE REPORTING

Institutions shall provide an online reporting system to collect anonymous disclosures of incidents of power-based violence and crimes, and track patterns of power-based violence and crimes on campus. (See additional information about confidential and anonymous reporting in Section D.) The online system shall also include information regarding how to report an incident of power-based violence or crime to a Responsible Employee and law enforcement and how to contact a Confidential Advisor.

B. MANDATORY REPORTING FOR EMPLOYEES

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

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

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

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

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

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

BOR recommends as a best practice that, if an employee believes an individual may intend to share any information regarding an instance of power-based violence, the employee should seek to confirm that the reporting party understands the employee's obligations as a mandatory reporter. If the reporting party would prefer to speak with a confidential resource, the employee should direct the reporting party to a confidential resource. Institutions must provide a list of confidential resources in their policies.

C. CONFIDENTIAL AND ANONYMOUS REPORTING

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

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

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

An alleged victim shall be advised of the right to seek a Confidential Advisor. See additional information pertaining to [Confidential Advisors](#).

D. ADMINISTRATIVE REPORTING

In accordance with state law, an Institution's Title IX Coordinator, Chancellor, System President, and System Management Board are required to submit summarized reports on power-based violence incidents and to publish those reports on their respective websites.

- a. **Title IX Coordinator:** Not later than **October Tenth (10)** and **April Tenth (10)** of each year, the Title IX Coordinator of an Institution shall submit to the Chancellor of the Institution a written report on the reports received in accordance with the information required in [Appendix B](#).

The Title IX Coordinator of an Institution shall immediately report to the Chancellor of the Institution of an incident reported to the Coordinator if the Coordinator has cause to believe as a result of the incident that the safety of any person is in imminent danger.

- b. **Chancellor:** The Chancellor of each Institution shall submit a report to the Institution's Management Board and System President within **fourteen (14) days** of receiving the report from the Title IX Coordinator in accordance with the information required in [Appendix B](#). The report shall be posted on the Institution's website.
- c. **System President:** The System President shall submit a system-wide summary report within **fourteen (14) days** of receiving the reports from the Chancellors to the System Management Board in accordance with the information required in [Appendix B](#). The report shall be published on the website of the system.
- d. **System Management Board:** The System Management Board shall send an annual system-wide summary report to BOR by **December Thirty-First (31)** in accordance with the information required in [Appendix B](#). BOR shall post the report on its website.
- e. **Board of Regents:** BOR shall annually submit a report to the Governor, the president of the Senate, the speaker of the House of Representatives, and the Senate and House Education Committees by **January Fifteenth (15)** which shall include the statewide information. The report shall also include any recommendations for legislation. The report shall be published on BOR's website.

E. EMPLOYEE'S FAILURE TO REPORT OR FALSE REPORTING

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

F. STUDENT'S FALSE REPORTING

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

G. IMMUNITIES AND AMNESTY

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

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

Each Institution shall provide an amnesty policy for any student who reports, in good faith, power-based violence to the Institution. Such student shall not be sanctioned by the Institution for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of making such a report.

VIII. TRANSCRIPT WITHHOLDING, NOTATION & COMMUNICATION

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

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

The Sending Institution shall notify the student that their transcript has been withheld or notated, and of the appeals process to have the hold or notation removed. Either the transcript is withheld or the notation remains on the transferring student's transcript until the Institution makes a determination that the transferring student is not responsible for power-based

violence or the transferring student prevails in a request to appeal the withholding of a transcript or notation pursuant to Part c of this Section, whichever occurs first.

A. WITHHOLDING STUDENT TRANSCRIPTS

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

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

B. NOTATION

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

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

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

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

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

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

C. TRANSCRIPT WITHOLDING AND NOTATION APPEALS

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

Such request shall be submitted in writing to the appropriate decision makers, to be designated by the Institution. The Institution shall notify the requesting student of its decision no later than seven (7) business days from the date that the appeal request is made.

D. APPLICABILITY

State law requires that all Louisiana public postsecondary institutions implement this Transcript, Withholding, Notation, and Communication policy; all Louisiana non-public postsecondary institutions are encouraged to implement this policy.

Nothing in this Policy shall prohibit or prevent a Sending Institution from withholding or notating the transcript of a student who is the subject of a power-based violence Formal Complaint, or who has been found responsible for power-based violence, when such student seeks to transfer to a non-public postsecondary or out-of-state institution. The BOR recognizes an obligation to ensure investigation and adjudication of all complaints of power-based violence, regardless of the type or location of the postsecondary institution where they occur. Accordingly, the BOR strongly encourages all institutions to adopt practices that fully meet this obligation.

IX. VICTIMS' RIGHTS POLICY

State law requires institutions to adopt a victims' rights policy, which, at a minimum, shall provide for a process by which a victim 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.

Institutions are to develop a policy to address victims' rights as required by this law.

X. IDENTIFIED BEST PRACTICES BY BOR

In addition to compliance with federal and state laws and regulations, BOR has prescribed and identified a set of best practices, in accordance with Act 472, which Institutions should implement to address the resolving of power-based violence.

Once the Title IX Coordinator learns of any Report of alleged power-based violence or sex/gender discrimination, they should implement [Supportive Measures](#) as needed and initiate an investigation into the alleged incident.

The form of the investigation may vary depending on whether the alleged conduct falls within the scope of power-based violence/sexual misconduct or Title IX Conduct. If the alleged power-based violence satisfies the USDOE's definition of Title IX sexual harassment (i.e., Title IX Conduct), the Title IX Coordinator should ensure investigation and adjudication of the allegation pursuant to the Title IX Formal Grievance Procedure. However, if the alleged conduct does not satisfy the USDOE's definition of Title IX Sexual Harassment, the Title IX Coordinator will refer to the part of this Policy that addresses BOR's best practices, outlined in the Sections below.

Following an investigation, the Title IX Coordinator has authority to resolve a Report, including the implementation of any Supportive Measures, and should close the case if the Report does not constitute or become a Formal Complaint.

A. INITIAL STEPS & DETERMINATION OF APPROPRIATE PROCEDURES

After an Institution's Title IX Office has received a Report of alleged power-based violence, the Title IX Office should perform an initial assessment consistent with the information below prior to moving forward with an investigation (if one is required/requested) to determine whether the reported conduct meets the USDOE's jurisdictional and definitional requirements to be categorized as Title IX conduct. If that initial assessment reveals that the alleged conduct does meet the definition of sexual harassment as contained within the USDOE's Title IX Regulations, the investigation should proceed pursuant to the Title IX Formal Grievance Procedure. If the alleged conduct does not meet the USDOE's definition of sexual harassment, the investigation should proceed pursuant to this Policy.

B. INITIAL CONTACT WITH POTENTIAL COMPLAINANT

After receiving a Report of power-based violence, an Institution's Title IX Office should notify the individual who is the alleged victim in the Report of the option to have an Advisor accompany them to any meeting or interview related to the power-based violence process.

In initial contact with a potential Complainant, the Title IX Office should also:

- a. Give the potential Complainant a copy of the relevant policies;
- b. Explain the process for filing a Formal Complaint with the Title IX Office;
- c. Provide the potential Complainant with information regarding the rights/responsibilities as a party in this matter;
- d. Explain the process for investigating and resolving a power-based violence Formal Complaint (including the available appeal procedures);
- e. Explain the procedural differences based on Title IX vs power-based violence conduct;
- f. Instruct the potential Complainant not to destroy any potentially relevant documentation in any format;
- g. Inform the individual of the availability of Supportive Measures with or without the filing of a Formal Complaint;
- h. Discuss the potential Complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- i. Explain the prohibition against retaliation; and
- j. Communicate necessary details of the report to the campus police department for entry into the Institution's daily crime log.

C. SUPPORTIVE MEASURES

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

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

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

D. FILING A FORMAL COMPLAINT

If a potential Complainant wishes to pursue an incident of power-based violence beyond simply reporting it, they may file a Formal Complaint. The filing of a Formal Complaint means that the individual is asking an Institution 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 Institution 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 for an Institution 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 and if the Institution determines that it must take additional steps to protect the campus community. 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 Formal Grievance Procedure.

a. HOW TO FILE A FORMAL COMPLAINT

Individuals seeking to file a Formal Complaint may do so with the Title IX Coordinator. Formal Complaints should be in writing, signed and include all information the individual believes to be relevant (e.g., time, location, and nature of incident, names of individuals involved, witnesses to the incident, names of other persons affected by the incident, etc.).

Individuals seeking to file a Report should be allowed to submit on paper (hard copy), in electronic form, or in person, whereby the individual can file a Formal Complaint by meeting with the Title IX Coordinator (or Deputy Coordinator) to provide a verbal description of the power-based violence which the Title IX Office will use to draft a written document that the individual will review, verify, and sign to constitute a Formal Complaint.

Note: If the Complaint filed satisfies the requirements of a Title IX Formal Complaint as defined by 34 CFR §106.30, the Title IX Office ***should proceed under the Title IX Formal Grievance Procedure.***

b. WITHDRAWAL OF FORMAL COMPLAINT

Institutions should allow for a Complainant to withdraw their Formal Complaint. If a Formal Complaint is withdrawn, the Title IX Office 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 Office should reserve the right to proceed with the Formal Complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the Institution's

community. In such cases, the Complainant shall be notified immediately of the Institution's decision to proceed.

E. POWER-BASED VIOLENCE GRIEVANCE PROCEDURE

This Section describes the investigation and resolution process for cases in which the Respondent is a student and in which the conduct alleged does not fall within the scope of the Title IX Conduct.

Note: Institutions should also include policies that address procedures for cases involving employees.

Institutions should investigate all Reports of power-based violence reported to the Title IX Coordinator regardless of whether the Report becomes a Formal Complaint. The investigation and adjudication procedures (if needed) will be prompt, fair, and impartial.

a. NOTICE TO RESPONDENT

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

Within seven (7) business days of receiving notice of the Formal Complaint, the Respondent should arrange to meet with the Title IX Office. The Title IX Office is required to provide the same information that was presented to the Complainant during their initial contact (See [Section B](#)).

After reviewing the Formal Complaint and meeting with the Title IX Office 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.

F. INVESTIGATION PROCESS

The Title IX Office should designate Investigators specifically trained in power-based violence investigations to conduct a prompt, thorough, and fair investigation. Assigned Investigators should not be the Title IX Coordinator or 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 should provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence.

Both Complainants and Respondents should be 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 power-based violence Adjudicator, other parties, or witnesses.

G. FINDINGS & INVESTIGATIVE REPORT

At the conclusion of the investigation, Investigators should 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 should 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 should be 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 Office 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 (5) calendar days after the statement or summary was provided. Following the 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 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.

H. RESOLUTION

a. INFORMAL RESOLUTION

For Formal Complaints with a student Respondent, at the discretion of the Title IX Coordinator, the parties should be advised of their option to pursue an Informal Resolution as an alternative to a Formal Resolution. An Informal Resolution should involve a remedies-based, non-judicial process designed to eliminate or address potential power-based violence. This process should aim to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties. Institutions should not compel face-to-face confrontation between the parties or participation in any particular form of Informal Resolution.

The Title IX Coordinator should make an initial decision about whether a case qualifies for an Informal Resolution. If both parties then agree to pursue that path, the Institution will halt any investigation or scheduled Resolution Hearing so that the parties can explore the possibility of Informal Resolution. Participation in an Informal Resolution is voluntary, and either party can request to end the Informal Resolution process at any time and commence or resume the investigation process. If the parties agree to a resolution during an Informal Resolution process, the Title IX Coordinator should oversee its implementation, the Formal Complaint should be deemed withdrawn, and the matter should be terminated. An appeal of the process and its result should not be permitted. The resolution should be considered binding, and its breach would give rise to a new Formal Complaint.

b. FORMAL RESOLUTION

Institutions must provide for a process to resolve Formal Complaints. That process should be delineated in their policy. Institutions should avoid the “single investigator” or “sole investigator” model and ensure that the Title IX Coordinator and investigator(s) do not serve as the decision-maker(s) for a Formal Complaint.

I. SANCTIONS

Institutions should describe the range of sanctions for employees and students.

J. GRIEVANCE PROCEDURE APPEALS

Institutions' policies should provide 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, for example:

- a. a procedural irregularity that affected the outcome of the matter;
- b. 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;
- c. the Title IX Coordinator, Investigator, or Adjudicator(s) had a conflict of interest or bias that affected the outcome of the matter;
- d. the decision reached was not supported by a preponderance of evidence; or
- e. the sanctions were disproportionate to the findings.

As to all appeals the Institution should, 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.

XI. TRAINING

A. RESPONSIBLE EMPLOYEES

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

violence. Each Institution shall ensure that the individuals and employees receive the training described in this Subsection no later than the beginning of the 2022-2023 academic year.

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

B. CONFIDENTIAL ADVISORS

Each Institution shall designate individuals who shall serve as Confidential Advisors, such as health care staff, clergy, staff of a women's center, or other such categories. Such designation shall not preclude the Institution from partnering with national, state, or local victim services organizations to serve as Confidential Advisors or in other confidential roles.

Prior to designating a person as a Confidential Advisor, the person shall complete a training program that includes information on power-based violence (including "sexual harassment" under Title IX, as well as other types of power-based violence falling outside Title IX's jurisdictional requirements), trauma-informed interactions, Title IX requirements, state law on power-based violence, and resources for victims. The Confidential Advisor shall also complete annual training relative to power-based violence and Title IX. The initial and annual training shall be developed by the Attorney General in collaboration with BOR and shall be provided through online materials.

Each Institution's website shall provide the contact information for obtaining a Confidential Advisor.

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

1. The rights of the alleged victim under federal and state law and the policies of the Institution;
2. The alleged victim's reporting options, including the option to notify the Institution, the option to notify local law enforcement, and any other reporting options;
3. If reasonably known, the potential consequences of those reporting options;
4. The process of investigation and disciplinary proceedings of the Institution;
5. The process of investigation and adjudication of the criminal justice system;
6. The limited jurisdiction, scope, and available sanctions of the institutional student disciplinary proceeding, and that it should not be considered a substitute for the criminal justice process;
7. Potential reasonable accommodations that the Institution may provide to an alleged victim; and

8. The name and location of the nearest medical facility where an alleged victim may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such a facility.

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

The Confidential Advisor shall:

1. be authorized by the Institution to liaise with appropriate staff at the Institution to arrange reasonable accommodations through the Institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations;
2. Be authorized to accompany the alleged victim, when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings;
3. Advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the Institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the Institution;
4. Not be obligated to report crimes to the Institution or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law; and
5. To the extent authorized under law, provide confidential services to students. Any requests for accommodations made by a Confidential Advisor, as provided in this Section, shall not trigger an investigation by the Institution.

The Institution shall appoint an adequate number of Confidential Advisors. The BOR shall determine the adequate number of Confidential Advisors for an Institution based upon its size., no later than January 1, 2022, and on January 1st annually thereafter.

Each Institution that enrolls fewer than five thousand students may partner with another Institution in their system or region to provide the services described in this Section. However, this provision shall not absolve the Institution of its obligations under this Section.

XII. DATA PUBLICATION(S)

A. POWER-BASED VIOLENCE CLIMATE SURVEY

Beginning in the 2022-2023 academic year, each Institution shall administer an anonymous Power-Based Violence Climate Survey (Survey) to its students once every three (3) years. If an Institution administers other surveys with regard to campus safety, this Survey may be included as a separate component of any such survey, provided that the power-based violence component is clearly identified as such.

Participation in this Survey shall be voluntary. No student shall be required or coerced to participate in the Survey, nor shall any student face retribution or negative consequences of any kind for declining to participate.

Subject to the foregoing paragraph, each Institution shall make every effort to maximize student participation in the Survey.

BOR shall:

1. Develop the survey in consultation with the System Management Boards and in accordance with national best practices;
2. Work with System Management Boards in researching and selecting the best method of developing and administering the survey;
3. Consult with victims' advocacy groups and student leaders who represent a variety of student organizations and affiliations, including student government associations, academic associations, faith-based groups, cultural groups, and fraternities and sororities, when meeting the requirements of this Section;
4. Submit a written report on survey results to the House Committee on Education, Senate Committee on Education, and the Governor not later than forty-five (45) days prior to the convening of the next Regular Session of the Legislature following the administration of the survey. The report shall summarize results from each public postsecondary education Institution and the state as a whole; and
5. Publish the survey results on BOR's website and in any other location or venue BOR considers necessary or appropriate.

Institutions must:

1. Administer a survey during the 2022-2023 academic year and every third year thereafter;
2. Report Survey results to the System Management Board and BOR; and
3. Publish the Survey results in a prominent, easily accessible location on the Institution's website.

B. CAMPUS SECURITY REPORT

In accordance with Act 447 of the 2021 Regular Legislative Session of the Louisiana Legislature, each Institution must publish on its website a semiannual security report to contain updated campus security policies and campus crime statistics.

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

BOR recommends as a best practice to include information related to statistics of incidents of power-based violence.

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

BOR shall review Institutions' websites for compliance with this Section. BOR shall notify the House Committee on Education, the Senate Committee on Education, and the State Bond Commission upon an Institution's failure to comply with this Section.

In addition, the State Bond Commission shall not authorize the Institution to incur any debt that is subject to the Commission's approval for a period of two years following notification of the Institution's failure to comply with this Section.

In accordance with state law, any person may commence a suit in the district court for the parish in which an action in violation of this Section occurred for the issuance of a writ of mandamus or injunctive or declaratory relief to require compliance with the provisions of this Section, together with reasonable attorney fees and costs.

~~C. SEX CRIME DATA REPORT~~

~~By February Fifteenth (15) of each year, each Institution's campus police department shall submit a report containing the information required in Appendix C to the System President, the Institution's Chancellor, and the Institution's Title IX Coordinator.~~

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

XIII. MEMORANDA OF UNDERSTANDING

On or before **January 1, 2022**, each Institution and law enforcement and criminal justice agency located within the parish of the campus of the Institution, including the campus police department, if any, 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 of the Institution. This MOU must be signed by all parties to the MOU

Each MOU shall include the following:

1. Delineation and sharing protocols of investigative responsibilities;
2. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
3. Agreed-upon training and requirements for the parties to the MOU on issues related to power-based violence for the purposes of sharing information and coordinating training to the extent possible;
4. A method of sharing general information about power-based violence occurring within the jurisdiction of the parties to the MOU in order to improve campus safety; and
5. A requirement that the local law enforcement agency include information on its police report regarding the status of the alleged victim as a student at an Institution.

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

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

XIV. CAMPUS POWER-BASED VIOLENCE POLICIES

The Board of Regents shall establish uniform policies and best practices to implement measures to address the reporting of power-based violence on Institutions' campuses, the prevention of such violence, communication between Institutions regarding incidents of power-based violence, and the provision of medical and mental health care for these alleged victims.

Each Institution's Management Board shall institute policies incorporating the policies and best practices prescribed by BOR regarding the prevention and reporting of incidents of power-based violence committed by or against students of an Institution.

The policies, at a minimum, shall require each Institution to provide for the following:

1. **Confidential Advisors** (See Section about [Confidential Advisors](#))
2. **Website** (See Section about [Website Compliance](#))
3. **Online Reporting** (See Section about [Online Reporting](#))
4. **Amnesty Policy** (See Section about [Immunities and Amnesty](#))
5. **Training** (See Section about [Training](#))
6. **Inter-campus Transfer Policy** (See Section about [Transcript Notation](#))
7. **Victims' Rights Policy** (See Section about [Victims' Rights Policy](#))

XV. WEBSITE COMPLIANCE

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

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

XVI. APPENDICES

A. DEFINITIONS

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

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

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

Coercion: The use of express or implied threats, intimidation, or physical force, which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

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

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

Consent: Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate Consent. Consent must be knowing and voluntary. To give Consent, a person must be of legal age. Assent does not constitute Consent if obtained through coercion or from an individual whom the Alleged Offender knows or 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.

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

Employee: An employee is defined as:

- i. An administrative officer, official, or employee of a public postsecondary education board or Institution.
- ii. Anyone appointed to a public postsecondary education board or Institution.

- iii. Anyone employed by or through a public postsecondary education board or Institution.
- iv. Anyone employed by a foundation or association related to a System Management Board or Institution.

The employee category does not include a student enrolled at a public postsecondary institution 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.

Formal Complaint: A signed document filed by a Complainant or signed by the Title IX Coordinator alleging power-based violence or retaliation and requesting the Institution investigate and possibly adjudicate the alleged issue. A third party who knows of or witnessed an incident of power-based violence but who did not suffer such conduct themselves may request that the Institution treat their third-party Report as a Formal Complaint. The Institution can convert a Report to a Formal Complaint if it determines that, in order to meet its state and/or federal obligations to provide a safe and nondiscriminatory environment for the broader institutional community, it must take further steps to address and resolve the matter.

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

Institution: A public postsecondary education institution.

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

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

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

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

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

- a. Dating violence ([R.S. 46:2151\(C\)](#)).

- b. Domestic abuse and family violence ([R.S. 46:2121.1\(2\)](#) and [2132\(3\)](#)). For the purpose of this Part, domestic abuse shall also include any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.
- c. Nonconsensual observation of another person's sexuality without the other person's consent, including voyeurism ([R.S. 14:283.1](#)), video voyeurism ([R.S. 14:283](#)), nonconsensual disclosure of a private image ([R.S. 14:283.2](#)), and peeping tom activities ([R.S. 14:284](#)).
- d. Sexual assault ([R.S. 14:41](#), [42](#) through [43.5](#), [89](#), [89.1](#), and [106](#)).
 - i. Sexual Battery ([14:43.1](#))
 - ii. Misdemeanor sexual battery ([14:43.1.1](#))
 - iii. Second degree sexual battery ([14:43.2](#))
 - iv. Oral sexual battery ([14:43.3](#))
 - v. Female genital mutilation ([14:43.4](#))
 - vi. Intentional exposure to HIV ([14:43.5](#))
 - vii. Crime against nature ([14:89](#))
 - viii. Aggravated Crime against nature ([14:89.1](#))
 - ix. Obscenity ([14:106](#))
- e. Sexual exploitation means an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person's sexuality including prostituting another person ([R.S. 14:46.2](#) and [82](#) through [86](#)).
 - i. Human trafficking ([14:46.2](#))
 - ii. Prostitution ([14:82](#))
 - iii. Prostitution of person under 18 ([14:82.1](#))
 - iv. Purchase of commercial sexual activity ([14:82.2](#))
 - v. Solicitation for prostitutes ([14:83](#))
 - vi. Inciting prostitution ([14:83.1](#))
 - vii. Promoting prostitution ([14:83.2](#))
 - viii. Prostitution by massage ([14:83.3](#))
 - ix. Sexual massages ([14:83.4](#))
 - x. Pandering (sexual) ([14:84](#))
 - xi. Letting premises for prostitution ([14:85](#))
 - xii. Enticing persons into prostitution ([14:86](#))
- f. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course or academic research.
- g. Stalking ([R.S. 14:40.2](#)) and cyberstalking ([R.S. 14:40.3](#)).
- h. Unlawful communications ([R.S. 14:285](#)).

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

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

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

System: A Louisiana public postsecondary management board.

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

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

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

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

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

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

B. ADMINISTRATIVE REPORTING FORMS

1. Title IX Coordinator (Form B1)

Note: Act 472 requires the submission of reports to the Institution's Chancellor by October 10th and April 10th.

2. Chancellor (Form B2)

Note: Act 472 requires the submission of biannual reports to the System President 14 days after receipt from the Institution's Title IX Coordinator. To ensure timeliness of compliance BOR recommends submitting reports to System Board by October 24th and April 24th.

3. System President (Form B3)

Note: Act 472 requires the submission of biannual reports to the System Board 14 days after receipt from the Institution's Chancellor. To ensure timeliness of compliance BOR recommends submitting reports to System Board by November 7th and May 8th.

4. System Board (Form B3)

Note: Act 472 requires the submission of annual reports to BOR by December 31st. To ensure timeliness of compliance BOR recommends submitting reports to BOR by December 1st. Additionally BOR will request that the System Board submit an interim report to BOR by June 1st.

5. BOR

Note: Act 472 requires the submission of reports to the Legislature by January 15th. To ensure timeliness of compliance BOR will attempt to submit reports to the Legislature by early January.

**Draft Form B1 – Title IX Coordinator’s Data Report
2021-2022 Academic Year, Fall Semester¹**

Date Report Received²	Status of Report³	Date Formal Complaint Filed⁴	Status of Formal Complaint⁵	Category of Offense	Basis for Charge⁶	Disposition⁷	Time it Took to Resolve Complaint	Disciplinary Status⁸	Gender of Complainant⁹	Gender of Respondent

¹ June 29, 2021 is the effective date for purposes of complying with the Title IX Coordinator’s reporting requirements under Act 472.

² As required by Act 472, Title IX Coordinators are to track and report to the chancellor the investigation status of power-based violence reports and the disposition of reports. For your convenience we have included two columns where Title IX Coordinators may account from the information required in the Acts as it relates to administrative reporting requirements for Title IX Coordinators.

³ Information as to whether the report resulted in the filing of a Formal Complaint and the allegations contained therein.

⁴ Information about Formal Complaints is specifically required to be included in the Chancellor’s report. For convenience, BOR Recommends the Title IX Coordinators’ reporting in the third column serve as the basis of information to be included in the Chancellor’s report, so effectively Title IX Coordinators can copy and paste their reports regarding Formal Complaints into the Chancellor’s report.

⁵ Status of investigation as it pertains to Formal Complaints filed for an accusation of power-based violence or retaliation.

⁶ Type of power-based violence or retaliation alleged.

⁷ Disposition of any disciplinary processes arising from the Formal Complaints.

⁸ Institution should indicate where they are in the disciplinary status and also note if there was a sanction imposed and what sanction was imposed.

⁹ Although not required by law, for data collection purposes BOR requests information pertaining to the gender of both the Complainant and Respondent.

Draft Form B2 – Chancellor’s Data Report 2021-2022 Academic Year, Fall Semester¹⁰

Confidential Advisors and Responsible Employees¹¹	Total
a. Number of Responsible Employees	00
b. Number of Confidential Advisors	00
Annual Training <i>(please include number and percentage)¹²</i>	
a. Completion rate of Responsible Employees	0 (0%)
b. Completion rate of Confidential Advisors	0 (0%)
Responsible Employee Reporting¹³	
a. Number of employees who made false reports	
i. Number of employees terminated	
b. Number of employees who failed to report	
ii. Number of employees terminated	
Power-Based Violence Formal Complaints¹⁴	
a. Formal Complaints received	00
b. Formal Complaints resulting in occurrence of power-based violence	00
c. Formal Complaints resulting in discipline or corrective action	00
Type of discipline or corrective action taken	
i. For example: Suspension or Expulsion	00
	00
Retaliation¹⁵	
a. Reports of retaliation received	00
b. Investigations	00
c. Findings	
i. Retaliation occurred	00
ii. Retaliation did not occur	00

¹⁰ June 29, 2021 is the effective date of the state statute for purposes of complying with the Title IX Coordinator reporting requirements under Act 472.

¹¹ In accordance with Act 472, the Chancellor’s report shall include the number of Responsible Employees (i.e., employees) and Confidential Advisors for the institution.

¹² In accordance with Act 472, the Chancellor’s report shall include the number and percentage of Responsible Employees and Confidential Advisors who have completed annual training.

¹³ Although this section is not required by Act 472, for data collection purposes BOR requests statistics regarding a responsible employees’ failure to comply with reporting requirements.

¹⁴ In accordance with Act 472, the Chancellor’s report shall include (1) the number of Formal Complaints of power-based violence received by an institution, (2) the number of Formal Complaints which resulted in a finding that power-based violence violations occurred, (3) the number of Formal Complaints in which the finding of power-based violations resulted in discipline or corrective action, (4) the type of discipline or corrective action taken, and (5) the amount of time it took to resolve each Formal Complaint (see 2nd form)

¹⁵ In accordance with Act 472, the Chancellor’s report shall include information about retaliation which include the number of reports of retaliation, and any findings of any investigations or reports of retaliation.

**Draft Form B3 – System Data Report
2021-2022 Academic Year, Fall Semester**

R.S. 17:3399.13	Total
a. Number of Responsible Employees	00
b. Number of Confidential Advisors	00
Annual Training <i>(please include number and percentage)</i>	
a. Completion rate of Responsible Employees	0 (0%)
b. Completion rate of Confidential Advisors	0 (0%)
Responsible Employee Reporting	
a. Number of employees who made false reports	
i. Number of employees terminated	
b. Number of employees who failed to report	
ii. Number of employees terminated	
Power-Based Violence Reports	
a. Formal Complaints received	00
b. Formal Complaints resulting in occurrence of power-based violence	00
c. Formal Complaints resulting in discipline or corrective action	00
Type of discipline or corrective action taken	
i. For example: Suspension or Expulsion	00
	00
Retaliation Reports	
a. Reports of retaliation received	00
b. Investigations	00
c. Findings	
i. Retaliation occurred	00
ii. Retaliation did not occur	00

C. DATA PUBLICATION FORMS

1. Power-Based Violence Climate Survey Data Form
2. Campus Security Policy and Campus Crime Statistics (Form C1)
3. Campus Sex Crime Data Report (Form C2)

**Draft Form C1 – Crime Statistics Report
2021-2022 Academic Year, Fall Semester**

Offense	Location	October 2021	November 2021	December 2021	January 2022	February 2022	March 2022
Example Voyeurism (La. R.S. 14:283.1)	On Campus						
	Student Housing						
	Non-Campus						
	Public Property						
	Arrests						