



**SOUTHEASTERN**  
LOUISIANA UNIVERSITY

---

# **Louisiana ACT 447 Semi-Annual Crime Report Policy Statements**

*Prepared by the University Police Department*  
Includes Policy Statements for the 2023-2024 Academic Year

**Baton Rouge Nursing Center – Baton Rouge, Louisiana**  
**Published October 9, 2023**

**Southeastern Louisiana University – Baton Rouge Nursing Center  
Louisiana ACT 447 Semi-Annual Crime Report Policy Statements**

<b>Table of Contents</b>	
<b>Section Title</b>	<b>Page(s)</b>
Introduction	4
Crime/Emergency Reporting and University Response	5
Authority and Jurisdiction of Southeastern University Police	10
Security of and Access to Campus Facilities	10
Campus Safety Alerts – Notifying the Southeastern Community about Reported Crimes	12
Immediate or Emergency Notification, Emergency Response, and the Emergency Mass Notification System (EMNS)	13
Emergency Mass Notification System (EMNS) Testing and Registration	15
Emergency Preparedness Overview	18
Daily Crime and Fire Log	20
Preparation of Annual Disclosure of Crime Statistics & Clery Compliance	20
Clery Act Geography Definitions/Inclusions	22
Clery Act/UCR/NIBRS Crime Definitions	23
Unfounded Crimes	24
Arrests and Referrals for Drug, Liquor, and Weapon Law Violations	24
Hate Crimes	25
Violence Against Women Act (VAWA) Reauthorization	25
Sexual Misconduct Policies, Services, Resources, and Protocols	25
Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, And Stalking	26
Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, And Stalking	27
Consent Defined	29
Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking	31
Procedures Victims Should Follow If a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs	32

<b>Table of Contents</b>	
<b>Section Title</b>	<b>Page(s)</b>
Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Is Reported	33
Assistance for Victims - Rights & Options	35
Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued By a Criminal, Civil, or Tribal Court or By the Institution	35
On- And Off-Campus Services for Victims	37
Sex Offender Registry and Access to Related Information	58
Alcohol/Drug Policies	59
Drug Free Schools and Communities Act (DFSCA) Compliance	60
Weapons Policy	60
Missing Students	60
Crime Prevention, Fire Safety, and Safety Awareness Programming	61

**Southeastern Louisiana University – Baton Rouge Nursing Center  
Louisiana ACT 447 Semi-Annual Crime Report Policy Statements**

**This report contains information mandated by Louisiana 2021 Regular Session House Bill No. 394; ACT No. 447.**

To enact R.S. 17:3399.18, relative to campus safety and accountability; to require postsecondary education institutions to post security reports on their websites; to provide relative to the information contained in the security reports; to provide for compliance monitoring relative to the security reports by the Board of Regents; to provide for penalties and enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3399.18 is hereby enacted to read as follows:  
§3399.18. Disclosure of campus security policies and campus crime statistics

A.(1) Each campus of each public postsecondary education institution shall publish on its website a semiannual security report that contains updated campus security policies and campus crime statistics. The reports shall be updated and posted by April tenth and October tenth of each academic year. The information in the report shall include, at a minimum, all of the information relative to such policies and statistics specified in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092, referred to in this Section as the Clery Act.

**The Southeastern Louisiana University Louisiana ACT 447 Semi-Annual Crime Report is also available at:**

<https://www.southeastern.edu/police/louisianaact447>

**Louisiana 2021 House Bill No. 494; ACT No. 447 is available at:**

<https://legis.la.gov/legis/ViewDocument.aspx?d=1235959>

## **CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE**

Members of the Southeastern community – students, faculty, staff, and guests – are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the University’s Clery geography to the University Police Department (UPD) in an accurate, prompt, and timely manner. The University’s Clery geography includes: on campus property including campus residence halls, buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to and immediately accessible from on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. UPD has been designated by Southeastern as the official office for campus crime reporting. UPD strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures UPD is able to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime and Fire Log, and accurately documenting reportable crimes in its annual statistical disclosure.

### **To report an emergency, members of the community should:**

- Call the Baton Rouge Nursing Center main desk by dialing (225) 765-2324
- Report in person to the university police officer assigned to the Baton Rouge Nursing Center
- Dial 911 and advise the 911 operator the address is Southeastern Louisiana University Nursing Center, 4849 Essen Lane, Baton Rouge, LA 70809

### **For non-emergencies:**

- Members of the community may contact UPD by electronic mail message at [police@southeastern.edu](mailto:police@southeastern.edu). This e-mail address is NOT monitored 24-hours, so should not be used for emergencies.
- Submit an anonymous report through the University Police Department website at [www.southeastern.edu/admin/police/anonymous\\_reporting](http://www.southeastern.edu/admin/police/anonymous_reporting). This form is NOT monitored 24-hours, so should not be used for emergencies.

If no immediate emergency response is needed, crimes, violations of the Student Code of Conduct, and violations of other University policies or procedures may be reported to anyone considered a **Campus Security Authority (CSA)**.

### **Campus Security Authorities (CSAs)**

In addition to University Police Department employees, other individuals at Southeastern are also considered to be “Campus Security Authorities” under the Clery Act. This includes anyone at the University with some responsibility related to safety or security on campus.

Examples of Campus Security Authorities include, but are not limited to:

- An individual responsible for monitoring entrance into institutional property, such as students working the desk in the Pennington Student Activity Center
- Parking enforcement staff
- Event security staff, such as contracted security personnel at sporting events and students volunteering to perform security functions at student organization events
- Title IX Coordinator and assistants

- Residence hall staff, including Resident Assistants
- Any individual or organization designated as one to which students and employees should report criminal offenses, such as Student Affairs, Academic Advisors, and Human Resources
- A University official who has significant responsibility for student and campus activities, including, but not limited to, athletic coaches, student organization advisors, and personnel involved in student discipline and campus judicial proceedings

Faculty who are only employed for instruction purposes and have no other duties or involvement with other aspects of the University are not likely to be considered Campus Security Authorities under the Clery Act. A faculty member who also serves as an advisor for a student organization is considered a Campus Security Authority due to the additional involvement and responsibilities in their role as advisor.

Campus Security Authorities are responsible for immediately reporting all those allegations of crimes specified in the Clery Act reported to them, which they conclude were made in good faith, to the University Police Department.

The crimes specified in the Clery Act are murder/non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, stalking, domestic violence, dating violence, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

If there is evidence that the perpetrator was motivated by bias, then simple assault, larceny (theft), intimidation, and vandalism must be reported as well (please see the definitions provided below).

Timely submission of reports by CSAs is very important. If a crime is reported to a CSA, but goes no further, Southeastern will be unable to fully meet its obligations under the law. Moreover, the campus community may lack information that could help increase safety awareness.

### **Pastoral and Professional Counselors**

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security Authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be a Campus Security Authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. They are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary and confidential basis for inclusion into the annual crime statistics.

Pastoral Counselors are defined as “An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.”

Professional Counselors are defined as “An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.”

Some individuals and offices on campus to whom crimes, violations of the Student Code of Conduct, or violations of other University policies or procedures may be reported in non-emergency situations include:

- Sex-based offenses, stalking, sexual harassment, and other incidents of sexual or relationship violence can also be reported to the University’s Title IX Director by dialing (985) 549-5888, or in person in Dyson Hall, Room 120. This office is NOT open 24-hours and does not provide emergency services.
- Violations of the Student Code of Conduct may be reported directly to the Office for Student Advocacy and Accountability (OSAA) by calling (985) 549-2213, or in-person in Mims Hall, Room 207, or on-line at [www.southeastern.edu/reportit](http://www.southeastern.edu/reportit). This office is NOT open 24-hours and does not provide emergency services.
- Violations of University policies or procedures by employees may be reported to the Human Resources Office (HR) by calling (985) 549-2001, or in person at North Campus Human Resources Building. This office is NOT open 24-hours and does not provide emergency services.

### **Response to Reports**

University Police officers are available 24 hours a day, every day and night, all year long to answer calls for service. The University Police Department does not close, even if the rest of the University is closed for any reason. University police procedures require an immediate response to emergency calls. Priority response is given to crimes against persons and personal injuries. UPD responds to all reports of crimes and/or emergencies on-campus, adjacent to campus within its public property reporting area, or within a campus-controlled, -owned, -operated, and/or -recognized facility, building, residence hall, or area. Incidents occurring on-campus, within residence halls or non-campus buildings, or on recognized public property adjacent to or contiguous to University-owned, -controlled, -operated, or -recognized facilities, buildings, or areas are documented and processed for further investigation and may be reviewed by the Office for Student Advocacy and Accountability, Title IX Director, and/or Vice President for Student Affairs. Additional information obtained via any investigation may also be forwarded to the Office for Student Advocacy and Accountability if a violation of the Student Code of Conduct is alleged.

To obtain information or request police or safety escort services, community members should call (225) 765-2324. When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call.

If a sexual assault should occur on campus, staff on scene, including UPD, will offer the victim a wide variety of resources and services. This publication contains information about on- and off-campus resources and services available to the Southeastern community. The information regarding “resources” is not provided to infer these resources are “crime reporting entities” for Southeastern.

As mentioned, crimes should be reported to UPD to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime reported only to the University Counseling Center would not be known to UPD, a campus security authority (CSA), or other University official.

### **Responsibilities of the Southeastern Community for Their Own Personal Safety**

Members of the Southeastern community must assume responsibility for their own personal safety and the security of their personal property when on and off campus. The following precautions provide guidance:

- Report all suspicious activity to UPD immediately.
- Never take personal safety for granted.
- Use the UPD escort service if you feel unsafe.
- Download and utilize the Lion Safe phone application for virtual safety walks and mobile blue phones.
- Limit alcohol consumption and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call UPD for help at the first sign of trouble on campus.
- Carry only small amounts of cash.
- Never leave valuables (purses, backpacks, laptops, cell phones, etc.) unattended.
- Carry your keys and Southeastern ID at all times and do not lend them to anyone.
- Lock up bicycles, motorcycles, and car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep and ensure windows are closed and locked when you are not at home. Do not prop interior or exterior doors.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Record serial numbers of valuable items.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

### **Voluntary Confidential Reporting**

Occasionally, students who are victims of crime wish to report the crime but may not wish to give their name and/or do not wish to pursue action through the criminal justice system or any University process. Students may make such voluntary, confidential reports to Licensed Professional Counselors employed at the University Counseling Center. As allowed by the Clery Act, licensed professional counselors who receive confidential reports in their capacity and function as counselors are not required to report crimes to the University Police Department for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning. The University encourages counselors, if and when they deem it appropriate, to inform students they may report incidents of crime to UPD, even if they do not wish to pursue the matter.

Certain other University departments and Campus Security Authorities (CSAs) may accept confidential reports from a victim. The Clery Act, however, requires these departments and CSAs to report the crime to the University Police Department. This reporting allows the University to maintain accurate records on the number of incidents, determine if there is a pattern of crime



with regard to a particular location, method, or assailant, and alert the campus community of an ongoing threat if needed.

### **Anonymous Reporting**

At the Southeastern Louisiana University Police Department, we encourage our community to notify us of information they feel is relevant to the safety of the community. This information can be reported on an anonymous basis, if the person volunteering the information desires it to be so; however, if information is reported on an anonymous basis, the information must be corroborated through further investigation before action can be taken. The University's ability to investigate and appropriately address allegations of misconduct reported on an anonymous basis is significantly limited.

Individuals may make anonymous reports to the University Police Department through the Anonymous Reporting form on the UPD website. The form is also designed to provide the University Police Department with crime tips, along with reports in which complete anonymity is desired.

The Anonymous Reporting form can be found online at:

[http://www.southeastern.edu/admin/police/anonymous\\_reporting](http://www.southeastern.edu/admin/police/anonymous_reporting)

### **Statistical Disclosure of Reported Incidents**

Incidents reported to UPD which fall into one of the required reporting classifications as defined by the Clery Act will be disclosed as a statistic in the appropriate crime table within this annual security and fire safety report published by UPD.

### **Off-Campus Crimes and Reports**

If the Baton Rouge Police Department, East Baton Rouge Parish Sheriff's Office, or other off-campus law enforcement entities are contacted about criminal activity off-campus involving Southeastern students, the agency may notify UPD. Students in these cases may be referred to the Office for Student Advocacy and Accountability if the incident involves an alleged violation of the Student Code of Conduct.

### **Monitoring of Non-Campus Student Organizations**

Southeastern may have officially recognized student organizations with non-campus facilities/residences. The Southeastern University Police Department shares jurisdiction with other local law enforcement agencies to respond to those locations adjacent to or readily accessed from campus when police services are required.

If another law enforcement agency responds to a "non-campus" student organization property in response to a citizen complaint or law enforcement concern, the local agency may notify UPD to provide support assistance to one of those locations. UPD does not patrol or provide oversight of privately-owned property/residences rented by students that fall outside of the University's Clery geography.

## **AUTHORITY AND JURISDICTION OF SOUTHEASTERN LOUISIANA UNIVERSITY POLICE OFFICERS**

### **Law Enforcement Authority**

Southeastern Louisiana University Police Officers are commissioned by the Louisiana Department of Public Safety and Corrections and are empowered by Louisiana Revised Statute 17:1805. As such, University Police Officers have the right to carry a concealed weapon and to exercise the power of arrest when discharging their duties while in or out of uniform, on campus or off campus under certain circumstances.

Each University Police Officer must successfully complete the Louisiana Commission on Law Enforcement's Peace Officer Standards and Training (POST) Academy, an intensive course taught through an accredited basic training academy. To maintain this certification, each officer must also successfully complete continuing education each year covering several mandated topics, including firearms qualification. At Southeastern, we require our officers complete additional hours of continuing education each year on various law enforcement topics, including, but not limited to, stalking, sexual assault, domestic violence, protective orders, arrest and search warrants, and rapid response to critical incidents.

Persons arrested by a University Police Officer who are not released on a summons or citation will be booked into the East Baton Rouge Parish Correctional Facility.

### **University Police Jurisdiction**

University Police Officers may discharge their duties on campus and on all streets, roads, and right-of-way to the extent they are within or contiguous to the perimeter of such campuses.

Additionally, University Police Officers may discharge their duties off campus if in pursuit; engaging in intelligence gathering activity; investigating a crime committed on campus; when transporting prisoners; when transporting money, securities, or other valuables on behalf of the University; while providing security or protective services for visiting dignitaries to the University; or if specifically requested by the chief law enforcement officer of the city or parish.

The primary patrol area for University Police Officers encompasses on-campus property including campus residence halls, buildings, parking lots, and other facilities; designated non-campus properties and facilities; public property adjacent to and accessible from campus; and University leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities within the State of Louisiana.

### **Criminal Background Checks**

Southeastern does not routinely conduct state and/or federal criminal background investigations on prospective students. However, it is the policy of the University that all new employees and faculty, as well as volunteers and interns who have significant interaction with students, have their criminal background records checked.

## **SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

Southeastern Louisiana University provides many spaces on campus open to the public. Southeastern welcomes visitors, parents, prospective students, and prospective employees to

visit our campus any time the University is open for business. Campus tours are available by contacting the University at 1-800-222-7358. This number is NOT for reporting emergencies on campus.

The campus buildings and some facilities of the University are restricted to students, faculty, administrators, staff, and guests of the University, except when part or all of the campus, its buildings or facilities are open to the general public for a designated time or purpose, or when used by non-affiliated groups, organizations, or individuals that have been granted or approved by authorized University officials.

University Police Officers routinely patrol the Baton Rouge Nursing Center while it is open for business and also utilize video surveillance recording systems covering some public areas of campus.

### **Administrative and Academic Buildings**

The main entrances to administrative and academic buildings on campus are open to students, faculty, administrators, staff, and guests of the University during normal operating hours. After regular business and class hours, all University buildings and facilities are to be secured by those who are authorized or permitted to use them. When a University building or facility is not open for general use and is locked, entry to the building or facility may be controlled or limited. Advance authorization by an appropriate University official may be required before an individual is permitted access to a University building or facility when the building or facility is locked and not open for general use.

### **Residence Halls**

The Baton Rouge Nursing Center has no residential facilities of any kind.

### **Responsibilities to Identify for University Officials**

All employees and students of the University must possess a valid and current University issued identification card at any time when they are on campus or otherwise engaging in University related activities. All persons who are on the University campus or participating in University related activities must provide adequate photo identification, upon request, to any University official and/or University Police Officer. Any person who refuses to provide the requested identification may be asked to leave the campus.

### **Maintenance of Campus Facilities**

Southeastern facilities and landscaping are maintained in a manner to minimize hazardous conditions. UPD regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Physical Plant Services for correction. Campus community members may additionally report hazards directly to Physical Plant Services by phone during regular business hours at 985-549-3333. This number is NOT for reporting emergencies on campus.

The campus' overall safety and security program is supplemented by a variety of technological systems including access control, video surveillance recording, emergency phones, and fire detection, suppression, and reporting systems. Other members of the University community are helpful when they report equipment problems to UPD or Physical Plant Services.

## **University Police Working Relationships with Other Law Enforcement Agencies**

The University Police Department maintains a positive working relationship with the Baton Rouge Police Department, East Baton Rouge Parish Sheriff's Office, and Louisiana State Police. Collaborative meetings and training sessions are occasionally held to review issues and incidents occurring within the multiple local jurisdictions. UPD is comfortable with and capable of reaching out to these responsive law enforcement entities for support and assistance as it relates to the safety and security of the campus community.

UPD officers and local law enforcement officers communicate regularly on scenes of incidents in and around the campus area. UPD investigators work closely with local law enforcement investigators when incidents arise requiring joint communication efforts. If an incident occurs that exceeds the capabilities of the University Police Department, personnel and other resources are provided by the above listed law enforcement agencies.

## **Written Memoranda of Understanding with Local Police**

The University Police Department does not have written Memoranda of Understanding with the Baton Rouge Police Department or East Baton Rouge Parish Sheriff's Office.

## **CAMPUS SAFETY ALERTS – NOTIFYING THE SOUTHEASTERN COMMUNITY ABOUT REPORTED CRIMES**

In an effort to provide timely notice to the Southeastern community in the event of a criminal situation that may pose a serious or continuing threat to members of the campus community, a Campus Safety Alert (timely warning notice) to aid in the prevention of similar crimes is sent to all students and employees on campus as soon as pertinent information is available. Notices of this sort will not contain personally identifying information about a victim of a crime and will be disseminated via social media, the UPD website, and mass e-mail.

Alerts can also be sent/communicated via Southeastern's text/voice messaging system and a variety of other notification methods, as outlined in the Emergency/Immediate Notification section of this report. The intent of a Campus Safety Alert is to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves.

Campus Safety Alerts are generally written and distributed to the campus community by the Director, University Police and they are routinely reviewed and approved by the Vice President for Student Affairs prior to distribution.

Campus Safety Alerts are sent to notify members of the community about specific Clery Act crimes (as described below) reported to UPD and occurring on campus or on non-campus property or public property when the incident may pose a serious or continuing threat. Updates to the campus community, when deemed necessary, about any particular case resulting in a Campus Safety Alert may be distributed in the same manner as the original Campus Safety Alert.

Crimes occurring outside the campus' Clery geography or other, non-Clery specific crimes, will be evaluated on a case-by-case basis. If appropriate, information related to these crimes may be distributed to the campus as a Campus Safety Alert.

Campus Safety Alert posters may also be posted by UPD in selected campus buildings when deemed necessary. When Campus Safety Alerts are posted in campus buildings, they are posted in lobbies, entrances, and/or other publicly accessible areas for a time period determined by the Director, University Police.

Campus Safety Alerts may be distributed for any of the following Clery Act crime categories/classifications: murder and non-negligent manslaughter, sex-based offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, arson, hate crimes, motor vehicle theft, domestic violence, dating violence, stalking, or arrests and referrals for liquor law, weapons law, and drug law offenses.

Alerts for the crimes of aggravated assault, motor vehicle theft, burglary, sex-based offenses, domestic violence, dating violence, stalking, and arrests or referrals for liquor, drug, and weapons offenses are considered on a case-by-case basis and depend upon a number of factors. These include the nature of the crime, the timeliness of the report, and the continuing or ongoing danger to the campus community – such as whether the perpetrator has been apprehended – and the possible risk of compromising law enforcement efforts. For example, if a physical assault occurs between two students known to each other, there may be no continuing threat to other Southeastern community members and a Campus Safety Alert would not be distributed.

In cases involving sex-based offenses reported long after the incident occurred, there is no ability to distribute a timely Campus Safety Alert to the community. Sex-based offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the University.

UPD supervisors confer with the Director, University Police during incidents to ensure a proper review of all criminal and/or serious incidents to determine if there is a continuing threat to the community and if the distribution of a Campus Safety Alert is warranted.

University officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At Southeastern, this would only apply to licensed professional counselors from the University Counseling Center who are performing that specific function and role as their primary employment with the University at the time they receive the information.

### **IMMEDIATE OR EMERGENCY NOTIFICATION, EMERGENCY RESPONSE, AND THE EMERGENCY MASS NOTIFICATION SYSTEM (EMNS)**

In the event of an emergency, an effective University-wide communications process is vital in order to provide the greatest safety possible for the Southeastern community. As part of its Emergency Management Operations, Southeastern has adopted a formalized procedure for issuing immediate notifications to the University community.

The immediate notification capability of the emergency mass notification system is designed to assist the University in immediately notifying the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus

that involves an immediate threat to the health or safety of students or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to, a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building.

Southeastern will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the University community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Immediate notification to the campus can be accomplished through a variety of communications methods, but the use of the emergency cell phone text/voice messaging, all campus email, select building-top audible voice notification devices and/or alert siren would be seen as the most common and quickest form of communications under these circumstances. Confirmation typically involves the response and assessment of UPD officers, University officials, local law enforcement, or other emergency responders.

When University Police Officers become aware of a situation that may warrant the issuing of an immediate notification, the University Police Department Supervisor authorizes the Communication's Officer in dispatch to initiate the Emergency Notification System.

Notification message content is determined based on the type of incident, the context in which it is occurring, the immediate danger or threat to the University community, and the need to alert University community members of action to be taken. Southeastern will endeavor to make such notification sufficiently specific so as to enable recipients to take an appropriate response to the threat. Pre-recorded messages have been prepared as part of the emergency notification system to aid in rapid communication processes. In situations lacking the presence of an imminent threat, the Director, University Police will consult with the President, Vice President for Student Affairs, Dean of Students, and/or other members of the University administration prior to an alert being issued.

Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Director, University Police or Vice-President for Student Affairs. When a threat is neutralized or effectively removed, University community members will be appropriately informed via all or some of the aforementioned communications methods.

When the emergency mass notification system (EMNS) is activated using the siren, email, and cell phone text/voice messaging, University officials will notify University community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the "shelter-in-place" concept. Local law enforcement, emergency responders, and select city and parish officials are also alerted via text messaging of any actual on-campus emergency that poses a threat to campus and/or the immediate local community.

Shelter-in-place means to take immediate shelter wherever you happen to be at the time of a shelter-in-place notification – in campus housing, in privately-owned housing near campus, in an academic or administrative building, etc. Community members should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel via an emergency rapid communications system(s).

Southeastern authorities may instruct University community members to "shelter-in-place" if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents.

### **How to Shelter-In-Place:**

- If you can safely evacuate a potentially dangerous or hazardous situation, do so immediately. If you cannot safely evacuate and you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel.
- Locate a room to shelter inside. It should be:
  - o an interior room;
  - o above ground level; and
  - o without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock, if possible, all windows (tighter seal) and close exterior doors. Doors and windows may need to be barricaded, if possible.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Make a list of people with you and ask someone to call UPD to inform them where you are sheltering.
- Turn on a radio or TV and listen for further instructions.
- Make yourself as comfortable as possible.

### **Off-campus Emergencies**

UPD officials may receive emergency information from the East Baton Rouge Parish 911 Center, East Baton Rouge Sheriff's Office, or Baton Rouge City Police Department regarding incidents in East Baton Rouge Parish or the City of Baton Rouge which may imminently impact the safety of the Southeastern community. When appropriate, UPD will notify the university community of off-campus threats which could also represent a threat to the health or safety of students or employees on campus.

### **Emergency Mass Notification System (EMNS) Testing and Registration**

The Emergency Mass Notification System (EMNS) will be tested at least each academic semester to ensure all systems are working properly and emergency managers maintain a working knowledge of the system. These tests will also be educational moments for the University community to remind them the system exists and it is a working and functioning system they can rely upon. In conjunction with at least one of the EMNS test notifications,

information is shared with the campus community related to the campus' emergency response and evacuation procedures.

Students and employees are informed of the University's EMNS program and evacuation processes during new student and new employee orientation and through written notification. This includes dissemination of information about how to respond during the activation of the EMNS in response to a significant incident on campus or within the immediate area of the campus potentially directly impacting the safety of the University community.

The EMNS processes are tested once each academic semester – including the activation of the alert siren and cell phone/text messaging systems. These tests are usually announced tests, but they may be unannounced.

Students and employees are automatically registered to receive all e-mail alerts at their official University e-mail address. Registration for the EMNS cell phone text/voice messaging is optional. To participate, students and employees must register through LEONet:

- Log onto LEONet and select "Emergency Alert System" from the menu on the left of the screen.
- Add your cell phone number in the box marked "Cell Phone," and add an additional cell phone you wish to receive text alerts
- Also, you may add your own or other numbers to receive voice messaging alerts
- Additionally, you may add up to two alternate e-mail address to receive any messages sent to your official Southeastern e-mail address
- Click "Save" to ensure all information is added to the system

Southeastern may utilize several means of communication during an emergency, although not all of these methods are always employed in every situation. The communications method used would depend on the type of emergency:

- Cell phone text/voice messaging
- Alert siren/audible notification system
- All campus e-mail alerts
- Voice-mail
- Emergency website and social media accounts
- Telephone trees
- Public media (TV, radio, news websites)
- Fire alarm system
- Public Address System from siren and from University Police vehicles
- Flyers posted throughout campus
- Direct, in-person notifications

## **EVACUATION PROCEDURES**

The University Police Department shall be responsible for the safe evacuation of all persons utilizing the university's facilities in the event of natural disasters, civil disturbances, and active threats. The level of necessity will determine the response by UPD. If large scale events occur beyond the resource capabilities of Southeastern, officials will request assistance from



outside emergency services such as the Baton Rouge City Police Department, Baton Rouge Fire Department, East Baton Rouge Parish Sheriff's Office, Louisiana State Police, East Baton Rouge Parish Emergency Operations Center, and/or state departments of emergency management. The need to implement evacuation from a campus building or the entire campus shall be based upon information received by or furnished to UPD.

Full or partial evacuations may be necessary as a protective action to reduce University community members' exposure to a hazard. Protective actions reduce TIME of exposure, create DISTANCE, or provide SHIELDING from a specific hazard. Hazards which may require an evacuation include:

- Fire
- Hazardous materials release
- Bomb threat or suspicious device/package
- Hostile intruder
- Massive utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

### **Exercise of Judgment and Contingencies**

The actions described are basic and standardized. When situations arise for which the procedures to be followed are not fully prescribed in Southeastern's Emergency Operations Plan (EOP), responsible personnel will be expected to exercise good judgment, make appropriate decisions, and provide any support necessitated by the situation.

As part of the decision-making process relative to an evacuation, the evacuation must be able to be completed well before the arrival of a hazard. When there is little to no warning time, a shelter-in-place decision/order may be more appropriate. Additional factors to consider beyond warning time when deciding on whether or not to evacuate include:

- Size and geographical area affected
- Population density of the surrounding area
- Capacity and condition of the road network
- Are sufficient transportation resources available – University transportation, public transportation, and private transportation?
- Are there safe alternatives?
- Ability of University facilities to provide shielding from the hazard
- Ability of facilities to support the population
- Local considerations and local law enforcement and emergency resources support

### **Scope of an Evacuation**

The scope of an evacuation can include a single building, a group of buildings, and/or a large geographical area. The scope could go beyond the borders of the institution, and/or the University may be impacted by an evacuation initiated by local authorities. Size and scope considerations must be included in the overall decision-making process.

## **Building Evacuation**

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized University official, such as a University Police Officer.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions. Keep roadways open, and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

## **Large-scale Campus Evacuation**

- If evacuation of part or all of the campus is necessary, monitor text message/voice alert system, email, and the University's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

## **EMERGENCY PREPAREDNESS OVERVIEW**

Emergency preparedness at Southeastern is managed by the University's Emergency Operations Plan (EOP). Emergency operations planning at Southeastern means preventing, preparing for, responding to, and recovering from any and all emergencies affecting the Southeastern and surrounding community. It means having a comprehensive plan extending from all levels of emergency personnel and community members to prevent emergency situations; it means preparing people on the procedures to follow, should a crisis occur; it means having a well collaborated response approach from University, local, state, and federal agencies to effectively mitigate any crisis; and it means being ready and able to recover quickly from emergency events in order to move forward with the operations and business continuity of Southeastern.

All emergency incidents occurring on campus or impacting the University community will be managed using the Incident Command System (ICS) and the National Incident Management System (NIMS) as outlined by federal and state agencies.

The primary responsibility for responding to emergencies on Southeastern's campus rests with the University Police Department. UPD, along with other University departments, plays an essential role as the first line of defense. In responding to an emergency or disaster, Southeastern will make full use of the facilities, equipment, supplies, personnel, and resources of the University. The President of the University, as chief executive, has the authority to direct and coordinate disaster operations and may delegate this authority to an emergency manager. Incident Command is established when an authorized individual (usually a law enforcement or fire department supervisor) is onsite and communicates their authority with all personnel involved.

If a situation arises on or around campus potentially threatening the health or safety of University community members, senior administrative staff of the University and members of

the University Police Department are immediately summoned as part of Southeastern's crisis response procedure.

University Police Officers, supervisors, and administrators are trained in crisis response and have the authority to take immediate action in response to an imminent crisis, using the Emergency Operations Plan (EOP) and departmental procedures as a guideline.

These actions may include:

- Deployment of additional police officers
- Summoning of city, parish, or state emergency management officials
- Enhanced patrol of the campus
- Closing of roads and entrances onto campus
- Securing of campus buildings and residence halls
- Evacuation of campus buildings and residence halls

There is one Incident Commander (IC) for an incident. When more than one jurisdiction or one agency is involved, a Unified Command structure will be established. Command will function from an Incident Command Post (ICP). Certain "triggering" conditions may dictate a broader institutional response. This broader response will be managed from an Emergency Operations Center (EOC).

When an Emergency Operations Center (EOC) is established, the President of the University will assume a policy, direction, and coordination role over the institution's response and recovery. The EOC will act as an umbrella organization bringing together all elements necessary to support the incident and maintain ongoing operations. Command will remain with the Incident Commander or Unified Command group.

### **TESTING, EXERCISE PREPAREDNESS DRILLS, AND TABLE-TOP EXERCISES**

In accordance with the institution's Emergency Operations Plan (EOP), Southeastern will use its emergency procedures and plans for testing emergency notification, response, and evacuation. A test is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

Southeastern will perform periodic table-top exercises (at least one per year) in order to practice the implementation of the University's emergency operations plan, supplement emergency policies and procedures, and to assess and evaluate emergency plan capabilities. The Director, University Police, in coordination with the Office of the Vice President for Student Affairs and the Office of the President of the University, will be responsible for scheduling and conducting these table-top exercises. Local emergency responders from police and fire departments, hospitals, and parish Emergency Operations Center (EOC) will be invited to participate along with University officials during one table-top each year. Exercises can be either announced or unannounced.

After-action reviews will be conducted following each test and/or exercise documenting the test/exercise, providing a description for each test/exercise, the date, time, and whether the test was announced or unannounced.

## **DAILY CRIME AND FIRE LOG**

The University Police Department makes the Daily Crime and Fire Logs for the most recent 60-day period available on its website at:

[http://www.southeastern.edu/admin/police/clery/security\\_fire\\_reports/daily\\_crime\\_log](http://www.southeastern.edu/admin/police/clery/security_fire_reports/daily_crime_log)

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the University's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the University Police Department. Any portion of these crime and fire logs older than 60 days are made available for public inspection within two business days of a request.

The information in the Daily Crime and Fire Log typically includes the incident number, crime or fire classification, date reported, date occurred, general location of crime or fire, and disposition of each reported crime or fire. Students and employees are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the Southeastern community.

Personally identifiable information of persons involved in reported incidents and fires will not be listed on the Daily Crime and Fire Log.

## **PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS & CLERY COMPLIANCE**

The following information provides context for the crime statistics reported as part of compliance with the Clery Act.

The Southeastern Louisiana University Police Department is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Director, University Police. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community by reviewing incidents reported to UPD by members of the community and non-police personnel who have been designated as Campus Security Authorities (CSAs).

Additionally, UPD made a reasonable and good faith effort to request and retrieve statistics from all local law enforcement agencies with jurisdiction over the University's identified Clery geography. Reportable Clery crime data received from agencies who responded to these requests are included in the following tables. Not all of these agencies responded to requests for crime statistics and some responses were not clear enough to determine if the agency handled any Clery reportable crimes within Southeastern's reporting geography.

All statistics are gathered, compiled, and reported to the University community via this report, entitled the "Annual Security and Fire Safety Report," which is published no later than October 1<sup>st</sup> of each year (except in the Fall of 2020, when the United States Department of Education allowed for a delay due to complications as a result of the COVID-19 epidemic). UPD submits the annual crime statistics published in this report to the United States Department of Education (ED). The statistical information gathered by the US Department of Education is available to the public through the ED website.

Southeastern sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of this report. The email also includes the address for the UPD website where the Annual Security and Fire Safety Report can be found online and how to obtain a printed copy of the report from UPD.

### **Specific Information about Classifying Crime Statistics**

The statistics in this document are published in accordance with the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting Handbook, National Incident-Based Reporting System (NIBRS), and relevant federal law (the Clery Act).

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex-based Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic.

In cases involving Drug Law, Liquor Law, and Weapon Law violations the statistics indicate the number of people arrested by law enforcement or referred to a campus authority for possible disciplinary action for violations of those specific laws.

**Hate crimes** are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, if a subject assaults a victim, a crime has been committed. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's actual or perceived race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act purposes, hate crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sex-based Offenses (rape, fondling, incest and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

**Campus SaVE** was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

**“Reported crimes”** are allegations of crimes reported in good faith to UPD and CSAs. These crimes do not have to be investigated or adjudicated in order to count as a reported crime statistic in this document. Reported crimes may involve individuals not associated or affiliated with Southeastern. Reported crimes may include information received from an anonymous reporting source. Residential Facility crime statistics are a subset of the On-Campus category, i.e. they are counted in both categories.

### **CLERY ACT GEOGRAPHY DEFINITIONS/INCLUSIONS**

**On-Campus** *defined as:* (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property** *defined as:* (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The **Non-Campus geography** definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations:

- For example, if students in a club take a trip to Washington, D.C. and stay at the same hotel every year, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those rooms; including the lobby, elevator and staircases.

**Public Property** *defined as:* All public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The Southeastern crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

**On-campus Student Housing Facility** *defined as:* Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is considered a subset of the On-Campus category.

**Reasonably Contiguous** *is defined in the 2016 Handbook for Campus Safety and Security Report as follows:* Refers to a building or property an institution owns or controls in a location that students consider to be and treat as part of the “campus.” Generally speaking, it is reasonable to consider University-owned or –controlled locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

## **CLERY ACT/UCR/NIBRS CRIME DEFINITIONS**

Southeastern Louisiana University is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

**Murder/Non-Negligent Manslaughter** – The killing of one human being by another.

**Manslaughter by Negligence** – The killing of another person through gross negligence.

**Sexual Assault**, *by the Federal definition (from VAWA)*, is defined as: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System (NIBRS) User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

**Rape:** The 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 victim. This definition includes any gender of victim or perpetrator.

**Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Robbery** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** – The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** – The theft or attempted theft of a vehicle.

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

## **Unreported Incidents**

As with all statistical data, care must be taken when interpreting the information provided in this report. The statistics include only incidents about which Southeastern, UPD, or a Campus Security Authority has some knowledge. It cannot and does not include information not reported to an official in some way. Anyone with knowledge of an incident which is not included in this report when it should be is encouraged to contact UPD or another Campus Security Authority immediately so the matter can be properly recorded and disclosed.

## **Unfounded Crimes**

If a crime is reported as occurring On-Campus, in On-campus Residential Facilities, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime and only after an investigation is conducted.

## **ARRESTS AND REFERRALS FOR DRUG, LIQUOR, AND WEAPON LAW VIOLATIONS**

All arrests or referrals for disciplinary action resulting from alleged drug law violations, liquor law violations, and weapon law violations are reported below in the Clery geographical location they were reported to have occurred.

As with other Clery Act statistics, the tally includes all arrests or referrals regardless of their eventual adjudication and whether or not the individuals involved were found to be guilty or responsible for the violations. The statistics included in these tables are calculated based upon the number of persons arrested or referred, not the number of incidents.

**Example:** If two persons were arrested for illegal possession of handguns on campus during a single incident, two arrests would be recorded even though the arrests were related to only one incident.

These statistics only include incidents wherein violations of law occurred. Incidents involving only policy violations are not included in these statistics.

**Example:** A student who is 22 years of age may be referred to a campus disciplinary authority for possession of an alcoholic beverage at a campus event where alcoholic beverages are not allowed. In this case, the student is over 21 years of age and therefore is legally allowed to possess alcoholic beverages so has not violated a law, only a University policy. A referral for disciplinary action under these circumstances would not be included in these statistics.

**Drug Law Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (enzedrines, enzedrine).

**Liquor Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle



for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. Public intoxication and driving under the influence are not included in this definition.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; illegally possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

**Note:** Guidance from the 2016 Department of Education Handbook was used and these statistics have been calculated outside of the “hierarchy rule.”

## **HATE CRIMES**

Any Clery Act offenses reported to law enforcement or other Campus Security Authority manifesting evidence the victim was intentionally selected because of the perpetrator’s bias, or the perpetrator perceived the person to be in one of the protected group categories is classified as a “hate crime” under the Clery Act.

On August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories.

### **Protected Group Categories**

The types of bias categories include: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

### **Hate Crime Definitions**

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

- Bias – a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.
- Bias Crime – a criminal offense committed against a person or property motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as a Hate Crime.

**Note:** Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

## **VIOLENCE AGAINST WOMEN ACT (VAWA) REAUTHORIZATION**

### **SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS**

Southeastern Louisiana University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act and State law) and reaffirms its commitment to maintaining a campus environment emphasizing the dignity and worth of all

members of the University community. Toward this end, Southeastern issues this statement of policy to inform the University community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  - i. A Felony or misdemeanor crime of violence committed—
    - A) By a current or former spouse or intimate partner of the victim;
    - B) By a person with whom the victim shares a child in common;
    - C) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
    - D) 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
    - E) 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.
  - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Definition of a Crime of Violence:** According to Section 16 of Title 18 of the United States Code, the term “crime of violence” means:
  - i. An offense that has as an element of use, attempted use, or threatened use of physical force against the person or property of another; or
  - ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be based on the reporting party’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.
  - ii. For the purposes of this definition—
    - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- B) Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.”
  - **Rape** is defined as the 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 victim.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
  - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    - A) Fear for the person’s safety or the safety of others; or
    - B) Suffer substantial emotional distress.
  - ii. For the purposes of this definition—
    - A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates with or about, a person, or interferes with a person’s property.
    - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
    - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The following are titles and sections of Louisiana State Law which most clearly coincide with the federal definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

as published in the Clery Act. The list is not exclusive or comprehensive, as circumstances involved with other crimes may also meet the Clery Act definitions. In situations where the state law definitions vary from those of the Clery Act, the specific circumstances of the incident are taken into account and compared to the Clery Act definitions to determine if the incident should be carried as a statistic for reporting purposes in this document.

The complete legal definitions of Louisiana Statutes with all subparts are publicly available on the Louisiana State Legislature website at the following address:

<http://legis.la.gov/legis/Home.aspx>

### **Domestic Violence**

Louisiana Revised Statutes (LRS) Title 46, Sections 2131 – 2148 establish the *Louisiana Domestic Abuse Prevention Act* including definitions of behaviors considered “domestic violence.”

Additionally, there are several criminal code sections which detail specific behaviors considered “domestic violence,” including, but not limited to LRS 14:35.3 *Domestic abuse battery*, LRS 14:37.7 *Domestic abuse aggravated assault*, and LRS 14:79 *Violation of protective orders*. Other crimes may involve an element of domestic violence and are included in reported statistics if the behavior meets the Clery standard.

### **Dating Violence**

Louisiana Revised Statutes (LRS) Title 46, Section 2151 establishes the *Louisiana Protection from Dating Violence Act* which extends to dating partners all benefits and protections available under the *Louisiana Domestic Abuse Prevention Act*.

Additionally, there are several criminal code sections which detail specific behaviors considered “dating violence,” including, but not limited to LRS 14:34.9 *Battery of a dating partner*, LRS 14:34.9.1 *Aggravated assault upon a dating partner*, and LRS 14:79 *Violation of protective orders*. Other crimes may involve an element of dating violence and are included in reported statistics if the behavior meets the Clery standard.

### **Sexual Assault**

Louisiana Revised Statutes (LRS) Title 46, Sections 2181 – 2188 establish the *Louisiana Protection for Victims of Sexual Assault Act* and provides for victims of sexual assault access to civil remedies including protective orders.

Louisiana Revised Statutes (LRS) Title 14, contains several sections which defines various behaviors considered “sexual assault,” including, but not limited to LRS 14:41 *Rape (defined)*, LRS 14:42 *First Degree Rape*, LRS 14:42.1 *Second Degree Rape*, LRS 14:43 *Third Degree Rape*, LRS 14:43.1 *Sexual battery*, LRS 14:43.1.1 *Misdemeanor Sexual battery*, LRS 14:43.2 *Second Degree Sexual battery*, LRS 14:43.3 *Oral sexual battery*; LRS 14:80 *Felony carnal knowledge of a juvenile*, LRS 14:80.1 *Misdemeanor carnal knowledge of a juvenile*, LRS 14:81 *Indecent behavior with juveniles*, LRS 14:81.2 *Molestation of a juvenile or a person with a physical or mental disability*, LRS 14:81.4 *Prohibited sexual conduct between educator and student*, LRS 14:89 *Crime against nature*, LRS 14:89.1 *Aggravated crime against nature*, and LRS 14:93.5 *Sexual battery of persons*

*with infirmities*. Other crimes may involve an element of sexual assault and are included in reported statistics if the behavior meets the Clery standard.

### **Stalking**

Louisiana Revised Statutes (LRS) Title 46, Section 2171 – 2174 establishes the *Louisiana Protection from Stalking Act* which extends to victims of stalking all benefits and protections available under the *Louisiana Domestic Abuse Prevention Act*.

Louisiana Revised Statute (LRS) Title 14, Section 40.1 *Stalking* clearly mimics the federal definition for stalking. Additionally, LRS 14:40.2 *Cyberstalking* and LRS 14:40.7 *Cyberbullying* often involve behaviors which meet the Clery Act definition for stalking. Other crimes may involve an element of stalking and are included in reported statistics if the behavior meets the Clery standard.

### **Consent Defined**

Southeastern Louisiana University's definition of consent as it relates to sexual activity is as follows: "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."

### **How to Be an Active Bystander**

Bystander intervention means safe and positive options carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."<sup>1</sup> Southeastern wishes to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Bystanders may not

---

<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

always know what to do even if they want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger on campus, call UPD at (985) 549-2222 or dial 911 if off-campus. This could be when a person is yelling at or being physically abusive toward another and it is not safe for you to intervene.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Be direct, delegate responsibility, or create a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
3. Intervene when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

### Risk Reduction

Recognizing abusers are solely responsible for their abuse and no victim of a crime is to blame for the perpetration of the crime, the following are some strategies to reduce risks commonly related to sexual assault or harassment (adapted from **Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)**)

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to recognize a threatening situation and avoid it.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money and/or an on-demand driver app loaded.
- **Try to avoid becoming isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **Attend social gatherings with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (on campus dial 985-549-2222 for UPD or call 911 if off campus.)
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

---

<sup>2</sup> Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged,** contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- **If you need to get out of an uncomfortable or scary situation,** here are some things that you can try:
  - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word** with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  - **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
  - **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

Southeastern engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Southeastern Louisiana University is committed to education and increasing awareness of students and employees about preventing incidents of sexual misconduct.

Southeastern offers education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and

awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction on an annual basis.

Ongoing prevention and awareness campaigns include self-defense programming; domestic violence awareness month events and activities, stalking awareness month events and activities, and sexual assault awareness month events and activities.

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs**

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

If a sexual assault victim does not currently wish to involve law enforcement, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. By providing victims with the opportunity to gather information, solidify their support system, and establish rapport with first responders, we hope to create an environment encouraging reporting, even for those victims who initially feel unable, unwilling, or unsure about doing so. Victims may report a sexual assault anonymously at North Oaks Medical Center and have forensic evidence collected during the exam. The sheriff's office with jurisdiction over the medical center maintains sexual assault forensic exam kits completed for anonymous victims.

To facilitate the collection of forensic evidence, it is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social media posts and messages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to law enforcement officers or University adjudicators/investigators.

### **Involvement of Law Enforcement**

Although the University strongly encourages all members of its community to report violations to UPD (if on campus) or to local law enforcement officials (if off campus,) it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement.

If a victim in an incident which occurred off campus wishes, the University Police Department will assist with notifying the appropriate off campus law enforcement agency.



### **Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you may report the incident to the Title IX Director (office: Dyson Hall, Room 120; phone: 985-549-5888) by calling, writing, or visiting the office to report in person. In addition to any law enforcement actions taken, reports of all domestic violence, dating violence, sexual assault, and stalking made to UPD will automatically be referred to the Title IX Director for review.

### **Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported**

Southeastern has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Southeastern will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to law enforcement. Students and employees should contact the Title IX Director (office: Dyson Hall, Room 120; phone: 985-549-5888) by calling, writing, or visiting the office to report in person. The Title IX Director will collaborate and coordinate with the Office for Student Advocacy and Accountability and Dean of Students for student cases and the Director of Human Resources for employee cases.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures the University will follow.

Incident Being Reported	Procedures Institution Will Follow
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care</li> <li>2. Institution will assess immediate safety needs of victim</li> <li>3. Institution will assist victim with contacting UPD or local police if complainant requests AND provide the victim with contact information for UPD or local police department</li> <li>4. Institution will provide victim with referrals to on- and off-campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No Contact" directive to accused party if deemed appropriate</li> <li>8. Institution will provide instructions on how to apply for protective order</li> <li>9. Institution will advise of the policy applicable to sexual assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution</li> <li>10. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting UPD or local police if complainant requests AND provide the victim with contact information for UPD or local police department</li> <li>3. Institution will provide instructions on how to apply for protective order</li> <li>4. Institution will provide information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No Contact" directive to accused party if deemed appropriate</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting UPD or local police if victim requests AND provide the victim with contact information for UPD or local police department</li> <li>3. Institution will provide instructions on how to apply for protective order</li> <li>4. Institution will provide information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No Contact" directive to accused party if deemed appropriate</li> </ol>
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting UPD or local police if victim requests AND provide the victim with contact information for UPD or local police department</li> <li>3. Institution will provide instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No Contact" directive to accused party if deemed appropriate</li> </ol>

### Employee Assistance Program

Southeastern provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number of the EAP is via the University Counseling Center at 985-549-3894.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written

consent. The EAP does not report incidents to any Official On-Campus Resources unless the employee specifically gives them permission to do so.

Participation in the EAP does not excuse employees from complying with University policies or from meeting normal job requirements during or after receiving assistance. Nor will participation in the EAP prevent Southeastern from taking disciplinary action against any employee for performance problems occurring before or after the employee seeks assistance through the EAP.

### **Assistance for Victims - Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community;
- a statement regarding the institution's provisions about options for available assistance with and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

### **Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution**

Southeastern complies with Louisiana State law in recognizing orders of protection, including giving full faith and credit to valid orders from other jurisdictions.

Any member of the University community who obtains an order of protection should provide a copy to the University Police Department and the Office of the Title IX Director. The protected party may then meet with Southeastern officials to develop a safety action plan, which is a plan for Southeastern and the protected party to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom/work site location, or working with an academic advisor on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. Southeastern cannot apply for a legal order of protection, No Contact order, or restraining order for a victim.

In Louisiana, a victim of domestic violence, dating violence, sexual assault, or stalking has the right to file a petition with the courts requesting protection through a protective order, which could include the following:

- An order restraining the abuser from further acts of abuse;

- An order directing the abuser to leave the victim's household/place of residence;
- An order directing the abuser to refrain from stalking or harassing the victim or other designated persons;
- Other protections based on issues related to cohabitation, residency, employment, and child custody.

UPD will help put victims in contact with the Clerk of Court to petition for an order of protection. Any student who obtains a protection order should provide a copy to UPD and the Office of the Title IX Director.

While not the same as a court-ordered protection order, Southeastern can issue a non-criminal No Contact directive. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to: email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voicemail messages. A No Contact order may include additional restrictions and terms.

If the University receives a report such an institutional No Contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the No Contact order.

### **Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Southeastern will provide notification to students and employees about accommodations available to them, including academic, living, transportation, and working situations. The notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours or locations. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of a full, partial, or modified bar notice to the respondent may also be appropriate.

To request changes to academic, living, transportation, and/or working situations, or protective measures, a victim should:

**Students:** Contact the Title IX Director and/or Office for Student Advocacy and Accountability for assistance.

**Employees/Faculty:** Contact the Office of Human Resources and/or Provost Office (depending upon employment status).

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Director and/or University Police Department.

### **Confidentiality**

Victims may request that directory information on file with the University be withheld by request. This request can be made to the Office of Student Records and Registration in person at North Campus Main Building, room 107 or by calling (985) 549-2244. Employees can contact the Office of Human Resources to make a similar request regarding directory information at (985) 549-2001.

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know; i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally-identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish crime victim names or other identifiable information regarding victims in the Daily Crime and Fire Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Campus Safety Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

### **On- and Off-campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Southeastern will provide notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault should occur on campus, staff on-scene, including UPD, will offer the victim a wide variety of services. This information is not provided to infer that those resources are “crime reporting entities” for Southeastern.

These on- and off-campus resources include the following:

ON-CAMPUS RESOURCES		
RESOURCE NAME/PURPOSE	LOCATION/ADDRESS	PHONE NUMBER
Dean of Students	Student Union Room 1301A	985-549-3792
Human Resources	North Campus Human Resources Building	985-549-2001
Multicultural and International Student Affairs	Student Union Room 2307	985-549-3850
Office for Student Advocacy and Accountability	Mims Hall, Room 207	985-549-2213
Student Accessibility Services	Tinsley Hall, Room 102	985-549-2247
Student Financial Aid	Office of Financial Aid North Campus Financial Aid Building 900A West University Ave	985-549-2224
Title IX Director	Dyson Hall, Room 120	985-549-5888
University Counseling Center	Student Union Annex, 1 <sup>st</sup> Floor, North side	985-549-3894
University Health Center	Student Union Annex, 1 <sup>st</sup> Floor, South side	985-549-2242
University Police Department	Pride Hall, 1 <sup>st</sup> Floor South side	985-549-2222
Visa and Immigration Assistance/ International Student Support and Services	International Services Office North Campus Main Building Room 113	985-549-2360

OFF-CAMPUS RESOURCES		
RESOURCE NAME/PURPOSE	LOCATION/ADDRESS	PHONE NUMBER
Baton Rouge City Police Department	9000 Airline Highway Baton Rouge, LA	Office: 225-389-2000 Emergency: 911
East Baton Rouge Parish Sheriff's Office	8900 Jimmy Wedell Rd Baton Rouge, LA	Office: 225-389-5000 Emergency: 911
Louisiana Coalition Against Domestic Violence (LCADV)	Baton Rouge, LA	Office: 225-752-1296 Louisiana State Hotline 1-888-411-1333
Louisiana Foundation Against Sexual Assault (LaFASA)	Baton Rouge, LA	Office: 225-372-8995 Toll Free: 888-995-7273
Our Lady of the Lake Regional Medical Center	5000 Hennessey Blvd Baton Rouge, LA	Office: 225-765-6565 Emergency: 911
Sexual Trauma Awareness & Response (STAR)	5615 Corporate Blvd, Ste 200 Baton Rouge, LA	Toll Free: 855-435-STAR

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

### Adjudication of Alleged Violations

Southeastern's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause, with written notice to the accuser and the accused of

the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. An Advisor is someone who acts as an advisor to the Complainant or Respondent involved in an investigation or disciplinary proceeding under the University's policies. The Advisor is permitted to be a part of any meetings their student may have. University employees who provide confidential support services (Counseling/Health Services staff) or have an actual or perceived conflict of interest (the Title IX Director or Dean of Students, for example) may not serve as Advisors. A student or employee should select as an advisor a person whose schedule allows attendance at the scheduled date and time for any meetings, because delays will not normally be allowed due to the scheduling conflicts of an advisor.
5. The Advisor may not speak aloud during meetings involving the student and an investigator/adjudicator, but may confer quietly or by means of written notes with their advisee. The Office for Student Advocacy and Accountability keeps a list of trained Advisors. Although the Parties are not required to select a trained Advisor, because knowledge of the disciplinary process is important to the Advisor's role, it is highly recommended that they do so. The Complainant and Respondent are not obligated to accept the counsel of an Advisor.
6. The accuser and the accused will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding; and
7. Where an appeal or grievance is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal or grievance is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

### **If the Victim Does Not Wish to Pursue Resolution**

In all reported cases of sexual misconduct, the University will conduct a fact-finding investigation to the best of its ability. In cases where the Victim wishes to become a Complainant,

this investigative report is provided to the Title IX Director or their designee for a threshold analysis.

In cases where the Victim does not wish to become a Complainant, the University has two (2) options:

1. The University may attempt to resolve the complaint in a manner consistent with the Victim's request. This may include holding the report for action at a later date.
2. The University may pursue a judicial hearing against the Respondent named in the investigation. Under these circumstances, the University would take into consideration the nature of the assault, the safety of the Victim and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct.

Whether or not criminal charges are filed, the University or a person may file a complaint under the sexual misconduct and grievance procedures outlined on the following pages, depending upon the status of the accused (student or employee).

### **Student Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

#### **Organizational Behavior**

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the University community may bring allegations against a student group/organization for violation of the Sexual Misconduct Policy. The University will conduct a preliminary investigation into any reported incident.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Title IX Director, Dean of Students, and/or Director of Student Advocacy and Accountability may confer with the student group/organization's advisor(s), inter/national headquarters and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the University is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations.

#### **Statement on Privacy**

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking (to the fullest extent allowable by the law). Additionally, the University will take all reasonable steps to investigate and respond to the complaint consistent with any request for privacy or request not to pursue an investigation. However, its ability to do so may be limited based on the nature of the request by the Complainant.



If the Victim requests anonymity or that the University not pursue an investigation, the University must balance this request in the context of its responsibility to provide a safe environment for all University community members. In cases where the University cannot respect the wishes of the Victim, the University will consult with the Victim and keep them informed about the University's course of action.

If the report of misconduct discloses an immediate threat to the University community, where timely notice must be given to protect the health or safety of the community, the University will maintain the privacy of the Victim or Respondent's identities, understanding that in a small community a Campus Safety Alert may make members of the community feel known or singled out.

The University will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the University will inform the Respondent that Title IX prohibits retaliation and the University will take strong responsive action to protect the Complainant.

The University has designated the following individual(s) to evaluate requests for privacy once the University is aware of alleged sexual violence:

### **Investigation of Reports**

The University will take prompt action to investigate and adjudicate the complaint. A written notice of investigation will be given to the Complainant and the Respondent informing them of the allegations, resources, and rights in the process at least three (3) business days prior to the investigation meeting. Investigations will include timely notice of meetings for both the Complainant and the Respondent throughout the process. During the investigative process, all parties will have an opportunity to review the draft investigative report prior to it going to the Title IX Director. The parties will have five (5) business days to review the draft of the investigative report and submit in writing comments about content, requests for additional meetings with the investigator to conduct further investigation or questions. The draft of the investigative report will be able to be reviewed, however the parties will not be able to take the draft of the investigative report with them during the draft period. This information will be included in the final documents that will be reviewed by the Title IX Director and adjudicator(s); if applicable. The parties may request one (1) extension that may be granted, if reasonable, at the discretion of the investigator. Any extension granted to one party will be granted to the other party. Failure to make submissions within five (5) business days or any approved extension will result in a forfeiture of the right to do so later. Both parties will be provided the final report, statements, and equal access to all evidence prior to the adjudication process.

If the student wishes to participate in a police investigation, the University may wait a reasonable amount of time (usually 7 to 10 business days but could be extended at the request of the Director, University Police or District Attorney or their designee) to allow the police to conduct initial fact finding and the gathering of evidence in the criminal investigation.

The University will conduct a prompt, fair, impartial investigation in a timely manner designed to provide all parties with resolution. The University's goal is to complete the

investigation within 60 days. However, there may be times where the process may take longer, and the University will communicate on an ongoing basis with the parties a realistic timeline, and the circumstances regarding the same. In every investigation conducted under this policy, the burden is on the University – not on the parties – to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed.

Investigations will be conducted by one or more of the following: the Title IX Director, the Office for Student Advocacy and Accountability, an external investigator, or other investigator designated by the Dean of Students or Vice President for Student Affairs. This designee may be an employee of the University, an external investigator, or both. All reasonable efforts will be made to keep information private during the University’s investigation and adjudication of a complaint. Investigators receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an objective and impartial investigation and hearing processing that protects the safety of victims, promotes accountability, and ensures investigative techniques do not apply sex stereotypes and generalizations. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair. As described in the Confidentiality section of this Policy, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The investigation is a process of obtaining and evaluating information given by persons having personal knowledge of the events or circumstances concerning the reported incident. This may include the collection of all statements (both oral and written), pertinent facts, and/or evidence. This process will be exhaustive and is likely to include the interviewing and re-interviewing of involved parties, so as to ensure as much clarity around conflicting or differing statements as may be possible. The Dean of Students, Title IX Director, Vice President for Student Affairs, or their designees may refer an investigative report back to an investigator for further follow-up, pending the availability of new information, for additional clarity regarding conflicting or inconsistent information/reports, or for any other reason necessary to ensure further clarity or strengthen the final report.

At the conclusion of the investigation, the investigator will prepare a report setting forth the facts gathered. The report will provide the scope of the reported incident, investigative findings, and a reliability assessment of the information.

### **Threshold of Information**

The Title IX Director or their designee will review the investigation report to make a determination on the threshold of information. The Title IX Director may determine that there is sufficient information to proceed.

If threshold has been reached, a notice of charge will be issued to begin the formal or informal conduct resolution process. If the Title IX Director determines this threshold has not been reached, the Complainant and Respondent will be notified in writing.

If the threshold was not reached, the Complainant will have the opportunity to seek review by the Vice President for Student Affairs by filing a written request for review within two

(2) business days. The Respondent will be notified in writing of this request. The Vice President for Student Affairs may affirm the threshold finding, reverse the finding, or request additional investigation, as warranted. If the Vice President for Student Affairs agrees a case does not reach the threshold for formal resolution, educational sanctions or informal resolution may still be implemented. This decision of the Vice President for Student Affairs is final.

## **Interim Measures**

### **Overview**

During the investigation and prior to the final determination, the University may take appropriate interim measures to protect the parties involved; after a fair assessment to determine the need for such interim measures. Interim measures will be individualized and appropriate based on the initial information gathered by the Title IX Director. A Complainant or Respondent may request an interim measure or other protection, or the University may impose interim measures at its discretion to ensure the safety of all parties, the University community, and/or the integrity of the process. These actions are not a presumption of responsibility for violation of the Sexual Misconduct Policy. Interim measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the University.

Interim measures may prevent a student from attending class and other University activities. The Dean of Students will communicate with a student's faculty instructors and/or advisors at the request of the student in order to determine if alternate arrangements can be made to support a student's completion of academic assignments.

The University will try to provide academic support where necessary. Academic support means the Dean of Students will communicate with faculty on a student's behalf. Faculty, however, work at their own discretion and, therefore, the Dean of Students can make no guarantees students will receive the support they desire. The Complainant and Respondent will be notified in writing of any or all interim measures.

### **Types of Interim Measures**

**Interim Separation:** In certain circumstances, the Vice President for Student Affairs and/or Dean of Students or designee may impose an Interim Separation from the University at any point after a complaint has been filed. Interim Separation may be imposed:

- During the investigatory stage to ensure the safety and well-being of members of the University community or preservation of University property;
- To ensure the student's own physical or emotional safety and well-being; or,
- If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University, or the investigation.

During the Interim Separation, a student shall be denied access to the residence halls and/or to the campus or other areas owned or controlled by the University. Interim Separation in this manner will not be placed on a student's official, permanent academic record.

A student may be required to submit to an assessment before being considered for return from interim separation. In the event that a student refuses to cooperate with such an assessment or if an assessment cannot be completed within a reasonable amount of time, determination of

eligibility for return will be based on readily available information, including indirect behavioral observations.

The Interim Separation does not replace the regular process, which shall proceed on the normal schedule, up to and through a hearing, if required. However, the student should be notified in writing of this action and the reasons for the separation. The student will also be notified of the time, date, and place of a subsequent Student Advocacy and Accountability review board or hearing, if applicable.

**Interim residential separation or residential relocation:** A student may be separated temporarily from University housing or temporarily reassigned to another residential location on campus. Their original housing location will be held until the process is over. It can be determined residential relocation is a sanction when appropriate, and at that time the student will move permanently into a location determined by the Housing Office.

**Class schedule changes:** Changes to a student's class schedule may be made on a temporary basis in the event it is deemed appropriate by the Dean of Students or their designee. Students may be sanctioned to a permanent change(s) through the normal adjudication process.

**Restrictions from University activities and/or facilities:** A student may be denied, on a temporary basis, participation in a University activity or privilege for which they may be otherwise eligible as the Dean of Students or their designee determine to be appropriate. Students may also be prohibited from certain facilities including, but not limited to, academic buildings, athletic facilities, and/or practice and competition spaces, and transportation services. Students may be sanctioned to a permanent restriction(s) through the normal adjudication process.

**Work or job assignment changes:** Changes to a student's work or job assignment (including internships) may be made on a temporary basis in the event it is deemed appropriate by the Dean of Students or the Director of the Office for Student Advocacy and Accountability.

**No-Contact Directive:** The University may impose a No Contact order in cases where an agreement cannot be reached or is not applicable. Generally, No Contact is defined as having no direct or indirect contact with another party or parties at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging, text messaging, and all forms of social media. Verbal communication is understood to include phone calls and voicemail messages. A No Contact order may include additional restrictions and terms. Violations of the No-Contact order may result in disciplinary action.

### **Informal Resolution**

A Complainant may elect to pursue an informal resolution to a sexual misconduct complaint. The Title IX Director or Director of the Office for Student Advocacy and Accountability has the discretion to determine if it would be appropriate to resolve a complaint under this Policy through informal resolution. An informal resolution is designed to officially resolve complaints promptly, and with mutual approval of all parties involved.

Informal resolutions include, but are not limited to, online education courses, counseling sessions, other educational remedies or mediation of the complaint conducted by the Office for Student Advocacy and Accountability and/or Dean of Students. Informal resolution may be used in certain cases involving sexual misconduct; such as non-consensual sexual contact (incidents that are not classified as fondling), sexual exploitation, and sexually inappropriate behaviors. **Informal resolution will never be used in cases involving allegations of violent sexual assault (including rape, incest, or statutory rape).** Both the Complainant and Respondent must agree to engage in informal resolution. Either party can end the informal resolution process at any time, for any reason, and begin the formal resolution process. Formal Resolution may not be initiated after the conclusion of Informal Resolution.

### **Outcomes of Informal Resolution**

At the conclusion of Informal Resolution, the Director of the Office for Student Advocacy and Accountability or designated University administrator may propose a sanction agreed upon by the parties or may impose or continue a No Contact order based on information derived from the Informal Resolution proceedings, taken together with any other relevant information known to the University at the time of the Informal Resolution. Actions imposed by the Director of the Office for Student Advocacy and Accountability or designated University administrator may include accommodations in living arrangements, academic courses, or employment; limitations of contact between the parties; and recommendation for counseling for the Respondent.

### **Election of Formal Resolution**

Except in cases where a Formal Resolution hearing has already been denied for not meeting the threshold, as set forth above, the University, Complainant, or the Respondent may, **at any time prior to the conclusion** of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

**Pre-Hearing Process:** After a student is charged with a potential violation of policy:

- The Process Administrator, usually the Title IX Director in such cases, will contact the Complainant and Respondent, where applicable, to go over details of the case and answer any questions concerning the process.
- The Complainant and Respondent will be permitted to submit a written list of questions for consideration at the hearing. These questions must be submitted to the Process Administrator two (2) business days before the hearing. The Process Administrator will approve all questions or topics which are not: 1) prohibited by these procedures or applicable laws, 2) unduly prejudicial, or 3) questions previously answered by the investigative report. Questions around prior sexual history, mental health treatment and/or diagnosis, sensitive personal identifying information, and medical records will not be permitted.
- The Complainant and Respondent will be asked to provide the Process Administrator with a list of witnesses (if there are any). Character witnesses are not permitted as part of the hearing process. Anonymous witnesses are not permitted as part of the hearing process.

- The Process Administrator will request the names of the Complainant's and Respondent's advisors. The advisors will be contacted by the Process Administrator to be certain that they understand their role in the hearing process. It is the student's responsibility to meet with the advisor and to provide the advisor with hearing materials if they so desire.
- The Process Administrator will be available to speak with the parent(s)/guardian(s) of the Complainant and Respondent to answer any questions about the process only. It is the student's responsibility to provide parent(s)/guardian(s) with copies of hearing materials if they desire. This information will not be provided by the Office for Student Advocacy and Accountability or Dean of Students.

### **Hearing Procedures**

1. The Process Administrator will produce written charges to be delivered to the Complainant and Respondent. The charge letter should indicate the elements of this policy that are alleged to have been violated. In addition to the formal charge letter, the Complainant and Respondent will receive copies of written statements provided by witnesses during the inquiry process (these may be received after the charge letter). The Complainant and Respondent will have seven (7) calendar days from receipt of the charge letter and statements to submit a response to the Process Administrator to be shared with the panel or Dean of Students.

Adjudication of the Sexual Misconduct Policy will be conducted by a panel or the Dean of Students based on availability. The Process Administrator will prepare a written report of the investigation for the panel or the Dean of Students (from here on referred to as Adjudicator).

The Adjudicator will base their decision on the information available in the written report. If the Adjudicator has insufficient information, they may follow-up with the investigator to get additional information from the Complainant, Respondent, witnesses, and any other information that is deemed relevant and pertinent to the case.

The standard of proof that the Adjudicator will utilize is preponderance of information. The preponderance standard means that the Adjudicator finds it is more likely than not the Respondent is responsible or not responsible for a violation of this policy based on the information presented to the Adjudicator.

The Respondent and Complainant will be notified in writing of the decision made by the Adjudicator. This notification to both Respondent and Complainant(s) will be done at the same time or as close to the same time as possible. If the Complainant is deceased, the next of kin will receive results of disciplinary proceedings.

2. A student found responsible for violating this policy may be assigned sanctions including, but not limited to, expulsion, suspension, or probation.

The imposition of sanctions will take effect immediately and will not be delayed pending the resolution of any appeal.

## Appeal Process

### Reasons for Appeal

The Respondent or Complainant may appeal a decision in a case for the following reasons:

- Unreasonable Sanction: To determine whether the magnitude of the sanction(s) imposed was unreasonable for the violation of policy for which the student was found responsible;
- Procedural Error: To determine procedural error or absence of conformity with prescribed procedures during the investigative stage or any stage of the process (including an error during the hearing) preventing either the Complainant or Respondent a reasonable opportunity to prepare and present information to the investigator; and
- New Information: To determine new information is discovered which was not available at the time of the investigative process and could have affected the outcome of the case.

**Note:** Appeals granted for “Unreasonable Sanction” will be referred to an Appeals Board. Appeals granted for reasons “Procedural Error” or “New Information” will go back to the original Adjudicator, unless an error during the hearing influenced the outcome. The Complainant would have the right to appeal in the case that the Respondent was found “Not Responsible,” if there were a procedural error or if new information has been discovered. If students indicate one basis for appeal which would send the case back to the original adjudicator and another ground for appeal which involves an Appeals Board, then both conditions for appeal would be heard by the Appeals Board. If both or all students appeal and any ground for appeal involves an appeal of sanction, then all grounds for appeal would be heard by the Appeals Board. In all cases that go back to the Adjudicator, the Adjudicator's decision is then final.

### Appeals

Appeals based on unreasonable sanctions or conditions noted above would be heard by the Vice President for Student Affairs or an Appeals Board. The Appeals Board will consist of one voting faculty member and two voting administrators. Members of the panel will be appointed for one to three year terms and will be trained on issues related to the Sexual Misconduct and Relationship Violence policy and process.

Students wishing to appeal should submit their written appeal to the Dean of Students within five (5) calendar days of receipt of the decision by the Adjudicator. Appeals are due by 5:00 p.m. on the fifth day following the original decision. The Title IX Director shall determine if the grounds for appeal were met. If grounds are not met, the appeal will not move forward to the Vice President for Student Affairs or an Appeals Board. Common reasons why an appeal may be rejected, or not accepted for consideration, include the following:

- Where a remedy has been requested that is not available through the appeal
- Where the appeal does not fit within the definition of any of the relevant grounds for appeal
- If the Respondent or Complainant submits an appeal and the appeal is granted, both parties will be informed by the Title IX Director that an appeal has been granted.

- Once all parties have been notified that an appeal has been granted, the Complainant or Respondent will have the option to submit a response to the appeal in writing. This response must be received by 5:00pm on the third calendar day following the receipt of the appeal notification.
- If being heard by the Vice President for Student Affairs: the original appeal letter and any response will be submitted to the Vice President for Student Affairs.
- If being heard by an Appeals Board: Once a board has been convened, the original appeal letter and any responses will be submitted to the Appeals Board. This board will be chaired by one of the voting members of the Appeals Board.

### **Appeals with Vice President for Student Affairs**

- The Vice President for Student Affairs will have access to reports; statements made by the Complainant, Respondent, witnesses; and any other materials gathered during the investigation.
- The Vice President for Student Affairs will determine whether or not the original sanction(s) should be amended. Amendment of the sanctions may include an increase or decrease in severity.
- The Vice President for Student Affairs may, in their sole discretion, meet with the Complainant, Respondent, other involved in the process, or the Adjudicator in order to determine whether the original sanction(s) should be amended. During any meeting with the Complainant, Respondent, and/or other individuals, the Vice President for Student Affairs will not revisit the entire matter, but limit their discussion to whether the sanction is unreasonable as previously identified.
- The decision of the Vice President for Student Affairs is final, except in cases of expulsion.

### **Appeals Board Process**

The Respondent or Complainant may request the removal of a member of the Appeals Board, if the student has reason to believe that the member may not be fair or impartial. This request, including rationale, must be submitted to the Title IX Director in writing at least 48 hours in advance of the hearing. The final decision to remove a member of the board is at the discretion of the Title IX Director.

- The Appeals Board will have access to reports; statements by the Complainant, Respondent, witnesses; and any other materials gathered during the investigation.
- The Appeals Board will vote on whether or not the original sanction(s) should be amended. Amendment of the sanctions may include an increase or decrease in severity.
- The Appeals Board may, in its sole discretion, meet with the Complainant, Respondent, others involved in the process, or the Adjudicator in order to determine whether the original sanction(s) should be amended. During any meeting with the Complainant, Respondent and/or other individuals, the Appeals Board will not revisit the entire matter, but will limit its discussion to whether the sanction is unreasonable as previously identified.
- The decision of the Board is final, except in cases of expulsion.

### **In Cases of Expulsion**

In cases where appeals have resulted in expulsion, the Respondent will have the opportunity to submit an appeal to the President of the University. This appeal must meet one



of the criteria listed above in Reasons for Appeal. The Respondent will have three (3) calendar days to submit an appeal in writing to the President's Office. The President will determine whether the appeal should be granted. This decision is final.

## **Records**

All resolution proceedings, whether informal or formal, are conducted in compliance with the requirements of FERPA and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

- A. Other than expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record:
  1. Disciplinary records are maintained by the Dean of Students' Office.
  2. Within 45 days of graduation, all hard copies of student disciplinary records shall be destroyed for students involved in disciplinary matters resulting in sanctions other than suspension or expulsion. Personal identifiers are removed from electronic disciplinary records. However, the University maintains numeric identifiers which are discoverable if the University receives a subpoena or search warrant.
  3. Disciplinary records of students involved in a pending University disciplinary proceeding, criminal matter, or civil matter related to a Clery Act-specific crime (Rape, Fondling, Statutory Rape, Incest, Stalking, Domestic Violence or Dating Violence) requiring retention of the record may be retained for seven years from the date of the initial report to the University.
  4. Disciplinary records of students who have been suspended will be retained for no fewer than seven years after graduation or withdrawal. "Suspension" will be noted on the transcript for the duration of the suspension.
  5. Disciplinary records of students who have been expelled will be retained indefinitely in addition to a permanent notation on the student's transcript.
  6. Disciplinary records of students who have withdrawn from the University and have not been suspended, expelled, involved in a pending criminal matter, or those found responsible for a violation of the Sexual Misconduct Policy, specifically, sexual assault, domestic violence, dating violence, stalking, and sexual harassment will be retained for no fewer than seven years after the date of the incident.
- B. Information and disciplinary records are generally not released to third parties without the student's permission. There are two main areas of exception:
  1. The University may release information to parents without student consent when deemed appropriate and is not otherwise prohibited by FERPA or other applicable laws. The University's complete FERPA policy may be found in the Student Handbook.
  2. Information and/or records may be produced in response to a subpoena, warrant, or court order.
- C. In situations involving both a Respondent(s) and a student Complainant who is the victim or target of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the records of the Respondent and Complainant students.

- D. For cases involving a report, complaint, investigation, or informal conduct resolution, or formal conduct resolution under the purview of the Sexual Misconduct Policy, specifically for students found responsible for sexual assault, domestic violence, dating violence, stalking, and sexual harassment, the Dean of Students Office will retain a record of the report, complaint, investigation, informal, and/or formal conduct resolution for a period of no less than seven years after graduation or withdrawal. Personal identifiers will be removed from all records in accordance to the disciplinary records retention policy. These cases are discoverable by search warrant, subpoena, or federal audit. Affirmative findings of responsibility in matters resolved through formal conduct resolution are part of a student's conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record until graduation.
- E. Students seeking transfer to other schools or participation in off-campus study programs may also be requested or required to release their disciplinary records. Graduate schools, medical schools, law schools, and some governmental agencies may also request disclosure of student disciplinary records.
- F. Regarding students who withdraw from Southeastern with outstanding charges of a violation of the Sexual Misconduct and Relation Violence Policy: Upon receiving the appropriate release of information form signed by the student or former student, institutions and agencies (e.g. Common Application) inquiring as to a student's conduct record and/or eligibility to return or re-enroll at Southeastern may be provided with information regarding the outstanding charges.

## Sanctions

Below is a list of all sanctions which may be assigned by a Student Conduct Administrator, Student Conduct Review Board, Adjudicator, Appeals Officers, Sexual Misconduct Hearing Board, Sexual Misconduct Appeals Board, Dean of Students, or the Vice President for Student Affairs. If a student is found responsible for a violation of policy, the following sanctions may be imposed upon any student found to have violated the Student Code of Conduct. When determining the appropriate sanctions, the conduct administrator or board may take into account any previous violations or sanctions imposed in a prior conduct proceeding. The conduct administrator or board may issue one or a combination of the following or similar types of sanctions:

- A. **Expulsion** – permanent separation of the student from the University. Records will be permanently maintained by the University, and the transcript will note the expulsion.
- B. **Suspension** – separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended forfeit all fees that have been paid to the University, and are ineligible to visit the campus unless permission is granted by the Director of Student Advocacy and Accountability. In addition, a “suspension” notation is placed on their University transcript until the term of suspension has expired (notation changed to “withdrew” after suspension ends). Students must seek readmission as outlined in the Student Handbook.

- C. **Revocation of Admission** – Applicants and admitted students are expected to abide by the same code of conduct as Southeastern students and are covered by the same Code of Conduct. Southeastern reserves the right to revoke admission to admitted or deposited students for fraud, misrepresentation, violation of University standards, or for other serious violations committed by a student prior to enrolling at Southeastern.
- D. **Withholding and/or Revocation of Degree** – Southeastern reserves the right to withhold or revoke a degree from the University for sexual assault and other violations of sexual misconduct.
- E. **Withholding Diploma** – the University may withhold a student’s degree/diploma for a specified period of time. The student may also be denied participation in commencement exercises while charges are pending or as a sanction. In addition, the University may withhold a student’s transcript if the student has judicial charges pending or the student was found responsible for violating policy.
- F. **Conduct Probation** – a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions, such as suspension or expulsion, if the student is found to violate any institutional regulation(s) during the probationary period.
- G. **Loss of Privileges** – denial of specified privileges for a designated period of time. This includes, but is not limited to, loss of position in club or organization, suspension from athletic team or performing group, loss of privileges to use specified facilities, prohibition from participation in co-curricular activities, loss of privilege to have car on campus, loss of privilege to live in residence hall, or loss of privilege to join a student organization.
- H. **Restitution** – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- I. **Discretionary Sanctions** – work assignments, essays, behavioral contracts, alcohol and drug assessment or substance use advising, service to the University, community service, or other related discretionary assignments.
- J. **No Contact** – the University may impose a "no contact" directive in cases where an agreement cannot be reached or is not applicable. Generally, "no contact" is defined as having no direct or indirect contact at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to, email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voicemail messages. A "no contact" directive may include additional restrictions and terms. Students found responsible for violation of the No Contact directive may face sanctions that result in immediate removal from campus, suspension, or expulsion.

- K. **Residence Hall Relocation** – students may be assigned to a different residential space on campus if they violate policy or demonstrate an inability to continue living in their current community or room.
- L. **Residence Hall Separation** – separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission to the residence halls may be specified.

**Organizational Sanctions may also include but are not limited to:**

- M. **Organizational Expulsion** – Permanent loss of privileges, including University recognition. When an organization fails to fulfill the University’s expectations of previously imposed conduct probation or has what a reasonable person would consider an egregious violation of University policy, Southeastern may decide to permanently terminate the recognition of the organization. This could include actions taken by unauthorized/unrecognized members, or violations by individuals acting on behalf of the group while suspended from campus.
- N. **Organizational Suspension** – Loss of all privileges, including University recognition, for a specified period of time. When an organization fails to fulfill the University’s expectations or violates the terms of previously imposed conduct probation, Southeastern may decide to terminate the recognition of or suspend the organization.
- O. **Social Probation** – A loss of privilege to host social events on- or off-campus for a specified period of time. Social probation may include all events or only social events with alcohol.
- P. Loss of selected rights and privileges for a specified period of time.

**Employee/Faculty Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

**General Standards of Conduct**

Southeastern is committed to operating with integrity and in compliance with all applicable federal, state, and local laws, regulations, and policies. Additionally, all employees are expected to conduct themselves honestly and with a high degree of personal integrity. The mutual respect and collegiality is gained as a result of adherence to these high standards encourages a positive and productive work environment. This not only involves sincere respect for the rights of others, but also requires that employees refrain from behavior in both their professional and personal lives, that might be harmful to themselves or their coworkers and/or the University. To maintain the integrity of Southeastern and to protect the rights of its employees, its students, and the University itself, employees are expected to conduct themselves honestly, professionally, and ethically at all times.

Additionally, to make the University a safe and pleasant place to work, every employee is expected to observe certain standards of conduct. Certain conduct is of such serious nature that immediate dismissal may be warranted without prior warning or discipline. Examples of such conduct are as follows: gross insubordination; dishonesty; stealing property or merchandise

belonging to the University, its suppliers, students, or other employees; private financial relations with customers or suppliers; deliberate damage to University property; fighting; falsifying, or causing to be falsified information on an employment application, time card, or other University documents; unlawful possession, use, or distribution of alcohol; intoxication; the illegal use, sale, manufacture, possession, or distribution of drugs or narcotics; sexual misconduct, other inappropriate sexual conduct, illegal harassment, and/or discrimination; the possession or use of firearms or other weapons on University premises, including in employees' own vehicles; or the use or threat of violence.

The specific conduct described in this section does not include all of the possible grounds for discipline or discharge. These descriptions are intended as illustrations of the types of conduct that must be avoided for the good of our employees, students, visitors, and the University itself.

Because these rules are essential to our most important function - high quality service to our students - as well as to the efficient operation of our business, the provisions of this section will be promptly and fairly enforced. We appreciate the cooperation of every employee in the careful observance of these standards of conduct.

### **Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Sexually Inappropriate Behavior**

All members of the Southeastern community have the right to work and study in an environment free of discrimination, including freedom from sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, and other sexually inappropriate behavior. The intent of this policy is to foster responsible behavior in a working and academic environment free from discrimination and harassment. Thus, Southeastern strongly disapproves of and forbids the sexual harassment of employees or students, and will not tolerate sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and other sexually inappropriate behavior.

Sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, and other sexually inappropriate behavior as defined by this policy is prohibited when it involves any member of the campus community:

- toward a faculty member or employee by a faculty member or employee
- toward a student by a faculty member or employee
- toward a faculty member or employee by a student
- toward a student by a student
- toward a faculty member or employee or student by a visitor or guest of the University

All members of the faculty, administration, and support staff who have information regarding, are witness to, or become aware of by any means any form of sexual harassment, sexual misconduct, inappropriate sexual behavior, dating violence, domestic violence, stalking, and/or criminal activity, are required to report the incident as outlined in these policies.

### **Other Forms of Harassment/Discrimination**

Employees are expected to maintain the highest degree of professional behavior. All harassment or discrimination by employees is strictly prohibited. Further, harassing or

discriminatory behavior of non-employees directed at University employees or students also is condemned and will be promptly addressed.

Discrimination occurs when race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age, or any protected status is used as (inappropriate) irrelevant criteria for action. Discrimination is particularly condemned when it exploits and jeopardizes the trust that should exist among members of an educational institution. To preserve a work and study atmosphere that fosters such trust, the University affirms the principle that students, faculty, and staff must be treated equitably and evaluated on the basis of merit rather than irrelevant criteria. When a person intentionally or inadvertently abuses the power and authority inherent in their position, there can be negative consequences both to the individuals involved, as well as to the educational and working environment of the University.

Discrimination also includes harassment. Harassment may be based on a person's race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age, or any protected status. It includes a wide range of abusive and humiliating verbal or physical behaviors that are directed against a particular person or persons. In some cases, the conduct may be such that it is clear that it is directed against a particular person or persons, even though the person(s) may not be explicitly identified.

Examples of unacceptable behavior include, but are not limited to:

- physical, emotional, or mental abuse
- racial, religious, ethnic, or gender-based or sexual insults
- derogatory ethnic, religious, or sexual jokes or slurs
- unwelcome sexual comments or advances
- taunting intended to provoke an employee
- requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, or compensation
- unwanted physical contact such as pinching, grabbing, rubbing, etc.; stalking, bullying, cyber-bullying, etc.

All members of the faculty, administration and support staff who have information regarding, are witness to, or become aware of by any means any form of harassment or discrimination are required to report the incident.

### **Reporting of Prohibited Conduct, Harassment, and Discrimination Violations**

An individual who reports sexual harassment, sexual violence, intimate partner violence, or stalking, whether the Complainant or a witness, can be assured that all reports will be taken seriously, and that each individual will be treated with dignity, respect, and in a non-judgmental manner from the initial report to the final result. Similarly, a respondent can expect to be treated fairly and respectfully from the initial report to final result.

Any employee or faculty member who believes he or she has been the subject of any form of prohibited conduct, harassment, or discrimination in any form should bring the matter to the Human Resources Office, Title IX/EEOC Office, and/or the Provost.

All members of the faculty, administration, and all support staff are required to report incidents of prohibited conduct, harassment, and/or discrimination, including sexual harassment and gender discrimination, sexual misconduct, relationship violence, and sexually inappropriate behavior, that they observe, that they are informed about, or of which they become aware by any means the Human Resources Office, Title IX/EEOC Office, and/or the Provost.

### **Investigation of Reports**

All concerns will be taken seriously. The University will inform the alleged respondent about the University's policy regarding such behavior and advise the respondent that retaliation is prohibited.

The Title IX Director will be notified of all Title IX/VAWA related claims. In those cases, the Title IX Director will determine to whom the responsibility for investigation will be assigned. The investigation will typically involve interviewing the individual who believes they have been harassed; interviewing the individual who has been accused; and interviewing any witnesses or those who are believed to have relevant information about the claim. The individual being accused generally has the right to know who has made an allegation against them. The supervisor of an employee making a claim and the supervisor of an employee being named in a claim may be notified of the claim, only if appropriate.

### **Review**

When the individual making a claim or the accused is a member of the faculty, the investigation will normally be assigned to the Provost's Office. The Provost may conduct the investigation with Human Resources, meeting with the individual making the claim, the individual who has been accused, and any witnesses or those who may have relevant information. Any corrective action toward a faculty member will be determined based on procedures set forth in the Faculty Handbook.

When a claim involves an employee of the University other than a faculty member, the investigation will typically be assigned to Human Resources. The Title IX Director may delegate responsibility for the investigation to another member of the professional staff or person(s) authorized by the University, as appropriate. Any corrective action toward a member of the professional staff will be based on standard, accepted disciplinary procedures.

Student complaints about a faculty member or another employee of the University will be reviewed by the Provost (in the case of a faculty member,) the Title IX Director (in situations involving Title IX/VAWA related claims,) and/or Human Resources (in the case of an employee).

Faculty or staff complaints about a student will be reviewed by the Title IX Director or trained designee. The procedures for sexual harassment grievances are outlined in the Student Code of Conduct.

Student complaints about other students will be reviewed and investigated per the Sexual Misconduct Policy by the Title IX Director or Director of Student Advocacy and Accountability. The procedures for sexual harassment grievances are outlined in the Student Code of Conduct.

During the course of an investigation, the individual conducting the investigation may consult with or notify the President, Provost, Vice President for Student Affairs, Dean of Students, Dean of the College, Human Resources, Director University Police, and/or another administrator or outside legal counsel, as appropriate.

Confidentiality will be maintained throughout the investigation to the extent practicable and consistent with the University's need to undertake a full and impartial investigation. Only those with a need to know will be involved in the investigation.

In cases involving an issue or concern outlined in policies related to employee or student sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, and other sexually inappropriate behavior, both the Complainant and/or the Respondent may have an advisor of their choice present during the investigation.

The role of an advisor is to support the Grievant/Respondent, but the advisor may not represent the Grievant/Respondent during the investigation. The Grievant/Respondent may speak quietly with their advisor or request a short break in order to speak.

Employees questioned by the University during the course of an investigation are required to provide their full cooperation. In turn, it is the expectation of the University all those involved in an investigation, including the individual making the claim, the individual who has been accused, and any witnesses will be treated with dignity and respect during the course of the investigation.

If criminal conduct has been alleged, the claimant may elect to file a complaint with the appropriate authorities. The University will conduct its own investigation, even if a criminal investigation occurs.

The University will normally conclude its investigation in a period of 60 days or less. In rare cases where the matter presents particular complexities or the unavailability of witnesses, the time period may be extended. All investigations will offer an equal opportunity for the accuser and the accused to present relevant witnesses and other evidence. At the conclusion of the investigation, appropriate administrators of the University will determine whether a violation of this policy occurred using a "preponderance of the evidence" standard. This means that, based on the totality of the evidence, harassment more likely than not occurred (not a "clear and convincing evidence" standard).

In investigations implicating rights protected by Title IX, the individual making the complaint, as well as the alleged offender, will be apprised of the outcome of the investigation in writing.

If harassment or other violation is found to have occurred, immediate and appropriate action will be taken to stop the harassment or other violation, eliminate the hostile environment, prevent its recurrence, and remedy its effects.



Where a Respondent has been found responsible, the University will take appropriate actions, which may include disciplinary and corrective actions designed to prevent future occurrences. Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including the nature, severity of, and circumstances surrounding the violation; the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by the Respondent; the impact of the violation on the community, its members, or its property; any previous disciplinary history; previous complaints or allegations involving similar conduct; and any mitigating or aggravating circumstances. Disciplinary measures may consist of actions including verbal warning, written warning, suspension without pay, or possible termination of employment. The determination of sanction is made by Human Resources. Faculty disciplinary matters will be handled per procedures outlined in the Faculty Handbook.

In appropriate cases, the University may determine the misconduct was motivated by bias, insofar as a Complainant was selected on the basis of their race, color, ethnicity, national origin, religion, sex, sexual orientation, gender expression, gender identity, age, veteran's status, marital/family status, genetic information, or disability. Where the University determines the misconduct was motivated by bias, the University may elect to increase the sanction imposed as a result of this motivation. Disciplinary sanctions may range from probation to permanent separation from the University. They may also include any educational, remedial, or corrective actions as warranted.

#### **Notice of Outcome and Sanction:**

In investigations implicating rights protected by Title IX, the individual making the complaint, as well as the alleged offender, will be apprised of the outcome of the investigation in writing.

#### **Interim Measures**

During the investigation and prior to the final determination, the University may take appropriate interim measures to protect the parties involved. A Complainant or Respondent may request an interim measure or other protection, or the University may impose interim measures at its discretion to ensure the safety of all parties, the University community, and/or the integrity of the process. These actions are not a presumption of responsibility. Interim measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the University.

#### **Types of Interim Measures**

The University, after consulting with the Complainant and Respondent, will determine which measures are appropriate to ensure the Complainant's safety and equal access to employment:

- Assistance in alternative employment arrangements and/or changing work schedules, when possible
- A No-Contact Directive, pending the outcome of an investigation. Such directives serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
- Providing an escort to ensure that the employee can move safely across campus

- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services
- Issue a full, partial, or modified ban/bar to the respondent, if appropriate
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

The University will work with the Complainant and the Respondent to identify what interim measures are appropriate in the short term, and will continue to work collaboratively throughout the process and as needed thereafter to assess whether the instituted measures are effective and, if not, what additional or different measures are necessary.

### **University-initiated Protective Measures**

In addition to those protective measures previously described, the Title IX Director or designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to a University order of No Contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Director’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined the Title IX Director, Human Resources, and/or Provost.

### **Notification to Victims of Crimes of Violence**

The University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION**

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

In Louisiana, information regarding registered sex offenders who are subject to community notification is maintained by the Louisiana State Police in the Louisiana State Sex Offender and Child Predator Registry Database. This database is the official Louisiana internet source for Sex Offender Registration information. The state maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of

information on sex offenders required by law to register. The database can be searched for a specific individual or for an area (city and/or zip code).

The database may be found at the following website:

<http://www.lsp.org/socpr/default.html>

## **ALCOHOL/DRUG POLICIES**

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, and Louisiana state policies on Alcohol and Other Drugs, Southeastern prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on University property, or as part of any campus activity. Employee or student violators are subject to disciplinary action, up to and including termination of employment and expulsion.

The University Police Department is responsible for enforcing the laws of the State of Louisiana, including laws relative to the possession, use, and sale of alcoholic beverages. This includes the enforcement of state underage drinking laws and federal and state drug laws. In addition to any law enforcement action taken, student violations of the policies and guidelines pertaining to alcohol and drugs specified in the Student Code of Conduct are referred to the Office for Student Advocacy and Accountability for assessment. Students found responsible for violations will face sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions include, but are not limited to, fines, education, referrals for counseling, community service, probation, residence hall separation, or suspension or expulsion from the University.

Louisiana law states persons under 21 years of age who attempt to purchase, purchases, consumes, possesses, or who knowingly and intentionally transports any alcohol, liquor, or malt beverages is guilty of an offense. Misrepresentation of age to a licensed dealer or other persons who sell or furnish intoxicating liquors constitutes an offense. A person also commits an offense for selling or providing alcoholic beverages to a person under 21 years of age.

There are serious legal and financial consequences for impaired driving, including driving while intoxicated (alcohol intoxication) or driving while impaired by other drugs. Drivers under the age of 21 with a blood alcohol concentration (BAC) of .02 grams per cent (g%) or higher and drivers 21 years of age and older with a blood alcohol concentration (BAC) of .08 grams per cent (g%) or higher are presumed to be impaired and may be charged criminally. Louisiana also has container and noise ordinances.

The use of narcotics and controlled substances without a prescription on University property, as elsewhere, is illegal. Illegal possession, use, and/or sale of drugs or narcotics by students, employees, or guests constitutes unacceptable and illegal conduct. The University Police Department is responsible for enforcing the laws of the State of Louisiana, including laws relative to the possession, use, and sale of narcotics and controlled substances. When students are receiving Federal Title IV financial aid (including Federal Pell Grants and Federal Direct Student Loans), it is their responsibility to inform the Financial Aid Office within five days of any

criminal illegal drug statute conviction. Students also agree to abide by the conditions of the drug-free workplace certifications.

The Student Code of Conduct also specifies prohibitions and penalties for violations of these prohibitions and is published under a separate cover. The Student Code of Conduct is administered by the Office for Student Advocacy and Accountability. The complete Student Code of Conduct may be found online at:

[http://www.southeastern.edu/admin/stu\\_affairs/handbook](http://www.southeastern.edu/admin/stu_affairs/handbook)

### **Drug Free Schools and Communities Act (DFSCA) Compliance**

The most recent version of Southeastern’s Drug and Alcohol Abuse Policies can be located in the Student Handbook. The Student Handbook may be located online at:

[http://www.southeastern.edu/admin/stu\\_affairs/handbook](http://www.southeastern.edu/admin/stu_affairs/handbook)

### **WEAPONS POLICY**

Southeastern Louisiana University is a “Firearm Free Zone” in compliance with all state and federal laws governing such. In accordance with Louisiana Revised Statute 14:95.2, it is a felony to intentionally, knowingly or recklessly possesses a firearm, illegal knife or prohibited weapon (with or without a concealed handgun permit pursuant to R.S. 40:1379.1 or R.S. 40:1379.3) on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the educational institution.

Only commissioned law enforcement personnel are authorized to carry firearms at Southeastern and must have in their possession verification of their authorization to do so at all times.

According to the Student Code of Conduct: “Weapons violations include but are not limited to: possession or use of guns, and other firearms and knives with blades longer than five inches on University property; any illegal or unauthorized possession, use, or threatening the use of firearms, knives, other weapons, or dangerous chemicals.”

Additionally, it is a violation of Southeastern policies governing employee behavior for employees to possess firearms, weapons, or explosives on campus without authorization.

Weapons brought to campus for educational pursuits, including, but not limited to, inert or replica weapons used for participation in the United States military Reserve Officer Training Corps (ROTC), weapons used in historical displays, and inert or replica weapons used in theatrical productions, must be authorized by the University administration and verified as non-operational or otherwise registered with the University Police Department prior to arrival on campus.

### **MISSING STUDENTS**

If a member of the University community has reason to believe a student is missing, whether or not the student resides on campus, the individual should immediately contact the University Police Department at (985) 549-2222. The University Police Department will initiate an investigation and collaborate with the Division for Student Affairs, other University officials,

and/or appropriate local law enforcement agencies to make an effort to locate the student and determine his or her state of health and well-being.

The University Police Department will gather pertinent information about the student from the reporting person or others. Such information may include but is not limited to the student's description, cellular phone number, clothes last worn, vehicle description, information about the student's health or well-being, or an up-to-date photograph. University officials will endeavor to determine the student's whereabouts by contacting friends, associates, faculty members, and/or employers of the student, and/or determining whether the student has been attending classes, scheduled organizational or academic meetings, and work. If the student resides off-campus, the University Police Department may enlist the aid of the neighboring police agency having jurisdiction where the student resides or was last known to have been visiting.

In addition to registering a general emergency contact, all students residing in on-campus student housing facilities have the option to annually register confidential contact information for a person to be notified by the University in the event the student is officially reported as missing. The contact information will be confidential, accessible only by authorized campus officials and law enforcement, and may not be disclosed outside the investigation. If a student has identified such an individual, UPD or other authorized University officials will notify that individual no later than 24 hours after the student is determined to be missing.

If the missing student is under the age of 18 and is not an emancipated individual, UPD or other authorized University officials must notify the student's custodial parent or legal guardian immediately after UPD has determined the student has been missing for more than 24 hours, in addition to notifying any additional contact person designated by the student.

After the student has been located, University Police will attempt to verify the student's state of health, well-being, and intention of returning to campus. If appropriate, a referral to the University Counseling Center may be made.

### **EMERGENCY MEDICAL RESPONSE PROCEDURES**

Students and employees should report any emergency medical situations to the University Police Department immediately at 225-765-2324.

UPD officers are trained emergency medical responders to provide medical assessment and basic emergency care. UPD may also contact the Baton Rouge Fire Department and/or Acadian Ambulance for assistance during medical emergencies.

### **CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING**

Southeastern offers many programs designed to inform students and employees about campus security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as

alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, emergency response and evacuation procedures, and theft prevention. University Police, Residence Life, Student Affairs, and the Title IX Director participate in forums, panels, meetings, and programs on campus and in residence halls to explain campus safety, campus policies, and expectations related to student conduct and behavior and fire safety measures and procedures at Southeastern.

Additionally, Southeastern has enacted the “Safe Campus” initiative, including a website with often asked safety questions, information about safety and security measures implemented at Southeastern, and how students can assist with keeping themselves and the campus safe. The website can be found at [https://www.southeastern.edu/about/safe\\_campus](https://www.southeastern.edu/about/safe_campus).

Students and employees may request safety and security presentations or meet with police department employees by contacting the University Police Department via e-mail at [police@southeastern.edu](mailto:police@southeastern.edu).

Crime prevention information is always available at the University Police Department website at [www.southeastern.edu/police](http://www.southeastern.edu/police).

**The Southeastern Louisiana University Louisiana ACT 447 Semi-Annual Crime Report is also available at:**

<https://www.southeastern.edu/police/louisianaact447>

**Louisiana 2021 House Bill No. 494; ACT No. 447 is available at:**

<https://legis.la.gov/legis/ViewDocument.aspx?d=1235959>