

Proposed law redefines "president" as "system president" and deletes "sexually-oriented offense". Adds several definitions as follows:

- (1) "Board of Regents" means the body corporate created by Article VIII, Section 5(A) of the constitution.
- (2) "Board of supervisors" means a management of board of a postsecondary education system.
- (3) "Chancellor" means the chief executive officer of an institution of postsecondary education.
- (4) "Employee" means anyone who is either:
 - (a) An administrative officer or official of an institution.
 - (b) Appointed to a post or position at an institution created by rule, law, policy, resolution, or executive order.
 - (c) Employed by an agency, officer, or official of an institution.

"Employee" does not include a student enrolled at the institution.

- (5) "Power-based violence" means any form of interpersonal violence intended to control or intimidate another person through the assertion of power over them. "Power-based violence" includes the following:
 - (a) Sexual harassment which means unwelcome, verbal or physical behavior of a sexual nature, or unwanted sexual advances, requests for sexual favors and other acts of a sexual nature where submission is made a term or condition of an educational or work opportunity.
 - (b) Sexual assault which means any nonconsensual sexual contact including but not limited to any offense or act included in R.S. 15:541(24) or obscenity (R.S. 14:106).
 - (c) Domestic violence which means a felony or misdemeanor crime of violence committed upon a victim either:
 - (i) By a current or former spouse or intimate partner of the victim.
 - (ii) By a person with whom the victim shares a child in common.
 - (iii) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
 - (d) Dating violence which means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the

purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.

- (e) Stalking which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - (i) Fear for the person's safety or the safety of others.
 - (ii) Suffer substantial emotional distress.

For the purposes of stalking:

- (i) "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - (ii) "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
 - (iii) "Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- (6) "Responsible employee" means each employee of an institution who receives notice or witnesses incidents of power-based violence. "Responsible employee" does not include a confidential advisor or employee who has privileged communications with a student as provided by law.
 - (7) "System president" means the president of the system of the respective institution.

Proposed law requires that any responsible employee of an institution who receives information or witnesses any incident of power-based violence committed by or against a student promptly report the incident to the campus Title IX coordinator. However, a responsible employee is not required to make a report if information is received (1) during a public forum or awareness event in which an individual may disclose an incident of power-based violence as part of educating others or (2) disclosure is made in the course of academic work product consistent with the assignment.

Proposed law requires that a report include the following information if known:

- (1) The identity of the victim.
- (2) The identity of the alleged perpetrator.

- (3) The type of power-based violence alleged to have been committed.
- (4) Any other information about witnesses, location, date, and time that the incident occurred.

Proposed law requires that not less than once every three months, the Title IX coordinator submit to the chancellor of the institution a written report on reports received, including information regarding:

- (1) The investigation of those reports.
- (2) The disposition, if any, of any disciplinary processes arising from those reports.
- (3) The reports for which the institution determined not to initiate a disciplinary process, if any.

Proposed law requires the Title IX coordinator immediately report to the chancellor of the institution an incident reported to the coordinator, if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

Proposed law requires that at least once during each fall or spring semester, the chancellor of an institution submit to the institution's board of supervisors and post on the institution's internet website a report concerning the reports received, which shall not identify any person but shall include:

- (1) The number of reports received.
- (2) The number of investigations conducted as a result of the reports.
- (3) The disposition, if any, of any disciplinary processes arising from the reports.
- (4) The number of those reports for which the institution determined not to initiate a disciplinary process, if any.
- (5) Any disciplinary action taken.

Proposed law provides that if for any semester an institution has fewer than 1,500 enrolled students, the chancellor of the institution shall submit and post a report for that semester only if more than five reports were received during that semester.

Proposed law provides that a person acting in good faith who reports or assists in the investigation of a report of an incident, or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident:

- (1) Shall be immune from civil liability and from criminal liability that might otherwise be incurred or imposed as a result of those actions.

- (2) May not be subjected to any disciplinary action by the institution in which the person is enrolled or employed for any violation by the person of the institution's code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment.

However, these provisions do not apply to a person who perpetrates or assists in the perpetration of the incident reported.

Proposed law provides that an individual who is required to make a report and knowingly fails to make the report or an individual who, with the intent to harm or deceive, knowingly makes a report that is false shall be terminated or otherwise disciplined if the institution determines in accordance with the institution's disciplinary procedure to have failed to make a report or intentionally filed a false report.

Proposed law provides that unless waived in writing by the alleged victim, the identity of an alleged victim of an incident reported under proposed law is confidential and not subject to disclosure. However, the identity may be disclosed only to:

- (1) A person employed by or under contract with the institution to which the report is made who are necessary to conduct an investigation of the report or any related hearings.
- (2) A law enforcement officer as necessary to conduct a criminal investigation of the report.
- (3) A person alleged to have perpetrated the incident, to the extent required by other law.
- (4) A potential witness to the incident as necessary to conduct an investigation of the report.

Nothing in proposed law may be construed as prohibiting a victim from making a report to a law enforcement agency.

Proposed law provides that an institution may not discipline or otherwise discriminate against an employee who in good faith either:

- (1) Makes a report as required by proposed law.
- (2) Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the employee.

This provision does not apply to an employee who either:

- (1) Reports an incident perpetrated by the employee.
- (2) Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the employee perpetrated an incident.

Present law requires each institution and law enforcement and criminal justice agency located within the parish of the campus of the institution to enter into a memorandum of understanding to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about sexually-oriented criminal offenses occurring against students of the institution.

Proposed law requires memoranda be entered into by January 1, 2022, and thereafter maintained; substitutes "power-based violence" for "sexually-oriented criminal offenses"; and requires that each memorandum be signed by all parties to the agreement. Otherwise retains present law.

Present law requires the Board of Regents' Uniform Policy on Sexual Assault require that the memorandum of understanding be updated every two years.

Present law requires that each memorandum of understanding include:

- (1) Delineation and sharing protocols of investigative responsibilities.
- (2) Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.
- (3) Agreed-upon training and requirements for the parties to the memorandum of understanding on issues related to sexually-oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible.
- (4) A method of sharing general information about sexually-oriented criminal offenses occurring within the jurisdiction of the parties to the memorandum of understanding in order to improve campus safety.

Proposed law refers to "power-based violence" rather than "sexually-oriented offense" and requires that each memorandum be signed by all of the parties to the agreement.

Present law requires that the local law enforcement agency include information on its police report regarding the status of the alleged victim as a student at an institution. Proposed law retains present law.

Present law provides that the institution shall not be held liable if the local law enforcement agency refuses to enter into a memorandum of understanding. Proposed law repeals present law.

Present law requires that the Board of Regents establish uniform policies and best practices to implement measures to address the reporting of sexual harassment or sexually-oriented criminal offenses on institution campuses, the prevention of such crimes, and the medical and mental health care needed for these alleged victims.

Proposed law substitutes "power-based violence" for "sexually-oriented offense"; otherwise retains

present law.

Present law requires that confidential advisors designated by institutions complete certain training. Proposed law requires such training annually.

Present law mandates that the Board of Regents requires institutions to appoint an adequate number of confidential advisors. Provides that an institution that enrolls fewer than 5,000 students may partner with another institution in their system or region to provide these services. However, such action does not absolve the institution of its obligations under present law.

Proposed law requires that the board annually determine an adequate number for each institution. Otherwise retains present law.

Present law requires that each institution list on its website:

- (1) The contact information for obtaining a confidential advisor.
- (2) Reporting options for alleged victims of a sexually-oriented criminal offense.
- (3) The process of investigation and disciplinary proceedings of the institution.
- (4) The process of investigation and adjudication of the criminal justice system.
- (5) Potential reasonable accommodations that the institution may provide to an alleged victim.
- (6) The telephone number and website address for a local, state, or national hotline providing information to sexual violence victims, which shall be updated on a timely basis.
- (7) The name and location of the nearest medical facility where an individual may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.

Proposed law substitutes "power-based violence" for "sexually-oriented offense" and further requires including each current memorandum of understanding between the institution and each law enforcement and criminal justice agency located within the parish of the campus.

Present law provides that an institution may provide an online reporting system to collect anonymous disclosures of crimes and track patterns of crime on campus. An individual may submit a confidential report about a specific crime to the institution using the online reporting system. Provides that if the institution uses an online reporting system, the online system shall also include information regarding how to report a crime to a responsible employee and law enforcement and how to contact a confidential advisor.

Proposed law also applies to power-based violence and requires each institution to provide an online

reporting system. Otherwise retains present law.

Present law requires that the institution provide an amnesty policy for any student who reports, in good faith, sexual violence to the institution so that the student shall not be sanctioned by the institution for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of the report.

Proposed law changes reference from sexual violence to power-based violence". Otherwise retains present law.

Present law requires that not later than January 1, 2016, the Board of Regents, in coordination with the attorney general and in consultation with state or local victim services organizations, shall develop a program for training for each individual who is involved in implementing an institution's student grievance procedures, including each individual who is responsible for resolving complaints of reported sex offenses or sexual misconduct policy violations, and each employee of an institution who has responsibility for conducting an interview with an alleged victim of a sexually-oriented criminal offense. Present law requires that each institution ensure that the individuals and employees receive the training no later than the beginning of the 2016-2017 academic year.

Proposed law requires by January 1, 2022, such training includes power-based violence, be on an annual basis, and specifically include responsible employees and Title IX coordinators.

Proposed law requires that each institution ensure that the training be receive no later than the beginning of the 2022-2023 academic year. Requires the Board of Regents annually review the training and revise as needed. Otherwise retains present law.

Proposed law requires that each chancellor shall compile and submit a report to the institution's board of supervisors by January 10th of each year containing information from the previous calendar year regarding the institution's compliance with the training requirements including the number and percentage of employee's in the institution who have completed the training requirements, the number of power-based violence complaints received by the institution, the number of complaints which resulted in a finding that power-based violence occurred, the number of complaints in which the finding of power-based violence resulted in discipline or corrective action, and the amount of time it took to resolve each complaint. Requires the report be posted on the institution's website.

Proposed law requires each system president to compile and submit a system-wide report of the information provided above to the Board of Regents by January 15th.

Proposed law provides that the reports are public record.

Present law requires that the Board of Regents' Uniform Policy on Sexual Assault require that institutions communicate with each other regarding transfer of students against whom disciplinary action has been taken as a result of a code of conduct violation relating to sexually-oriented criminal offenses and that institutions withhold transcripts of students seeking a transfer with pending disciplinary action relative to sexually-oriented criminal offenses until such investigation and adjudication is complete.

Proposed law requires that the Board of Regents' Uniform Policy on Sexual Assault require that institutions communicate with each other regarding transfer of any student against whom a complaint has been reported to the Title IX coordinator as a result of a code of conduct violation relating to power-based violence and once the investigation and adjudication is complete and that institutions withhold transcripts of any student seeking a transfer against whom a complaint has been reported to the Title IX coordinator relative to power-based violence until such investigation and adjudication is complete.

Present law requires the administration of each institution, in consultation with campus or local law enforcement agencies, develop and distribute information to students regarding internet and cell phone safety and online content that is a potential threat to school safety. Requires certain information be included on how to recognize and report potential threats to school safety that are posted on the internet, including but not limited to posts on social media and be posted on the institution's website.

Proposed law adds providing information and instruction on reporting power-based offenses.

Present law requires that each institution administer an anonymous voluntary sexual assault climate survey to its students once every three years. Provides that the Board of Regents shall:

- (1) Develop the survey in consultation with the public postsecondary education management boards and in accordance with national best practices.
- (2) Work with the management boards in researching and selecting the best method of developing and administering the survey.
- (3) Submit a written report on survey results to the House Committee on Education, Senate Committee on Education , and the governor not later than September first following administration of the survey which summarizes results from each institution and the state as a whole.
- (4) Publish the survey results on the board's website and in any other location or venue the board deems necessary or appropriate.

Present law requires each institution to report the survey results to the Board of Regents.

Proposed law requires that each institution also send the report to the institution's board of supervisors and publish the survey results on the institution's website. Otherwise retains present law.

Proposed law requires that the chancellor of each institution by January 10th annually certify in writing to the institution's board of supervisors whether the institution is in substantial compliance with proposed law. Requires that each report be posted on the Internet website of the board and the respective institution.

Proposed law requires each system president by January 15th annually certify in writing to the Board

of Regents whether each institutions within the system is in substantial compliance with this proposed law. Requires each report be posted on the system's website.

Proposed law requires that, on or before February 15, 2022, and annually thereafter, the Board of Regents submit to the governor, the speaker of the House of Representatives, the president of the Senate, the House Committee on Administration of Criminal Justice, the Senate Committee on Judiciary C, the House Committee on Education, and the Senate Committee on Education a report regarding compliance with proposed law, including a summary of the institutions found not to be in substantial compliance during the calendar year preceding the date of the report.

Proposed law requires that the Board of Regents adopt rules to implement and enforce proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3399.11-3399.19; adds R.S. 15:624(A)(3))