



TITLE IX POLICY AND PROCEDURES: Prohibiting Power-Based Violence, Including Sex and Gender-Based Harassment and Discrimination, and Sexual Misconduct

Policy Statement

Franciscan Missionaries of Our Lady University (FranU) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, including in admission and employment. This policy outlines the procedures for addressing and resolving allegations of power-based violence including sex-and-gender-based harassment and discrimination, and Sexual Misconduct (i.e., sexual assault, stalking, dating violence, domestic violence, sexual exploitation, retaliation, etc.).

Such procedures are required in accordance with federal law and USDOE federal guidance, including Act 472 of the 2021 Regular Legislative Session of the Louisiana Legislature (Act 472), Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII), the Violence Against Women Act (VAWA), The Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and other applicable laws. FranU's Title IX Coordinator is responsible for administering this policy at the University.

The University also prohibits any retaliation, intimidation, threats, coercion or any other discrimination against any individuals exercising their rights, or responsibilities pursuant to these laws and institutional policy. The University's Harassment Policy and Sexual Offenses Policy are used to address complaints of this nature. These policies and procedures for filing, investigating and resolving complaints for violations of this policy may be found in the Campus Safety Plan on myPortal as well as in the Student Handbook on myPortal.

Scope

Power-based violence, and sex-and-gender-based harassment and discrimination, including sexual misconduct, violate an individual's fundamental rights and personal dignity and will not be tolerated. FranU prohibits and is committed to an environment free of discrimination on the basis of sex, gender, and sexual misconduct. This policy affirms these principles and provides recourse for individuals whose rights have been violated.

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

FranU will affirmatively promote prevention, awareness and training programs to encourage individuals to report concerns or complaints. Everyone has a responsibility to prevent and report acts of prohibited conduct. Any FranU employee who has knowledge of sex-and-gender-based harassment and discrimination, including sexual misconduct, must file a report with the Title IX Coordinator.

FranU will take prompt, thorough, and impartial action to discipline those who violate this policy, prevent recurrence of prohibited behavior, and effect equitable remedies.

The following discusses the University's educational programs to promote the awareness of power-based violence and sexual misconduct. It provides information concerning procedures both students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation of one of these offenses has occurred.

Primary Prevention and Awareness Program

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. In it they are specifically advised that the University prohibits the offenses of power-based violence and sexual misconduct. They are also informed of the topics in the upcoming sections, including relevant definitions, risk reduction, and bystander intervention.

Definitions

Actual Knowledge: Any reasonable information of sex-and gender-based harassment and discrimination, including sexual misconduct or allegations of such provided to a Title IX Coordinator or any other Mandatory Reporter. Actual Knowledge would also include personal observation by any employee of such conduct.

Administrative Resolution: A process by which allegations and evidence are presented to a Decision-Maker for determination as to whether a Respondent is responsible for a violation of this policy. Administrative Resolution is not used in cases where the allegation could violate Title IX, or where probable cause indicates that the Respondent found in violation faces suspension or expulsion from FranU, or termination of employment.

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

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

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

Confidential Resources: Those deemed confidential by law or professional ethics, or individuals explicitly selected, trained, and designated by FranU to provide confidential support to students and employees for

concerns arising under this policy. Confidential Resources may also help facilitate supportive measures and assist with reporting to Title IX and/or law enforcement, if desired by the Complainant.

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

Decision Maker: A trained individual who reviews all relevant and directly related evidence including the investigation report and makes a decision regarding responsibility based on preponderance of the evidence as well as any applicable sanctions. A Decision-Maker is used during the Administrative Resolution Process.

Determination Letter: A letter provided by the Hearing Panel to the parties and their Advisors at the conclusion of the Formal Resolution Process. This letter summarizes the allegations and applicable policies, the investigation, and the findings and sanctions of the panel.

Employee: An employee is defined as:

- i. An administrative officer, official, or employee of the Board or University.
- ii. Anyone appointed to the Board or University.
- iii. Anyone employed by or through the Board or University.
- ii. Anyone employed by a foundation or association related to the Board or University.

The employee category does not include a student enrolled at the University unless the student works for the University in a position such as a Teaching Assistant or Advisor.

Formal Complaint: A signed document filed by a Complainant or signed by the Title IX Coordinator alleging power-based violence or retaliation and requesting the University 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 University treat their third-party Report as a Formal Complaint. The University 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 University community, it must take further steps to address and resolve the matter.

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

Formal Resolution: A process by which allegations and evidence are presented in a live hearing to a Hearing Panel for determination as to whether a Respondent is responsible for a violation of this policy.

Hearing Panel: A body of three trained individuals assembled to hear testimony and weigh evidence resulting in a decision regarding responsibility based on the preponderance of the evidence.

Hostile Environment Harassment: Unwelcome conduct, determined by a reasonable person, to be so severe, pervasive, and objectively offensive, that it effectively denies a person equal access to an education program or activity.

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

Incident Report: Initial report alleging sex-or gender-based harassment or discrimination. An Incident Report does not, by itself, trigger an investigation.

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

Interim Measures: Remedial measures taken to help deescalate and offer a short-term temporary resolution during the pendency of a resolution under this policy.

Intimidation: Implied threats or acts that cause an unreasonable fear of harm in another.

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

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

Power-based violence is a broader term that covers gender/sex-based misconduct beyond the Title IX Regulations' "sexual harassment" definition. Power-based violence prohibited by this policy includes conduct defined in Act 472 ([Louisiana Laws - Louisiana State Legislature](#))

Notice: A report of sex-or gender-based discrimination or harassment, including Sexual Misconduct, made to the Title IX Coordinator or any Mandatory Reporter.

Power-based Violence: Any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person, including but not limited to dating violence,

domestic violence, sexual assault, sexual harassment, and stalking. Violations categorized as power-based violence are further described in the Louisiana Board of Regents Policy on Power-Based Violence/Sexual Misconduct.

- a. **Dating violence:** Violence, when on the basis of sex or gender, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence. (R.S. 46:2151(C)). [Louisiana Laws - Louisiana State Legislature](#)
- b. **Domestic abuse and family violence** (R.S. 46:2121.1(2) and 2132(3)) [Louisiana Laws - Louisiana State Legislature](#). For the purpose of this Part, domestic abuse shall also include any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.
- c. **Nonconsensual observation of another person's sexuality without the other person's consent**, including **voyeurism** (R.S. 14:283.1) [Louisiana Laws - Louisiana State Legislature](#), **video voyeurism** (R.S. 14:283) [Louisiana Laws - Louisiana State Legislature](#), **nonconsensual disclosure of a private image** (R.S. 14:283.2) [Louisiana Laws - Louisiana State Legislature](#), and **peeping tom activities** (R.S. 14:284) [Louisiana Laws - Louisiana State Legislature](#).
- d. **Sexual Assault:** Sexual contact or penetration without consent (R.S. 14:41, 42 through 43.5, 89, 89.1, and 106) [Louisiana Laws - Louisiana State Legislature](#)
 - a. **Sex Offenses, Forcible:** Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.
 - i. **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
 - ii. **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will, or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - iii. **Sexual Assault with An Object:** To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will, or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- iv. **Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- b. **Sex Offenses, Non-forcible:** Non-forcible sexual intercourse.
 - i. **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Louisiana law.
 - ii. **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent in Louisiana.
- c. Sexual Assault also includes sexual battery as defined in La R.S. 14.43.1.
 - i. **Sexual Battery** (R.S. 14.43.1) [Louisiana Laws - Louisiana State Legislature](#)
 - ii. **Misdemeanor sexual battery** (R.S. 14.43.1.1) [Louisiana Laws - Louisiana State Legislature](#)
 - iii. **Second degree sexual battery** (R.S. 14.43.2) [Louisiana Laws - Louisiana State Legislature](#)
 - iv. **Oral sexual battery** (R.S. 14.43.3) [Louisiana Laws - Louisiana State Legislature](#)
 - v. **Female genital mutilation** (R.S. 14.43.4) [Louisiana Laws - Louisiana State Legislature](#)
 - vi. **Intentional exposure to HIV** (R.S. 14.43.5) [Louisiana Laws - Louisiana State Legislature](#)
 - vii. **Crime against nature** (R.S. 14.89) [Louisiana Laws - Louisiana State Legislature](#)
 - viii. **Aggravated Crime against nature** (R.S. 14.89.1) [Louisiana Laws - Louisiana State Legislature](#)
 - ix. **Obscenity** (R.S. 14:106) [Louisiana Laws - Louisiana State Legislature](#)
- e. **Sexual Exploitation** means an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person's sexuality including prostituting another person (R.S. 14:46.2 and 82 through 86).
 - i. **Human trafficking** (R.S. 14.46.2) [Louisiana Laws - Louisiana State Legislature](#)
 - ii. **Prostitution** (R.S. 14.82) [Louisiana Laws - Louisiana State Legislature](#)
 - iii. **Prostitution of person under 18** (R.S. 14:82.1) [Louisiana Laws - Louisiana State Legislature](#)
 - iv. **Purchase of commercial sexual activity** (R.S. 14:82.2) [Louisiana Laws - Louisiana State Legislature](#)
 - v. **Solicitation for prostitutes** (R.S. 14:83) [Louisiana Laws - Louisiana State Legislature](#)
 - vi. **Inciting prostitution** (R.S. 14:83.1) [Louisiana Laws - Louisiana State Legislature](#)
 - vii. **Promoting prostitution** (R.S. 14:83.2) [Louisiana Laws - Louisiana State Legislature](#)
 - viii. **Prostitution by massage** (R.S. 14:83.3) [Louisiana Laws - Louisiana State Legislature](#)
 - ix. **Sexual massages** (R.S. 14:83.4) [Louisiana Laws - Louisiana State Legislature](#)
 - x. **Pandering (sexual)** (R.S. 14:84) [Louisiana Laws - Louisiana State Legislature](#)
 - xi. **Letting premises for prostitution** (R.S. 14:85) [Louisiana Laws - Louisiana State Legislature](#)
 - xii. **Enticing persons into prostitution** (R.S. 14:86) [Louisiana Laws - Louisiana State Legislature](#)
- f. **Sexual Harassment** means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an

individual's work or educational performance, or creates an intimidating, hostile, or offense work or educational environment and has no legitimate relationship to the subject matter of a course or academic research.

- g. **Stalking** (R.S. 14:40.2) and cyberstalking (R.S. 14:40.3).
- h. **Unlawful communications** (R.S. 14:285).
- i. **Unwelcome sexual or sex-or-gender-based conduct** that is objectively offensive and has a discriminatory intent.

Quid Pro Quo Sexual Harassment: An employee conditioning the provision of aid, benefit, or service on the Complainant's participation in unwelcome sexual conduct.

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

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

Sexual Misconduct: 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. Examples include but are not limited to threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person. For the purpose of this Policy, Sexual Misconduct includes, but is not limited to, sexual abuse, violence of a sexual nature, Sexual Harassment, Sexual Assault, Sexual Exploitation, as well as Dating Violence, Domestic Violence and Stalking when on the basis of sex or gender, as well as crimes of a sexual nature as defined in Title 14 of the Louisiana Revised Statutes or in La. R.S. 44:51.

Sexually-Oriented Criminal Offense: Any sexual assault offense as defined in La. R.S. 44:51, and any sexual abuse offense as defined in La. R.S. 14:403.

Sexual Orientation Discrimination: Behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs, activities, and services because of a person's actual or perceived sexual orientation.

Stalking: 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.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University'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 locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

Title IX Coordinator: The individual designated by a postsecondary education institution as the official 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 of the 2021 Regular Legislative Session of the Louisiana Legislature.

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

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

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

Risk Reduction

If you find yourself in an uncomfortable situation, these suggestions may help you reduce your risk:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of someone who makes you feel uncomfortable or seems sexually aggressive.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.
- Make others earn your trust. Don't assume new friends will definitely have your back or will always have your best interests in mind.
- Do not spend time alone with someone you do not know well.
- Watch your drinks. Do not accept drinks from people who don't know or drink beverages you did not open yourself. Don't share or exchange drinks with anyone and do not consume drinks from "common" containers such as punch bowls. Do not leave your drink unattended.

- Make plans and be prepared when going out. Have a backup plan in case someone gets separated from the group or their phone dies and knows you are safely getting home.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of power-based violence or sexual misconduct:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you, their intentions.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse, threats of violence or abuse, breaking objects, using force during an argument, jealousy, controlling behavior, quick involvement, unrealistic expectations, isolation, blames other for problems, hypersensitivity, cruelty to animals or children, "playful" use of force during sex, Jekyll-and-Hyde personality, etc.

Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of power-based violence and sexual misconduct.

Direct...

- Intervene when a person tries to take advantage of someone who is incapacitated. Step in and ask if the person needs help.
- Show disapproval – send a frustrated look, clear your throat, frown or give an audible sigh rather than go along with sexist, rape-supporting or homophobic comments or jokes.
- Help friends safely get out of potentially dangerous situations.
- Look out for friends when they've had too much to drink...don't leave them, have a buddy system, make sure they get home safely.

Distract...

- Interrupt the Behavior – state directly to the offending person that the behavior is unacceptable
- Provide a Distraction – change the subject or interrupt an argument to ask for directions or provide some other distraction.

Delegate...

- Call for help – reach out to someone in authority or emergency personnel when you see someone is in danger so they may intervene immediately.

Delay...

- Provide public or private support to the aggrieved person after the fact via a listening ear showing you care.
- Strategize ways to handle similar scenarios should they occur in the future.

Educate...

- Yourself and others about interpersonal violence and gender inequality.

Additional Information

The Primary Prevention and Awareness Program (PPAP) also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of power-based violence or sexual misconduct has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this policy.

Ongoing Prevention and Awareness Campaign (OPAC)

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAC, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of power-based violence and sexual misconduct.

PPAC and OPAC Programming Methods

The PPAC and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to, presentations, online training modules, distribution of written materials, periodic e-mail blasts, and guest speakers. Past programming and currently planned programming include the following:

- New students receive education on the power-based violence and sexual misconduct during orientation. All new employees are required to complete an online training module upon hire and all employees are required to complete annually.
- As part of its ongoing campaign, the University uses a variety of strategies, such as in-person presentations by power-based violence and sexual misconduct organizations, e-mail blasts with pertinent information, portal announcements, etc. while programming occurs throughout the year, the University also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

Procedures to Follow

If you are a victim of power-based violence or sexual misconduct, go to a safe place and call 911, Lake Security at (225) 765-8825, or the Extra Duty Police at (225) 202-7890. In addition, or in lieu of, contacting an entity listed in the previous sentence, you can also contact the University's Title IX Coordinator at (225) 526-1679 or by visiting 5414 Brittany Drive, Baton Rouge, Louisiana 70808. Victims will be notified in writing of their procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this policy).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order. To that end, keep in mind the following:
 - You should not remove clothing items worn during or following an incident of power-based violence or sexual misconduct, as they frequently contain fiber, hair, and fluid evidence.
 - Don't bathe or wash, or otherwise clean the environment in which the assault occurred.
 - You can obtain a forensic examination at Our Lady of the Lake Regional Medical Center located at 5000 Hennessy Boulevard / Baton Rouge, Louisiana 70808 / (225) 765-6565 or other local medical facility (see Resource Guide for Survivors of Sexual Violence).
 - Completing a forensic examination does not require you to file a Police Report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a Police Report.
 - Evidence in electronic formats should also be retained (i.e., text messages, e-mails, photos, social media posts, screenshots, etc.)
 - Victims of stalking should also preserve evidence of the crimes to the extent possible.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the University is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
 - Lake Security – (225) 765-8825
 - Extra-Duty Police – (225) 202-7890
 - Baton Rouge Police Department – 9000 Airline Highway / Baton Rouge, Louisiana 70815 / (225) 389-2000 **(for emergency dial 911)**
 - To make a Police Report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court.
 - In Louisiana, victims may obtain an Order of Protection, which provides protective relief for victims of domestic abuse, dating violence, stalking, or sexual assault. Information about

Orders of Protection may be found at <https://www.lasc.org/lpor>.

- An Order of Protection may be obtained by filing a petition with the court. It is not necessary to have an attorney to file the petition or to represent the petitioner at court. Steps for filing can be found at [Filing Steps - LPOR - Louisiana Supreme Court \(lasc.org\)](#). Petitioners may get forms and assistance from this website, the parish Clerk of Court's Office, or from victim advocates at the local Battered Women's Program, local Sexual Assault Program, or the District Attorney's Victim Assistance Program.
- When an Order of Protection is granted, it is enforceable statewide. If you have obtained an Order of Protection and need it to be enforced in your area, you should contact the local police department.
- The University will also enforce any temporary Restraining Order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has an Order of Protection should notify the Director of Facilities & Safety and provide a copy of the Restraining Order so that it may be kept on file with the University and can be enforced on campus, of necessary. Upon learning of any Orders, the University will take all reasonable and legal action to implement the Order.

Available Victim Services

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and the surrounding community (see Appendix). Those services include:

University Resources

- Title IX Coordinator: (225) 526-1679 or 5414 Brittany Drive / Baton Rouge, Louisiana 70808
- On-campus Counseling: (225) 526-1620 or studentaffairs@franu.edu
- Student Financial Aid: Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand that there may be financial aid implications in taking such leave. This should be discussed with Financial Aid personnel. The University's Financial Aid website can be found at <http://www.franu.edu/offices-services/office-of-financial-aid>

State/Local Resources

- Hospitals/Medical Centers in the area
 - [Our Lady of the Lake Regional Medical Center | Baton Rouge, LA \(fmolhs.org\)](#)
5000 Hennessy Boulevard / Baton Rouge, Louisiana 70708 / (225) 765-6565
 - [Healthcare Services in Baton Rouge, LA | Baton Rouge General \(brgeneral.org\)](#)
Mid City - 3600 Florida Boulevard / Baton Rouge, Louisiana 70806 / (225) 387-7000
Bluebonnet – 8585 Picardy Avenue / Baton Rouge, Louisiana 70809 / (225) 763-4000
 - [Ochsner Medical Center - Baton Rouge | Ochsner Health](#)
16777 Medical Center Drive / Baton Rouge, Louisiana 70816 / (225) 761-5200
10150 Bluebonnet Boulevard / Baton Rouge, Louisiana 70810 / (225) 761-5200
 - [Woman's Hospital \(womans.org\)](#)
100 Woman's Way / Baton Rouge, Louisiana 70817 / (225) 927-1300

Mental Health Services

Counseling is available for survivors of power-based violence and sexual misconduct through campus Counseling Services within Student Affairs and by referral to off-campus agencies. Contact (225) 526-1620 or studentaffairs@franu.edu. For assistance outside of office hours, students are encouraged to call the Baton Rouge Crisis Intervention Center's line at 988 or visit <https://988lifeline.org>.

Victim Advocacy & Support Organizations

- Sexual Trauma Awareness Response (STAR) – <https://star.ngo>
24-hour hotline: (855) 435-STAR or (225) 383-7273
- IRIS Domestic Violence Center – <https://www.stopcv.org>
24-hour Crisis Hotline: (800) 541-9706 or (225) 389-3001
- The Louisiana Foundation Against Sexual Assault (LaFASA) – <https://www.lafasa.org>
24-hour Crisis Hotline: (888) 995-7273 or (225) 372-8995
- Louisiana Coalition Against Domestic Violence (LCADV) – <https://lcadv.org>
Statewide Hotline: (888) 411-1333 / National Hotline: (800) 799-7233
- Southeast Louisiana Legal Services – <https://slls.org>

National Resources

- National Domestic Violence Hotline – <https://www.thehotline.org> – (800) 799-7233
- National Sexual Assault Hotline – <https://rainn.org> – (800) 656-4673
- Rape, Abuse and Incest National Network (RAINN) – <https://rainn.org>
- The National Child Traumatic Stress Network – <https://www.nctsn.org>
- Office on Violence Against Women (OVW) – <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence – <https://ncadv.org>
- National Sexual Violence Resource Center – <https://www.nsvrc.org>
- U.S. Citizenship and Immigration Services (USCIS) – <https://www.uscis.gov>
- Immigration Advocates Network – <https://www.immigrationadvocates.org>

Accommodations and Protective Measures

Regardless of whether the victim chooses to report the crime to Campus Security or local law enforcement, the University will make every effort to ensure victims of sexual misconduct are provided reasonable accommodations and protective measures (see Resource Guide for Survivors of Sexual Violence). Accommodations and protective measures may include: changing clinical assignments, changing classes, changing on-campus working situations, providing security escorts or additional security on campus.

Request of this nature should be made to the Title IX Coordinator at (225) 526-1679 or 5414 Brittany Drive, Baton Rouge, Louisiana 70808. If the Title IX Coordinator is not appropriate, then the person in the next step of Administration should be notified. When determining the reasonableness of such a request, appropriate University Administrators may consider, among other factors, the following:

- The specific need expressed by the complainant
- The age of the students involved

- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location
- Whether other judicial measures have been taken to protect the complainant (i.e., civil protection orders)

The University is obligated to grant requests to change academic, living, transportation, and working situations, or other protective measures, to the extent it has control over these environments and such accommodations or protective measures are reasonably available.

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared, and why.

Procedures for Title IX Complaints

Any current FranU student or employee may make a Title IX complaint for "any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it effectively denies a person equal educational access" and that occurs within the United States and on the FranU campus or during a FranU sponsored activity.

The following procedures are implemented whenever a formal power-based violence or sexual misconduct complaint is made by a current student or employee. Complaint resolution is initiated once a written complaint is filed with the Title IX Coordinator. To file a formal complaint, complete the Title IX Complaint Form found on the University's Title IX webpage. The Complaint Form can be submitted electronically (hr@franu.edu), in person, or by U.S. Mail to: Title IX Coordinator / 5414 Brittany Drive / Baton Rouge, Louisiana 70808

Once a complaint is made, the Title IX Coordinator will commence the investigatory process as soon as practicable, but not later than seven (7) business days after the complaint is made. The Title IX Coordinator and/or designee will analyze the complaint and notify the accused in writing that a complaint has been filed. Students have the right to choose between a formal process or informal mediation. Both options are described below.

- When an Affiliate Agency, such as a clinical or service-learning site, is involved, the student is encouraged to provide a written complaint to their Program Director/Chair, as well as the Human Resources Representative (or similar representative) of the involved agency. The Program Director/Chair is expected to follow-up with the involved agency and file all documentation to the Title IX Coordinator for recordkeeping. This document should include all actions taken to address the complaint.

Informal Mediation

In the event a power-based violence or sexual misconduct complaint is made, the complainant and accused may agree to an Informal Mediation Process. The Title IX Coordinator will mediate by bringing both parties together for a meeting. The guidelines are:

1. Informal Mediation is not allowed if an employee is accused of sexual harassment of a student.
2. Informal Mediation may only be used when agreed upon by both parties. Written consent for the process is required.
3. The process is confidential.
4. Disciplinary action may not be needed if an agreement between the parties and the University is reached.
 - Disciplinary action may include, but may not be limited to: warning, reprimand, loss of privileges, educational sanctions, and restriction of eligibility to represent the University at official functions, suspensions, separation or termination.
5. The student or employee or both may withdraw from the Informal Mediation Process at any point and resume with the Formal Title IX Hearing Process.

Formal Hearing Process

In the event a power-based violence or sexual misconduct complaint is made, in which the complainant and accused do not agree on Informal Mediation, the Title IX Coordinator will oversee and coordinate the formal Title IX Complaint Process as follows:

1. The Title IX Coordinator or the designated Investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint in order to assess if the allegations are substantiated by clear and convincing evidence. If clear and convincing evidence is presented, a live hearing will be scheduled.
2. The Title IX Coordinator will oversee the formal hearing proceedings.
3. The complainant and the accused will be represented by an advisor of their choice. If either party does not have an advisor, the University will provide one at no cost.
4. Advisors will question and may cross examine involved parties (complainant, accused and witnesses).
5. The University designated decision-maker will make the final determination, based on the clear and convincing evidence standard, whether or not a Title IX infraction has occurred.

6. A Determination Letter will be prepared and disseminated to the complainant and the accused within five (5) business days of the formal hearing.
7. The Determination Letter will outline the findings along with any disciplinary consequences and/or any proactive measures that will be initiated by the University to eliminate discriminatory conduct and to prevent reoccurrence.
8. A Memorandum of Determination that explains the reasoning for the decision will also be prepared. This is a separate document available for review by either party upon request.

Rights of the Parties in an Institutional Formal Process

During the course of the Formal Title IX Complaint Process described above, both the complainant and the accused are entitled to a prompt, fair and impartial process. Due Process protections to ensure reliable outcomes include:

1. A presumption of innocence throughout the Title IX Complaint Process.
2. Written notice of allegations and an equal opportunity to review evidence.
3. Live hearings in a higher education context.
4. A prohibition of a single-investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or Investigator(s).
5. Title IX Coordinators, Investigators and Decision-Makers free from bias or conflicts of interest.
6. The opportunity for the Complainant and the Accused to be accompanied to any related meeting or proceeding by the Advisor of their choice.
7. The opportunity to test the creditability of parties and witnesses through cross-examination. Advisors may cross-examine the Complainant, the Accused and any Witnesses participating in the Title IX Hearing. Students may not cross-examine each other.
8. Have the outcome determined using the clear and convincing evidence standard based on the totality of the evidence presented.
9. Both parties have an equal opportunity to appeal the determination by filing a written appeal (see Appeals Process below).
10. Upon closure of the Title IX Complaint Case, a Deidentified Summary Report will be shared with parties responsible for Clery reporting, as needed.

Appeals Process

1. Appeals will be accepted only for procedural irregularity, new evidence or conflict of interest. Additionally, the University has discretion to offer additional grounds for appeal, if deemed necessary.
2. The other party will be notified within five (5) business days if an appeal is submitted.
3. The notified party will have the opportunity, if requested, to review the original written appeal and submit a written response within five (5) business days of being notified that an appeal was submitted.
4. The written appeal should be submitted to the Title IX Coordinator.
5. The appeal and all formal hearing documentation will be forwarded to the Title IX

- designated Appeals Officer.
6. The Appeals Officer will resolve the appeal within a reasonable timeframe.
 7. The Appeals Officer's decision on appeal is final, and the parties will be notified of the decision in writing.

Possible Sanctions or Protective Measures that University May Impose in Power-based Violence or Sexual Misconduct Offenses:

Following a final determination that a power-based violence or sexual misconduct incident has been committed and the evidence meets the clear and convincing standard, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. Possible sanctions include, but are not limited to, restitution, loss of privileges, restriction on eligibility to represent the University at any official function, probation, suspension or expulsion/termination. If a suspension is imposed on a student, it may be for a full semester or an entire academic year. An employee may be suspended for any length of time determined appropriate by the University Administration in consultation with Human Resources. By written agreement, Human Resources services are provided to the University by the Franciscan Missionaries of Our Lady Health System. Following a suspension, the individual will be required to meet with the Dean of Students (if student) or the Director of Human Resources (if employee) to discuss re-entry and expectations going forward.

In addition, the University can make available to the victim a range of protective measures. They include, but are not limited to: forbidding the accused from communicating with the victim, security escorts, modifications to clinical or class schedules, and changes in campus working situations.

Publicly Available Recordkeeping

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of power-based violence and sexual misconduct who make reports of such to the University to the extent permitted by law.

Victims to Receive Written Notification of Rights

When a student or employee reports to the University that he or she has been a victim of power-based violence or sexual misconduct, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options, as discussed in the paragraph above.

Sex Offender Registration Program

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Office of Facilities & Safety at (225) 526-1734 or facilitiesandsafety@franu.edu. State registry of sex offender information may be accessed at

[Louisiana State Police \(icrimewatch.net\)](http://icrimewatch.net).