



THE UNIVERSITY of
NEW ORLEANS

ADMINISTERED BY: Office of the President

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| Policy No: | AP-OP-28.4 |
| TITLE: | Prohibiting Power-Based Violence and Sexual Misconduct |
| EFFECTIVE DATE: | August 13, 2020* (*Policy Revised, see below) |
| CANCELLATION: | |
| REVIEW DATE: | Fall 2027 |

PURPOSE

The Policy Prohibiting Power-Based Violence and Sexual Misconduct 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), the Violence Against Women Reauthorization Act of 2013 (“VAWA”), as well as Louisiana Legislature Act 472 of 2021.

Title IX of the 1972 Education Amendments 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 to 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 requires timely warning and external reporting of crimes.

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

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

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

Consistent with these, other applicable state and federal laws, as well as both student and employee standards of conduct, UNO 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.

In addition, and in compliance with federal law and USDOE federal guidance, UNO prohibits discrimination on the basis of race, sex, sexual orientation, gender identity, gender expression, religion, color, national or ethnic origin, pregnancy and/or related conditions, age, disability, military service, covered veteran's status, or genetic information in its administration of education policies, programs, or activities; admissions policies; scholarship and loan programs; athletic or other institution-administered programs; or employment.

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 New Orleans 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.

APPLICABILITY

The University's prohibitions against power-based violence and sexual misconduct 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.

AUTHORITY

The Louisiana Campus Accountability and Safety Act (R.S. 17:399.11 et seq.), Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII), the Violence Against Women Act (VAWA), the Jeanne Clery Act, and other applicable laws.

DEFINITIONS

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

Alternative Grievance Process: "Process B," a method of formal resolution designated by the University to address power-based violence and sexual misconduct that falls outside the scope of Title IX jurisdiction.

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

Complainant: An individual who is alleged the victim of behavior that could constitute power-based violence or sexual misconduct under this Policy, irrespective of whether a formal complaint has been filed.

Confidential Advisor: A person designated by an Institution to provide emergency and ongoing support to students who are alleged victims of power-based violence or sexual misconduct. Employees who serve as Confidential Advisors are not considered Responsible Employees or Mandated Reporters for the purpose of providing notice of sex discrimination, power-based violence, 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.

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

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

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

Employee: An administrative officer, official, or employee of a public postsecondary education board or institutions; Anyone appointed to a public postsecondary education board or institution; anyone employed by or through a public postsecondary education board or institution; Anyone employed by a foundation or association related to a public postsecondary education board or institution. "Employee" does not include a student enrolled at a public postsecondary institution whose employment is contingent upon enrollment as a student unless the student works for the institution in a position such as a teaching assistant or a residential advisor.

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.

Formal Complaint: A signed document filed by a Complainant or signed by the Title IX Coordinator alleging power-based violence, sexual misconduct, or retaliation and requesting the Institution

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

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 with respect to the same case).

Hearing Chair: A voting member who is selected from Hearing Panel members and who will make rulings on the relevance of witnesses, evidence and questions or topics presented to be used in cross examination by participants advisors. The Hearing Chair renders the written determination regarding responsibility of the Respondent's alleged conduct charges in an impartial, neutral, and objective manner, based on the findings of the Hearing Panel. A hearing chair is also a Decision Maker.

Hearing Facilitator: A role of the Title IX Coordinator or a Deputy Coordinator. The Hearing Facilitator is responsible for conducting the Hearing in an orderly manner, controlling the conduct of all participants and attendees of the hearing. The hearing facilitator does not participate in deliberations or vote and is not a Decision Maker.

Hearing Panel: Refers to those who have decision-making and sanctioning authority within the University's Title IX Grievance Process. Members of the hearing panel are also decision makers.

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.

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

Mandated Reporter/ Responsible Employee: An employee of the University who is obligated by law and/or policy to share knowledge, notice and/or reports of sex discrimination, sexual misconduct, power-based violence and/or retaliation on behalf of the University. An employee who is determined by the institution's disciplinary procedures to have knowingly failed to forward a report of sexual misconduct/power-based violence to the Title IX Coordinator shall be terminated.

Notice: 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 responsible for sexual harassment.

Power-based Violence (Sexual Misconduct): Any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person (see Prohibited Conduct for full definition).

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.

Process A: The Title IX Grievance Process defined above and detailed in the *Resolution Process Procedures for Alleged Violations of the Policy Prohibiting Sex Discrimination, Sexual Misconduct and Interpersonal Violence*.

Process B: The Alternative Grievance Process used for resolving reports/complaints of sexual misconduct, sexual harassment, and power-based violence that are outside of the scope of Title IX jurisdiction as detailed in the *Resolution Process Procedures for Alleged Violations of the Policy Prohibiting Sex Discrimination, Sexual Misconduct and Interpersonal Violence*.

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

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

Respondent: An individual who has been accused of conduct that could constitute power-based violence or sexual misconduct.

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.

Standards of Conduct: The University's policies, handbooks, codes, and other documents that describe acceptable and unacceptable behavior by students, faculty, and staff.

Student: For the purposes of policy enforcement, the University considers an individual to be a "student" when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University. The term "student" includes individuals who are dually enrolled, visiting, online, and/or non-degree seeking.

Individuals enrolled in the Link to Success Program partnership with Nunez Community College are also considered "students" for the purposes of this policy.

Individuals who are participating in UNO study abroad programs are also considered UNO students for the purposes of this policy.

Students, who choose to take a leave of absence, withdraw, or graduate, are considered students for the purposes of university policy enforcement for any misconduct that occurred prior to the leave, withdrawal, or graduation.

Individuals who attend post-secondary educational institutions other than the University of New Orleans and who reside on campus at UNO are also accountable for abiding by University policy and the student code of conduct.

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

Title IX Coordinator: The official designated by the University as the official responsible for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 and Act 472 the 2021 Regular Legislative Session of the Louisiana Legislature. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Title IX Grievance Process: "Process A," a method of formal resolution designated by the University to address conduct that falls within the scope of Title IX jurisdiction and which complies with the requirements of 34 CFR Part 106.45.

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

University: The University of New Orleans.

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

GENERAL POLICY

The University of New Orleans (UNO) is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect. It is a violation of UNO policy to discriminate against any employee, student, or applicant on the basis of race, sex, color, national origin, religion, citizenship, sexual orientation, age, veteran status, disability, genetic information, gender identity, or any other protected characteristic or status.

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, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex discrimination, sexual misconduct or sexual harassment and for allegations of retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is 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, 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 University's Title IX Grievance Process ("Process A") the University's Alternative Grievance Process or "Process B," as determined by the Title IX Coordinator, and as detailed in *the Prohibiting Power-Based Violence and Sexual Misconduct*. When the Respondent is a member of the University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community

includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

When the Respondent is a University employee, the Title IX Coordinator will consult with the University Compliance and Employee Relations Officer.

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

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

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

Title IX Coordinator

The Title IX Coordinator has the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex discrimination, sexual misconduct, sexual harassment, and 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 504-280-6201. 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 504-280-6201. 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:

Amanda Hanincik- Interim Title IX Coordinator
Office Location: University Center, Room 248
Phone: (504)280-4689
Email: titleix@uno.edu

Mailing Address:
Amanda Hanincik
University of New Orleans,
University Center, Room 248
New Orleans, LA 70148

The University considers the Title IX Coordinators and Deputy Title IX Coordinators and the University Compliance and Employee Relations Officer 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.

Deputy Title IX Coordinators

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

Confidential Advisors

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

Ms. Portia Gordon - UNO Counseling Services 504-280-6683
Ms. Kathy Rodriguez—UNO Women’s Center lverner@uno.edu
Ms. Mariana Martinez – Student Affairs, UC 248, 504-280-6222
Mr. Phil Pinkston, Athletics, ppinksto@uno.edu

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

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

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

Medical Care

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.

Orleans Parish:

University Medical Center

504-702-3000

2000 Canal St. New Orleans (Emergency Room 2nd Floor)

Nurses with special training in sexual assault (SANE) provide exams and care for victims.

Hope Clinic at the Family Justice Center

Forensic 504.355.0857

Monday-Friday 9am-5pm

701 Loyola Ave, Suite 108

New Orleans

Jefferson Parish:

Tulane Lakeside Hospital
4700 South I-10 Service Rd W
Metairie, LA 70001
Phone: (504) 780-8282

Has a forensic nurse on staff to conduct exams for sexual assault victims.

St. Tammany Parish:

St. Tammany Parish Hospital Emergency Room
1202 S Tyler St Covington, LA (985) 898-4000

Lakeview Regional Medical Center Emergency Room
95 Judge Tanner Blvd Covington, LA (985) 867-3800

Louisiana Heart Hospital Emergency Room 64030
Louisiana 434 Lacombe, LA (985) 690-7500
Slidell Memorial Hospital Emergency Room
1001 Gause Blvd. Slidell, LA 70458 985-280-2200

Ochsner Medical Center Emergency Room
100 Medical Center Dr, Slidell, LA 70461 985-649-7070

If under 17:

Care Center Children's Hospital in New Orleans
200 Henry Clay Ave,
New Orleans, LA 70118
(504) 899-9511

Other Assistance/Resources

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

The Department of Public Safety and Security:

University Computing Center, 2nd Floor
New Orleans, LA 70148
(504) 280-6666 emergency on campus

24-Hour Rape Helpline 504-267-7020
Provides anonymous support and information

CHOICES (24 Hour Domestic Violence Hotline) 504-224-4663
Metropolitan Center for Women and Children (Jefferson Parish)
24/7 504-837-5400 or 1-888-411-1333
Provides help for victims in Jefferson Parish

New Orleans Family Justice Center
504-592-4005
24/7 crisis line 504-866-9554

Assists individuals affected by family violence, dating violence, sexual assault and stalking.

STAR (Sexual Trauma Awareness & Response)

123 N. Genois St.

New Orleans, LA 70119

24/7 HOTLINE: 1-855-435-STAR

24-Hour Rape Helpline – Trained volunteer advocates provide emotional support, crisis intervention and community referral information over the telephone to survivors of sexual violence, co-survivors and the community. 1-800-656-HOPE

Stalking Resource Center

1-800-FYI-CALL (M-F 8:30 AM - 8:30 PM EST)

LaFASA (Louisiana Foundation Against Sexual Assault)

Help line 1-888-995-7273

24/7 confidential and free

National Domestic Violence Hotline

1-800-799-SAFE (7233) (24 hours, 7 days a week)

1-800-787-3224

Sexual Assault Hotline

1-800-656-4673

Stop It Now! (Sexual Abuse)

1-888-PREVENT

<http://www.stopitnow.com/>

United Way Crisis Helpline

1-800-233-HELP (1-800-233-4357)

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Reporting Sexual Harassment, Power-Based Violence, 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/Deputy Title IX Coordinators:

Amanda Hanincik
University of New Orleans
University Center, Room 248
New Orleans, LA 70148
Email: titleix@uno.edu
Phone: 504-280-4689

Individuals may submit a report of sex discrimination, sexual misconduct, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking (on the basis of sex) and retaliation 24 hours a day by accessing UNO's on-line "Reporting Sex Discrimination, Sexual Misconduct and Interpersonal Violence Form" for this purpose. This form may be accessed on UNO's website using the following link: <https://uno.guardianconduct.com/incident-reporting>

The completed report form goes to the UNO 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.

Employees at all public postsecondary Institutions are “**responsible employees**” and must report allegations of sexual misconduct to the Title IX Coordinator. In addition, an employee who receives information regarding retaliation against a person for reporting sexual misconduct shall promptly report such information to the Title IX Coordinator.

Employees must report the following:

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

However, according to state law an employee is not required to make a report if information involving sexual misconduct was received in the following circumstances:

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

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

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 arrange 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.

False Reporting

An employee who is determined by the institution's disciplinary procedures to have knowingly made a Report of sexual misconduct/power-based violence that is knowingly false shall be terminated.

Any student who knowingly makes a false accusation of sexual misconduct or retaliation of any form will be subject to an investigation for a potential violation of this Policy and may be subject to disciplinary action.

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 of 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. The 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 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 at least two other representatives from offices such as, but not limited to, UNO Public Safety and Security, Counseling Services, Human Resources, and members of the University Board of Review.

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

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

Only a small group of officials who need to know will typically be told about the complaint. The group may include but is not limited to Student Affairs, Public Safety and Security, Human Resource Management, and Residential Life. Information will be shared as necessary with Investigators, Hearing Panel members, 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 as provided by the Family Educational Rights and Privacy Act (FERPA), 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 program and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by University's recognized student organizations. The Respondent must be a member of University's community in order for its policies to apply.

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

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

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

Romantic relationship between employees, or between employees and students, who are in positions of unequal authority are generally prohibited unless an exception applies. University policy "AP-OP-27.1 Romantic Relationships Between Members of the University Community" regulates romantic or sexual relationships that may be regarded as consensual. The goal of that policy is to prevent the untoward effects that can potentially arise from such relationships such as conflicts of interest, workplace disruptions, and illegal sexual harassment.

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 the University or any member of the 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. “Power-based Violence (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.

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

- a) Dating violence: “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. 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.
- b) Domestic abuse:
 - 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
 - Domestic Violence definition in the Clery Act: Violence, including but not limited to, sexual or physical abuse or the threat of such abuse committed by a current or former spouse or intimate partner or any other person from whom the Alleged Victim is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;

- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- c) Family violence: 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
- d) Nonconsensual observation of another person's sexuality without the other person's consent, including voyeurism, video voyeurism, nonconsensual disclosure of a private image, and peeping tom activities.
- e) Sexual assault: Includes any act or offense under the provisions of LSA R.S. 14:41, 42 through 43.5, 89, 89.1, and 106: sexual battery, misdemeanor sexual battery, second degree sexual battery, female genital mutilation, intentional exposure to HIV, crime against nature, aggravated crime against nature, and obscenity. 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.
- f) Sexual exploitation: an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person's sexuality, including prostituting another person (LSA R.S. 14:46.2 and 82 through 86). Sexual exploitation includes: human trafficking, prostitution, prostitution of a person under 18, purchase of commercial sexual activity, solicitation for prostitutes, inciting prostitution, promoting prostitution, prostitution by massage, pandering (sexual), letting premises for prostitution, and enticing person into prostitution.
- g) Sexual harassment: unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course of academic research.
- h) Stalking and cyberstalking: 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, kidnaping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. RS § 14:40.2(A) "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes, but is not limited to, making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. RS § 14:40.2(C) and R.S. 14:40.3 (Cyberstalking).

Stalking as defined by Clery Act: Intentional and repeated following OR harassing that would cause a reasonable person to feel alarmed OR that would cause a reasonable person to suffer emotional distress OR intentional and repeated uninvited presence at another person's home, workplace, school, or any other place which would cause a reasonable person to be alarmed OR would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to the victim OR any member of the victim's family OR any person with whom the victim is acquainted. 34 CFR 668.46(a)(ii)

- i) Unlawful communications (R.S. 14.285)
- j) Unwelcome sexual or sex- or gender-based conduct that is objectively offensive and has a discriminatory intent.

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 a different resolution process.

Any complaints within Title IX Jurisdiction will be resolved using the Title IX Grievance Process ("Process A") contained in the [Resolution Process Procedures](#) for Alleged Violations of the Policy Prohibiting Sex Discrimination, Sexual Misconduct and Interpersonal Violence.

Any complaints that do not fall under the scope of Title IX jurisdiction will be resolved using the Alternative Grievance Process ("Process B") contained in the Resolution Process Procedures for Alleged Violations of the Policy Prohibiting Sex Discrimination, Sexual Misconduct and Interpersonal Violence.

Investigation and Resolution Procedures

See the *Prohibiting Power-Based Violence and Sexual Misconduct* or a detailed description of the steps involved in the resolution of any complaint involving sexual misconduct.

In addressing a report/complaint that is determined to fall within the scope of Title IX jurisdiction, 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), Louisiana Civil Service rules, processes outlined in the faculty handbook, Sanctioning and Appeal.

In addressing a report/complaint, that is determined to fall outside the scope of Title IX Jurisdiction, the University may use some or all of the following processes: Initial Assessment and Supportive Measures, Formal Complaint, Informal Resolution, Formal Investigation and Resolution Process B (a formal investigatory process that does not require a live hearing, but uses a hearing board to determine a finding), Louisiana Civil Service rules, processes outlined in the faculty handbook, Sanctioning, and Appeal.

Information about the Louisiana Civil Service rules about discipline for civil service employees can be found [using this link](#).

Information regarding the faculty grievance procedure and the process for dismissal of a tenured faculty member can be found [using this link](#).

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.

Transcript Withholding, Notation and Communication

In accordance with state law, for any student who is the subject of a sexual misconduct Complaint, the institution shall either (1) withhold the transcript of the student or (2) place a notation on the student’s transcript.

The institution shall immediately notify the student that their transcript has been withheld or notated, and of the appeals process to have the hold or notation removed. Either the transcript is withheld or the notation remains on the transferring student's transcript until the institution makes a determination that the student is not responsible for sexual misconduct or the student prevails in a request to appeal the withholding of a transcript or notation.

Upon the commencement of a sexual misconduct investigation by an institution, the institution may place a notation on the transcript of a student attempting to transfer to a public postsecondary in-state institution. For a transferring student who is the subject of a pending investigation, the notation on the transcript shall read: “ADMINISTRATIVE MATTER PENDING.”

For a transferring student for whom a final decision has been rendered, and the student has been found to be responsible for sexual misconduct, the notation on the transcript shall read: “STUDENT FOUND RESPONSIBLE IN VIOLATION OF CODE OF CONDUCT.”

Transcript Withholding and Notation Appeals

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

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

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 Hearing 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 Hearing Panel for deliberation along with any other relevant evidence.

Hearing

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

Sanctioning

Disciplinary sanctions imposed/recommended by the Hearing 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 days of the delivery of the Notice of Outcome. There are specific grounds for appeal that must be met. Appeals

will be heard by the appropriate Appeal Officer (Dean of Students or designee for student respondents; the President or designee for non-student employee respondents).

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: Upon the filing of a Complaint, the institution may place an administrative hold on the transcript of a student who is the named, alleged Respondent.

Upon the commencement of a sexual misconduct investigation by an institution, the institution may place a notation on the transcript of a student attempting to transfer. The notation on the transcript shall read: "ADMINISTRATIVE MATTER PENDING."

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, Hearing Panel, 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 policy(ies) addressing 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.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws, which frame such policies and codes, generally.



Kathy E. Johnson, PhD
President
University of New Orleans

**Policy Updates:*

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07/27/2022
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