I. Policy Statement

The University of Louisiana Monroe (ULM) strives to create and maintain a safe learning, working, and living environment for all individuals who participate in or attempt to participate in ULM’s activities and programs.\(^1\) To that end, ULM prohibits sexual misconduct\(^2\) and is committed to:

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

II. Purpose of Policy

The Sexual Misconduct Policy and Grievance Procedures ("Policy"), addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), Section 304 of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), as well as other federal and state laws, rules and regulations.

- Title IX prohibits discrimination on the basis of sex in educational institutions, requires colleges and universities receiving federal funding to combat gender-based violence and harassment, and respond to survivors’ needs in order to ensure that all students have equal access to education.
- The Clery Act requires policies and procedures for sexual assault and also requires timely warning and external reporting of crimes.
- Section 304 of the VAWA extends the Clery Act to include sexual assault, dating violence, domestic violence and stalking at higher education institutions.

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

2 This policy specifically addresses sexual harassment, behavior of a sexual nature, and interpersonal violence in the university’s educational programs and activities, which are collectively referred to as “sexual misconduct”. For a comprehensive understanding of the prohibitions against other forms of harassment, discrimination and retaliation, reference should be made to the non-discrimination policy statement above and the University’s Anti-Discrimination, Harassment and Retaliation Policy (https://webservices.ulm.edu/policies/download-policy/361), the Student Code Of Conduct, and various handbooks for faculty and staff (classified and unclassified).
Title IX, which articulates the fundamental anti-discrimination principle that underlies all of the above laws, states as follows:

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

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

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

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

III. Applicability

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

IV. Definitions

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

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

Complainant: an individual who is alleged to the victim of conduct that could constitute sexual misconduct irrespective of whether a formal complaint has been filed.

Complaint (formal): means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation

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

Consent: Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity.
Silence alone, without actions evidencing permission, does not demonstrate Consent. Consent must be knowing and voluntary. To give Consent, a person must be of legal age. Assent does not constitute Consent if obtained through coercion or from an individual whom the Alleged Offender knows or reasonably should know is Incapacitated. The responsibility of obtaining Consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one’s responsibility to obtain Consent. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent. A current or previous consensual dating or sexual relationship between the Parties does not itself imply Consent or preclude a finding of responsibility.

**Dating Violence definition in Clery Act**: Violence including, but not limited to, sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Alleged Victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.

**Dating Violence definition in Louisiana law**: “Dating violence” includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46:2151(C) For purposes of this Section, “dating partner” means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

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

**Domestic abuse definition in Louisiana law**: Includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3)

**Domestic Violence definition in Clery Act**: Violence, including but not limited to, sexual or physical abuse or the threat of such abuse committed by a current or former spouse or intimate partner or any other person from whom the Alleged Victim is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Education Program or Activity**: Locations, events or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
**Family violence definition in Louisiana law:** Means any assault, battery, or other physical abuse which occurs between family or household members who reside together or who formerly resided together. La. RS § 46.2121.1(2)

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

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

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

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

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

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

**Incapacitation:** An individual is considered to be Incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to Incapacitation; however, someone who is drunk or intoxicated is not necessarily Incapacitated, as Incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive, or unconscious are Incapacitated. Other indicators that an individual may be Incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

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

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

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

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

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

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

**Parties:** Include the Complainant(s) and Respondent(s), collectively.
**Perpetrator:** an individual found guilty of sexual harassment.

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

**Grievance Process:** means the sexual misconduct grievance process defined above and detailed in this Policy.

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

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

**Respondent** - an individual whose conduct has been reported that could constitute Sexual Misconduct under this Policy.

**Retaliation:** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this Policy, or as retribution or revenge against anyone who has reported Sexual Misconduct or Relationship Violence or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits Retaliation. For purposes of this Policy, an attempt requires a substantial step towards committing a violation.

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

**Sexual Assault as defined by the Clery Act:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting program.

**Sexual Battery as defined by Louisiana State Law:** Includes any act or offense under the provisions of LSA R.S. 14:41 to 14:43.1.

**Sexual Exploitation:** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person’s sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual’s knowledge.

**Sexual Harassment:** Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome conduct of a sexual nature, whether verbal or physical; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). Sexual harassment also includes sexual assault, dating violence, domestic violence, and stalking. For purposes of this Policy, the various forms of prohibited Sexual Harassment are sometimes referred to as “Sexual Misconduct.”

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

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

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

**Stalking as defined by Louisiana State law:** Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include, but not be limited to, the intentional and repeated uninvited presence of the perpetrator at another person’s home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. LSA R.S. 14:40.2(A) For purposes of this stalking definition: “Harassing” means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes, but is not limited to, making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures (LA R.S. 14:40.2(C)(1); and “Pattern of conduct” means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. LA. R.S. 14:40.2(C)(2)

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

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

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

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

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

**University:** The University of Louisiana Monroe.

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

Rationale for Policy
The University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex discrimination, sexual misconduct or sexual harassment and for allegations of retaliation. The values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

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

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

Other times, sex discrimination can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this policy is reported, the allegations are subject to resolution using the Grievance Process provided herein.

When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community includes, but is not limited to, students,3 student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

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

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

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

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3 For the purpose of this policy, the University defines “student” as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the University.
Any person who receives a report or becomes aware of an incident of sex discrimination, sexual misconduct or interpersonal violence should report it immediately to the Title IX Coordinator. The University will promptly and equitably investigate all suspected or alleged violations of this Policy.

**Title IX Coordinator**

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

**Independence and Conflict-of-Interest**

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

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

**Administrative Contact Information**

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

Ms. Treina Kimble - Special Projects Officer and Title IX Coordinator
Office Location: University Library Suite 612
Phone: (318) 342-1004
Email: kimble@ulm.edu

Mailing Address:
Treina Kimble
ULM Library Suite 612
Monroe, LA 71209

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

The University strongly encourages individuals, including third party bystanders, to report incidents of sex discrimination, sexual misconduct, and interpersonal violence prohibited under this Policy to the Title IX Coordinator. With the exception of the Confidential Advisors, all other University employees as well as students working as Resident Assistants and Graduate Assistants, who receive a report of sex discrimination, sexual misconduct, or interpersonal violence in the context of their employment are **required** to report all the details of
the incident (including the identities of both the reporting party and alleged responding party) to the Title IX Coordinator. All employees with the exception of Confidential Advisors are considered Mandated Reporters.

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

Ms. Pamela Jackson - Dean of Students and Assistant Title IX Coordinator  
Office location:  
Phone: 319-342-5230  
Email: pjackson@ulm.edu

Ms. Tresea Buckhaults – Director of Residential Life and Assistant Title IX Coordinator  
Office Location:  
Phone: 318-342-5247  
Email: buckhaults@ulm.edu

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

Ms. Karen Foster - ULM Counseling Center (318)342-5220  
Ms. Kim Storm- ULM Counseling Center (318) 342-5220  
Ms. Brittina Johnson – ULM Counseling Center (318) 342-5220

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

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

- The provision of information regarding the individual’s reporting options and possible outcomes, including without limitation, reporting to the University pursuant to this Policy and notifying local law enforcement;
- The provision of resources and services, including, but not limited to, services available on campus and through community-based resources, such as, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- The provision of information regarding orders of protection, no contact orders or similar lawful orders issued by the University or a criminal or civil court;
- An explanation of the individual’s right to have privileged, confidential communications with the confidential advisor consistent with state and federal law;
- Assistance in contacting campus officials, community-based sexual assault crisis centers and/or local law enforcement upon requested; and/or
- Assistance with securing supportive measures and accommodations upon request.
These resources are available whether or not a reporting party chooses to make an official report or participate in the University’s Investigation and Resolution Procedures or in the criminal process, and can assist parties with obtaining needed resources, explain reporting options, navigating the reporting process, and providing ongoing support as needed.

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

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

In the immediate aftermath of sexual misconduct such as sexual assault or rape, medical care and the collection of physical evidence are very important. The individual should not shower, bathe, or change clothes and may be taken to the hospital emergency room or Student Health Services.

Employees, students and non-students may also access assistance 24 hours a day, 7 days a week from the following:

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

**Off-Campus Community Resources**
**Local Hospitals:**
**St. Francis Medical Center - Downtown**
309 Jackson St.
Monroe, LA 71201
318-966-4000

**Oschner LSU Health Shreveport-Monroe Medical Center**
4864 Jackson St.
Monroe, LA 71201
318-330-7000

**Glenwood Medical Center**
503 McMillan Rd.
West Monroe, LA 71291
318-329-4200

**The Wellspring**
http://wellspringofnela.org 318-323-1505
Domestic Violence and Sexual Assault Hotline
24 Hour help line at 318-998-6030 or Toll Free at 1-888-411-1333
Notice/Reports of Sexual Discrimination, Sexual Misconduct or Retaliation

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

Ms. Treina Kimble - Special Projects Officer and Title IX Coordinator
Office Location: University Library Suite 612
Phone: (318) 342-1004
Email: kimble@ulm.edu

Individuals may submit a report of sex discrimination, sexual misconduct, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence or stalking (on the basis of sex) and retaliation 24 hours a day by accessing ULM's on-line Sex Discrimination and Sexual Misconduct Report Form for this purpose. This form may be accessed on ULM's website using the following link:


The completed report form goes to the ULM Title IX Coordinator. The form can be submitted anonymously if desired. Anonymous reports are accepted but can give rise to a need to investigate. The University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

The Complainant can choose to make or not to make a complaint with the Title IX Coordinator and/or law enforcement. The Complainant will be offered supportive measures regardless of their choice to report/make a complaint.

Alternatively, if the University is open any person may file a report in person during regular business hours (7:30 a.m. to 5:00 p.m., Monday - Thursday; 7:30 a.m. to 11:30 a.m., Friday) by contacting ULM's Title IX Coordinator.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s). A formal complaint is normally filed with the Title IX Coordinator in person. However the Title IX Coordinator can make arrangements to receive a formal complaint, by mail, or by electronic mail. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.
Supportive Measures

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

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

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

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

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

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

Right to an Advisor

The parties may each have an advisor of their choice. An advisor is a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
Emergency Removal
The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Violence Risk Assistance Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

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

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

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

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

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

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

Any time the general timeframes for resolution outlined in University procedures will be delayed, University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.
Privacy
Every effort is made by the University to preserve the privacy of reports. University will not share the identity of any individual who has made a report or complaint of sexual harassment, sex discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

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

Only a small group of officials who need to know will typically be told about the complaint. The group may include but is not limited to: Division of Student Affairs, University Police, Human Resources, Residential Life and the Violence Risk Assistance Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties’ rights and privacy.

The University will not access or use a party’s medical, psychological and similar treatment records unless given voluntary written consent to do so.

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

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

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

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4 For the purpose of this policy, privacy and confidentiality have distinct meanings. Privacy means that information related to a complaint will be shared with a limited number of University employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the University’s response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the University’s FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies; Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Advisors/Resources. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.
Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or

d. Any situation that is detrimental to the educational interests or mission of the University.

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

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

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

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

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

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

**Time Limits on Reporting**

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

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.
**Related Misconduct**
In accordance with this Policy, the Title IX Coordinator is empowered to hear allegations of sexual misconduct and any violations of the University's Standards of Conduct directly related to the alleged sexual misconduct or any alleged violations of this Policy, as well as to recommend sanctions in response. Such related misconduct may include, without limitation, violations of rules of privacy, violations of University directives, and/or violations of other Standards of Conduct that occurred in the course of the alleged sexual misconduct.

**Amnesty Policy**
Individuals who participate in the reporting/investigation process, whether as the complainant or as a witness, are expected to provide truthful information in accordance with the University's Standards of Conduct. It is the policy of the University to provide amnesty for any student who reports in good faith, sexual violence. The University shall not sanction the student for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of such a report.

**Romantic Relationships in Power Differentials**
The University does not prohibit consensual romantic relationships between: faculty and students, teaching assistants and students, supervisors and subordinates, or employees and students; but such relationships are deemed unwise and inappropriate and therefore are strongly discouraged. Employees and students should be aware that such consensual romantic relationships could lead to charges of misconduct, particularly if these relationships involve a significant power differential, as they place the individuals involved in a working or learning environment which may be uncomfortable or negative.

If a personal relationship should develop between two people with power differentials, anyone with a supervisory or educational responsibility for the employee, faculty member, or student should arrange with his or her supervisor to divest himself/herself of that responsibility. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other students or employees. Further, such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship.

**Retaliation**
Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Retaliation may result in disciplinary action independent of the sanctions or remedial measures imposed in response to the underlying allegations of sexual misconduct. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

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

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

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

**Prohibited Conduct**

The University prohibits discrimination on the basis of sex, sexual orientation, and/or gender in any University program or activity. “Sexual misconduct,” including sexual harassment, sexual assault, sexual violence, and sexual exploitation, is a form of sex discrimination and is prohibited by this Policy. “Interpersonal violence,” including dating violence, domestic violence, and stalking, is also prohibited by this Policy.

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

The Title IX Regulations of 2020 have defined in detail the complaints of sexual harassment that fall under the jurisdiction of Title IX and require a specific protocol for addressing and resolving a grievance. Specifically Sexual Harassment as defined by Title IX is conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome conduct of a sexual nature, whether verbal or physical; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

All notice/reports/complaints of sex discrimination and sexual misconduct will be carefully evaluated to determine if the alleged policy violation falls under the scope of Title IX jurisdiction or outside the scope of Title IX jurisdiction. Any alleged policy violation that is determined to be outside the scope of Title IX jurisdiction must be dismissed for Title IX purposes and will be addressed using the Grievance Process.

Any complaints of sexual misconduct will be resolved using the Grievance Process contained in Appendix A.

**Investigation and Resolution Procedures**

See the Sexual Misconduct Grievance Procedures incorporated in this Policy as Appendix A for a detailed description of the steps involved in the resolution of any complaint involving sexual misconduct.

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

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

All parties will be informed that the University uses a process in which the responding party is considered “not responsible” for an alleged Policy violation until proven responsible by a preponderance of the evidence.
The Title IX Coordinator will work with both parties to ensure they are aware of the right to have an Advisor of their choosing.

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

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

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

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

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

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

**Sanctioning**
Disciplinary sanctions imposed/recommended by the Decision-Maker Panel on student or employee found responsible for violations of this policy.

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

**Long-Term Remedies/Other Actions**
Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.
Inter-campus Transfer Policy: The transcript of a student who has been accused of a sexually-oriented criminal offense and withdraws pending disciplinary action shall be withheld until investigation and adjudication of the matter by the institution is completed.

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

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

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

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

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

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

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

N/A

IX. Effective Date


X. Adoption

This policy is hereby adopted on this 19th day of August 2020.

Approved by:

Dr. Edwin Litoff, Interim President

XI. Appendices, References and Related Materials

Appendices:

Appendix A -- Grievance Procedures
Appendix B – Statement of Rights of the Parties

References:

- Sexual Misconduct Policy and Procedures Memorandum, UL System PPM-S-II.XX.I, June 25, 2020
- Title IX of the 1972 Education Amendments; 20 U.S.C. §§ 1681-1688
- Nondiscrimination of the Basis of Sex in Education Programs or Activities Receiving Federal Final Assistance, Office for Civil Rights, Department of Education Final Rule, 85 Fed. Reg. 30026, May 19, 2020
- Regulations Implementing Title IX of the Education Amendments of 1972 (Title IX), 34 CFR Part 106, eff. August 15, 2020
- Section 304 of the Violence against Women Reauthorization Act of 2013 (VAWA); PL113-4 (March 7, 2013)
- Louisiana Revised Statutes, Titles 14 and 46
- LA. R.S. 17:1805(H); 40:2405.8(A); (C)(1)
- LA. R.S. 17:3351
- Louisiana Campus Accountability and Safety Act, LA. R.S. 17:2299.11 et seq.
- La. Executive Order No. BJ 2014-14
- Louisiana Board of Regents Uniform Policy on Sexual Misconduct (“Policy”)

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

XII. Revision History

This Policy cancels and replaces the following policy and procedures effective as of August 18, 2020:

- Sexual Misconduct Formal Complaint Resolution Procedure, April 14, 2014
- Sexual Misconduct Complaint Policy, August 31, 2015
1. Overview
The Grievance Procedures applies to any and all allegations and/or complaints (formal and informal) of Sexual Misconduct (as defined in the Sexual Misconduct Policy and Grievance Procedures) involving students, staff, administrator, or faculty members.

In addition, the procedures herein may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty and staff handbooks.

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

The University will initiate at least one of three responses:
1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
2) An informal resolution; and/or
3) A formal investigation and grievance process that includes a live hearing and a finding.

The investigation and grievance process will determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

3. Initial Assessment
Following receipt of notice or a report of an alleged violation of this Policy, the Title IX Coordinator5 engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No formal investigation or grievance process is initiated, though the Complainant can elect to initiate one later, if desired.

5 If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.
o If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.

o If a formal investigation and grievance process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
  ▪ If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
    ▪ an incident, and/or
    ▪ a pattern of alleged misconduct, and/or
    ▪ a culture/climate issue, based on the nature of the complaint.
  ▪ If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, and refers the matter for resolution under Process B. Please note that dismissing a complaint under Title IX is just procedural, and does not limit the University’s authority to address a complaint with an appropriate process and remedies.

a. Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Violence Risk Assessment Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
  • Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
  • Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
  • Whether to put the investigation on the footing of incident and/or pattern and/or climate;
  • To help identify potential predatory conduct;
  • To help assess/identify grooming behaviors;
  • Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
  • Whether to permit a voluntary withdrawal by the Respondent;
  • Whether to impose transcript notation or communicate with a transfer University about a Respondent;
  • Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
  • Whether a Clery Act Timely Warning / Trespass order is needed.

Threat assessment is the process of evaluating the action ability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Violence Risk Assistance Team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the Violence Risk Assistance Team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.
b. Dismissal (Mandatory and Discretionary)

The University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or

2) The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or

3) The conduct did not occur against a person in the United States; and/or

4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University.

The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or

2) The Respondent is no longer enrolled in or employed by the University; or

3) Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

4. Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-makers.
The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

a. Who Can Serve as an Advisor
The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the University, the Advisor will be trained by the University and be familiar with the University's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisors in Hearings/University-Appointed Advisor
Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

c. Advisor's Role
The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

d. Pre-Interview Meetings
Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and University’s policies and procedures.

e. Advisor Violations of University Policy
All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.
The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process.

Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor’s non-compliance and future role.

f. Sharing Information with the Advisor
The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.

g. Privacy of Records Shared with Advisor
Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by University. University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University’s privacy expectations.

h. Expectations of an Advisor
The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned, but may change scheduled meetings to accommodate an Advisor’s inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. Expectations of the Parties with Respect to Advisors
A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.
6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. The University encourages parties to discuss this with their Advisors before doing so. An informal resolution is not available in complaints of sexual harassment by a student against an employee of the University.

Informal Resolution

Informal Resolution can include two different approaches:

- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a formal investigation and grievance process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Investigation and Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

a. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Investigation and Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

b. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.
The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

7. Grievance Process Pool
The Formal Investigation and Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process.

   a. Pool Member Roles
Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

   ● To provide appropriate intake of and initial guidance pertaining to complaints
   ● To act as an Advisor to the parties
   ● To serve in a facilitation role in informal resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
   ● To perform or assist with initial assessment
   ● To investigate complaints
   ● To serve as a hearing facilitator (process administrator, no decision-making role)
   ● To serve as a Decision-maker Panel Member regarding the complaint
   ● To serve as an Appeal Decision-maker

   b. Pool Member Appointment
The Title IX Coordinator, in consultation with the President, appoints the Pool, which acts with independence and impartiality.

   c. Pool Member Training
The Pool members receive annual training based on their respective roles. This training includes, but is not limited to:

   ● The scope of the University’s Discrimination and Harassment Policy and Procedures
   ● How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
   ● Implicit bias
   ● Disparate treatment and impact
   ● Reporting, confidentiality, and privacy requirements
   ● Applicable laws, regulations, and federal regulatory guidance
   ● How to implement appropriate and situation-specific remedies
   ● How to investigate in a thorough, reliable, and impartial manner
   ● How to uphold fairness, equity, and due process
   ● How to weigh evidence
   ● How to conduct questioning
   ● How to assess credibility
   ● Impartiality and objectivity
   ● How to render findings and generate clear, concise, evidence-based rationales
   ● The definitions of all offenses
   ● How to apply definitions used by the University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
   ● How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
   ● How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
   ● Any technology to be used at a live hearing
   ● Issues of relevance of questions and evidence
• Issues of relevance to create an investigation report that fairly summarizes relevant evidence
• How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are University employees), and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here: https://www.ulm.edu/titleix/training.html.

d. Pool Membership
Pool members are usually appointed to three-year terms.

8. Formal Investigation and Grievance Process: Notice of Investigation and Allegations
The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Investigation and Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:
- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the University’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the University’s VAWA Information,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and will be delivered by email to the parties’ University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline
The University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the
Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators
Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

11. Ensuring Impartiality
Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the University President.

The Formal Investigation and Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation.

Credibility determinations may not be based solely on an individual’s status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of the evidence standard.

12. Investigation Timeline
Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Delays in the Investigation Process and Interactions with Law Enforcement
The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary.

The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, University will implement supportive measures as deemed appropriate.
University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process
All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- May assist the TIXC to prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
  - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator’s summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant’s Advisor, Respondent’s Advisor).

- The Investigator(s) may elect to respond in writing in the investigation report to the parties’ submitted responses and/or to share the responses between the parties for additional responses.
- The Investigator(s) will incorporate relevant elements of the parties’ written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- The Investigator(s) shares the report with the Title IX Coordinator for their review and feedback.
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

15. Role and Participation of Witnesses in the Investigation
Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University’s investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

16. Recording of Interviews
No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

17. Evidentiary Considerations in the Investigation
The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
18. Referral for Hearing
Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker Panel–unless all parties and the Decision-maker Panel agree to an expedited timeline.

19. Hearing Decision-maker Composition
The University will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

20. Evidentiary Considerations in the Hearing
Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming the University uses a progressive discipline system. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker Panel renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Notice of Hearing
No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once emailed, and/or received in-person, notice will be presumptively delivered. The University will use a remote hearing protocol that allows all parties to be present, even though they are not in the same room.

The notice will contain:
- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the
applicable procedures, and a statement of the potential sanctions/responsive actions that could result.

- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- The University intends to hold the live hearing with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least seven (7) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party’s or witness’s testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

22. Pre-Hearing Preparation
The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness’s participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

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6 The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.
The parties will be given a list of the names of the Decision-makers at least seven (7) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than five (5) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-makers a list of the names of all parties, witnesses, and Advisors at least seven (7) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

23. Pre-Hearing Meetings
The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded.

24. Hearing Procedures
At the hearing, the Decision-maker Panel has the authority to hear and make determinations on all allegations of sex discrimination, sexual harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sex discrimination, sexual harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Policy Prohibiting Sex Discrimination, Sexual misconduct and Interpersonal Violence.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.
25. Joint Hearings
In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

26. The Order of the Hearing – Introductions and Explanation of Procedure
The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-makers on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

27. Investigator Presents the Final Investigation Report
The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

28. Testimony and Questioning
Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.
If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

29. Refusal to Submit to Cross-Examination and Inferences
If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination. The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party’s Advisor of choice refuses to comply with the University’s established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

30. Recording Hearings
Hearings (but not deliberations) are recorded by the University for the purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

31. Deliberation, Decision-making, and Standard of Proof
The Decision-maker Panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party. The Decision-maker Panel may – at their discretion – consider the statements, but they are not binding.
The Decision-maker Panel will review the statements and any pertinent conduct history provided by the Title IX Coordinator or Human Resources Director and will determine/recommend the appropriate sanction(s) in consultation with appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions/ or recommendations. This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

32. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of receiving the Decision-maker(s)’ deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties’ University-issued email or otherwise approved account. Once emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy/policies reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University’s educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

33. Statement of the Rights of the Parties (see Appendix B)

34. Sanctions

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

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent’s disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
• The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
• The impact on the parties
• Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. **Student Sanctions**
   The following are the usual sanctions that may be imposed upon students singly or in combination: See the ULM Student Handbook for a complete listing and more detailed description of all possible sanctions.

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

• Discretionary Censures: Censures that may include but are not limited to parental notification, letter of apology, conflict resolution sessions and university programming.

• Required Education Counseling: A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.

• Suspension: This suspension is for a specified period of time, and the student or the student organization may apply for readmission to the University subsequent to expiration of the specified period. During this period of suspension, the student is banned from the University. A notation will be placed on the student’s transcript “Student is eligible to return (semester) (year)” when a student is “suspended for disciplinary reasons” for a specified period of time. The transcript indicates which semester the student will be eligible to return.

• Permanent Dismissal from the University and **Banned from the University.** A notation will be placed on a student’s transcript “Student is ineligible to enroll,” when the student is permanently dismissed from the university for disciplinary reasons.

b. **Employee Sanctions**
   Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

• **Warning – Verbal or Written**
• **Performance Improvement/Management Process**
• **Required Counseling**
• **Required Training or Education**
• **Probation**
• **Loss of Annual Pay Increase**
• **Loss of Oversight or Supervisory Responsibility**
• **Demotion**
• **Suspension with pay**
• **Suspension without pay**
• **Termination**
• **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

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7 University policies on transcript notation will apply to these proceedings.
8 Subject to University’s Organizational Code of Conduct.
35. Withdrawal or Resignation While Charges Pending

Students: If a student has an allegation pending for violation of the Policy Prohibiting Sex Discrimination, Sexual Misconduct and Interpersonal Violence, the University may place a hold on a student’s ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment, sex discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses of University. A hold will be placed on their ability to be readmitted. They may also be barred from University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to University unless and until all sanctions have been satisfied.

During the resolution process, the University may put a hold on a responding student’s transcript or place a notation on a responding student’s transcript or dean’s disciplinary certification that a disciplinary matter is pending.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus of the University, and the records retained by the Title IX Coordinator will reflect that status.

36. Appeals

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

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

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

(A) Procedural irregularity that affected the outcome of the matter;

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

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

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be emailed, and/or provided a hard copy of the request with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in three (3) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Appeal Panel will render a decision in no more than three (3) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

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

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

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
• An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
• The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
• Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
• Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
• In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
• The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
• In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

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

These remedies/actions may include, but are not limited to:

• Referral to counseling and health services
• Education to the individual and/or the community
• Permanent alteration of housing assignments
• Permanent alteration of work arrangements for employees
• Provision of campus safety escorts
• Climate surveys
• Policy modification and/or training
• Provision of transportation accommodations
• Implementation of long-term contact limitations between the parties
• Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.
When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.
The University will maintain the privacy of any long-term remedies/actions/measure, provided privacy does not impair the University’s ability to provide these services.

38. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions
All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student’s official transcript.
A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

39. Disabilities Accommodations in the Resolution Process
The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University’s resolution process.

Anyone needing such accommodations or support should contact the Director of the ULM Counseling Center, if a student or the Director of Human Resources, if an employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.
STATEMENT OF RIGHTS OF THE PARTIES

• The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to University officials.

• The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

• The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

• The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.

• The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.

• The right to be treated with respect by University officials.

• The right to have University policies and procedures followed without material deviation.

• The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

• The right not to be discouraged by University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.

• The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.

• The right to have allegations of violations of this Policy responded to promptly and with sensitivity by University law enforcement and/or other University officials.

• The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.

• The right to a University-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.

• The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  o Relocating an on-campus student’s housing to a different on-campus location
  o Assistance from University staff in completing the relocation
- Changing an employee’s work environment (e.g., reporting structure, office/workspace relocation)
- Transportation accommodations
- Visa/immigration assistance
- Arranging to dissolve a housing contract and a pro-rated refund
- Exam, paper, and/or assignment rescheduling or adjustment
- Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
- Transferring class sections
- Temporary withdrawal/leave of absence (may be retroactive)
- Campus safety escorts
- Alternative course completion options.

- The right to have the University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the University’s ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.

- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.

- The right not to have irrelevant prior sexual history or character admitted as evidence.

- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.

- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.

- The right to regular updates on the status of the investigation and/or resolution.

- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.

- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.

- The right to preservation of privacy, to the extent possible and permitted by law.
• The right to meetings, interviews, and/or hearings that are closed to the public.

• The right to petition that any University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.

• The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.

• The right to the use of the appropriate standard of evidence, preponderance of the evidence to make a finding after an objective evaluation of all relevant evidence.

• The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.

• The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.

• The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

• The right to be informed in writing of when a decision by the University is considered final and any changes to the sanction(s) that occur before the decision is finalized.

• The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.

• The right to a fundamentally fair resolution as defined in these procedures.