

SENATE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 230
by Senator Mizell

1 AMENDMENT NO. 1

2 On page 1, line 3, change "consisting" to "comprised" and change "3399.19" to "3399.17"

3 AMENDMENT NO. 2

4 On page 1, line 5, after "violence at" delete the remainder of the line, delete lines 6-13, and
5 insert the following:

6 "public postsecondary education institutions; to provide for coordination
7 between institutions and law enforcement; to provide for confidential advisors,
8 responsible employees, and Title IX coordinators; to require training; to provide for
9 immunities for certain employees; to provide for confidentiality; to provide relative
10 to failure to report or filing false reports; to prohibit retaliation; to require annual
11 reports; to require student safety education; to provide for student power-based
12 violence surveys; and to provide for related matters."

13 AMENDMENT NO. 3

14 On page 2, line 2, after "to the" delete the remainder of the line and insert "**president of the**
15 **institution's system, the chancellor of the institution, and the institution's**"

16 AMENDMENT NO. 4

17 On page 2, line 7, change "consisting" to "comprised" and change "3399.19" to "3399.17"

18 AMENDMENT NO. 5

19 On page 2, delete lines 15-29, delete pages 3 and 4, and insert the following:

20 (1) **"Chancellor" means the chief executive officer of a public**
21 **postsecondary education institution.**

22 (2) "President" means the president of the system of the respective institution.

23 **"Confidential advisor" means a person designated by an institution to**
24 **provide emergency and on-going support to students who are alleged victims of**
25 **power-based violence.**

26 (3) "Sexually-oriented criminal offense" includes any sexual assault offense
27 as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.

28 **"Employee" means:**

29 **(a)(i) An administrative officer, official, or employee of a public**
30 **postsecondary education board or institution.**

31 **(ii) Anyone appointed to a public postsecondary education board or**
32 **institution.**

33 **(iii) Anyone employed by or through a public postsecondary education**
34 **board or institution.**

35 **(iv) Anyone employed by a foundation or association related to a public**
36 **postsecondary education management board or institution.**

37 **(b) "Employee" does not include a student enrolled at a public**
38 **postsecondary institution.**

39 (4) "Institution" means a public postsecondary education institution.

40 **(5) "Power-based violence" means any form of interpersonal violence**
41 **intended to control or intimidate another person through the assertion of power**
42 **over them and shall include, at a minimum, the following:**

43 **(a) Dating violence (R.S. 46:2151(C)).**

(b) Domestic and family violence (R.S. 46:2121.1(2) and 2132(3)).

(c) Nonconsensual observation of another person's sexuality without the other person's consent, including voyeurism (R.S. 14:283.1), video voyeurism (R.S. 14:283), nonconsensual disclosure of a private image (R.S. 14:283.2), and peeping tom activities (R.S. 14:284).

(d) Sexual assault (R.S. 14:41, 42 through 43.5, 89, 89.1, and 106).

(e) "Sexual exploitation" which means an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person's sexuality including prostituting another person (R.S. 14:46.2 and 82 through 86).

(f) "Sexual harassment" which means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course or academic research.

(g) Stalking (R.S. 14:40.2) and cyberstalking (R.S. 14:40.3).

(h) Unlawful communications (R.S. 14:285).

(i) Unwelcome sexual or sex- or gender-based conduct that is objectively offensive, has a discriminatory intent, and lacks a bona fide academic purpose.

(6) "Responsible employee" means an employee of a public postsecondary education institution who receives notice or witnesses an incident of power-based violence. "Responsible employee" does not include an employee designated as a confidential advisor pursuant to R.S. 17:3399.15(A) or an employee who has privileged communications with a student as provided by law.

(7) "System president" means the president of a public postsecondary education system.

(8) "Title IX coordinator" means the individual designated by a public postsecondary education institution as the institution's official for coordinating the institution's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972.

§3399.13 Mandatory reporting of power-based violence

A. Except as provided in Subsection D of this Section, a responsible employee who receives a complaint or witnesses an incident of power-based violence committed by or against a student shall promptly report the incident to the institution's Title IX coordinator.

B. A responsible employee who receives information regarding retaliation against a person for reporting power-based violence shall promptly report the retaliation to the institution's Title IX coordinator.

C. A responsible employee is not required to make a report if information is received under either of the following circumstances:

(1) During a public forum or awareness event in which an individual discloses an incident of power-based violence as part of educating others.

(2) Disclosure is made in the course of academic work product consistent with the assignment.

D. A report under this Section shall include the following information if known:"

AMENDMENT NO. 6

On page 5, line 3, after "violence" insert "or retaliation" and at the beginning of line 4, change "(d)" to "(4)"

AMENDMENT NO. 7

On page 5, between lines 14 and 15, insert the following:

"(4) Any complaints of retaliation and the status of the investigation of the complaints."

1 AMENDMENT NO. 8

2 On page 5, delete lines 19-29, on page 6, delete lines 1-4, and insert the following:

3 **"C. The chancellor of each institution shall annually submit a report to**
4 **the institution's management board by October tenth containing information**
5 **from the previous calendar year regarding the institution's compliance with the**
6 **requirements of this Part and the Jeanne Clery Disclosure of Campus Security**
7 **Policy and Crime Statistics Act of 1990, 20 U.S.C.§1092(f). The report shall**
8 **include the number of responsible employees and confidential advisors for the**
9 **institution, the number and percentage of these who have completed required**
10 **annual training, the number of complaints of power-based violence received by**
11 **the institution, the number of complaints which resulted in a finding that**
12 **power-based violations occurred, the number of complaints in which the finding**
13 **of power-based violations resulted in discipline or corrective action, the type of**
14 **discipline or corrective action taken, the amount of time it took to resolve each**
15 **complaint, the number of reports of retaliation, and the findings of any**
16 **investigations on reports of retaliation. The report shall be posted on the**
17 **institution's website.**

18 **D. The system president shall annually submit a systemwide report of the**
19 **information provided Subsection C of this Section to the institution's**
20 **management board and the Board of Regents by November fifteenth. The**
21 **reports shall be published on the websites of the management board and the**
22 **Board of Regents.**

23 **E. The Board of Regents shall annually submit a report to the governor,**
24 **the president of the Senate, the speaker of the House of Representatives, and the**
25 **Senate and House committees on education by December thirty-first which shall**
26 **include the systemwide and statewide information. The report shall also include**
27 **any recommendations for legislation. The report shall be published on the**
28 **website of the Board of Regents."**

29 AMENDMENT NO. 9

30 On page 6, line 7, change "R.S. 17:3399.13(A)" to "R.S. 17:3399.13"

31 AMENDMENT NO. 10

32 On page 6, delete lines 20-26, and insert the following:

33 **"A responsible employee who is determined, by the institution's**
34 **disciplinary procedures, to have knowingly failed to make a report or, with the**
35 **intent to harm or deceive, made a report that is knowingly false shall be**
36 **terminated."**

37 AMENDMENT NO. 11

38 On page 7, delete lines 11 and 12, and insert the following:

39 **"B. The alleged victim shall have the right to obtain a copy of any report**
40 **made pursuant to this Part that pertains to the alleged victim."**

41 AMENDMENT NO. 12

42 On page 7, line 14, change "discipline or otherwise discriminate" to "discipline,
43 **discriminate, or otherwise retaliate"**

44 AMENDMENT NO. 13

45 On page 7, line 15, after "employee" insert "or student"

1 AMENDMENT NO. 14

2 On page 7, line 18, after "**employee**" insert "**or student**"

3 AMENDMENT NO. 15

4 On page 7, line 20, after "**employee**" insert "**or student**"

5 AMENDMENT NO. 16

6 On page 7, line 23, after "**employee**" insert "**or student**"

7 AMENDMENT NO. 17

8 On page 7, line 25, after "**employee**" insert "**or student**"

9 AMENDMENT NO. 18

10 On page 8, line 4, between "occurring" and "against" insert "**by or**"

11 AMENDMENT NO. 19

12 On page 8, delete lines 6-8, and on line 9, change "C.(1)" to "**B.(1)**"

13 AMENDMENT NO. 20

14 On page 8, delete lines 21-27, insert the following:

15 ~~"D. The (e) A requirement that the~~ local law enforcement agency shall
16 include information on its police report regarding the status of the alleged victim as
17 a student at an institution as defined in this Part.

18 ~~E. The Institutions shall not be held liable if the local law enforcement~~
19 ~~agency refuses to enter into a memorandum of understanding as required by this~~
20 ~~Section.~~

21 **C. Each memorandum of understanding shall be signed by all parties**
22 **to the memorandum.**

23 **D. Each executed memorandum of understanding shall be reviewed**
24 **annually by each institution's chancellor, Title IX coordinator, and the**
25 **executive officer of the criminal justice agency, and shall be revised as deemed**
26 **necessary.**

27 **E. Nothing in this Part or any memorandum of understanding entered**
28 **into pursuant to this Section shall be construed as prohibiting a victim from**
29 **making a complaint to both the institution and a law enforcement agency.**

30 AMENDMENT NO. 21

31 On page 8, at the beginning of line 29, insert "**A.**"

32 AMENDMENT NO. 22

33 On page 9, at the end of line 3, insert a period ".", delete line 4, and insert the following:

34 **"B. Each public postsecondary education management board shall**
35 **institute policies incorporating the policies and best practices prescribed by the**
36 **Board of Regents regarding the prevention and reporting of incidents of power-**
37 **based violence occurring by or against students of an institution. The policies,**
38 **at a minimum, shall require each institution under the board's management to**
39 **provide for the following:"**

1 AMENDMENT NO. 23

2 On page 9, at the beginning of line 5, change "A.(1)" to "(1)"

3
4 AMENDMENT NO. 24

5 On page 9, delete lines 10-14, and insert the following:

6 **"(b) Prior to designating a person as a confidential advisor, the person**
7 **shall complete a training program that includes information on power-based**
8 **violence, trauma-informed interactions, Title IX requirements, state law on**
9 **power-based violence, and resources for victims.**

10 ~~(c) The confidential advisor shall complete the training requirements as~~
11 ~~provided in this Part. **annual training relative to power-based violence and Title**~~
12 ~~**IX. The initial and annual training shall be developed by**~~

13 ~~(c) Not later than January 1, 2016, the attorney general in collaboration with~~
14 ~~the Board of Regents; **and shall develop be provided through** online training~~
15 ~~materials; in addition to the training required under this Part, for the training of~~
16 ~~confidential advisors."~~

17 AMENDMENT NO. 25

18 On page 12, line 5, change "**power-based violations and other**" to "**incidents of power-**
19 **based violence and**"

20 AMENDMENT NO. 26

21 On page 12, line 6, change "**violations and other**" to "**violence and**"

22 AMENDMENT NO. 27

23 On page 12, at the end of line 7, delete "**power-based**", at the beginning of line 8 delete
24 "**violation or other**" and insert "**incident of power-based violence or**"

25 AMENDMENT NO. 28

26 On page 12, line 10, change "a **power-based violation or other**" to "**an incident of power-**
27 **based violence or**"

28 AMENDMENT NO. 29

29 On page 12, line 18, after "Training. (a)" delete the remainder of the line, delete lines 19 and
30 20 and insert the following:

31 **"The institution shall require annual** training for each"

32 AMENDMENT NO. 30

33 On page 13, line 1, between "**(b)**" and "**The**" insert the following:

34 **"Not later than January 1, 2022, the Board of Regents, in coordination**
35 **with the attorney general and in consultation with state or local victim services**
36 **organizations, shall develop the annual training program required by**
37 **Subparagraph (a) of this Paragraph."**

38 AMENDMENT NO. 31

39 On page 13, delete lines 3-17

1 AMENDMENT NO. 32

2 On page 13, line 18, after "(a)" delete the remainder of the line, delete line 19, and insert the
3 following:

4 **"Institutions shall communicate with each other"**

5 AMENDMENT NO. 33

6 On page 13, line 21, delete "a" at the end of the line and delete line 22, and insert "**power-**"

7
8 AMENDMENT NO. 34

9 On page 13, delete line 24, at the beginning of line 25, delete "institutions" and insert "**(b)**
10 **Institutions shall**"

11 AMENDMENT NO. 35

12 On page 13, line 25, between "withhold" and "transcripts" insert "**the**"

13 AMENDMENT NO. 36

14 On page 14, line 3, between "regarding" and "internet" insert "**power-based violence,**
15 **campus safety, and**"

16 AMENDMENT NO. 37

17 On page 14, line 4, after "safety." delete the remainder of the line and delete lines 5 and 6

18 AMENDMENT NO. 38

19 On page 14, line 8, between "to" and "detect" insert "**identify and prevent power-based**
20 **violence and how to**"

21 AMENDMENT NO. 39

22 On page 14, delete lines 10 through 13, and insert the following:

23 ~~"(2) Visual examples of possible threats.~~ **How to report incidents of power-**
24 **based violence, crimes on campus, violations of the student code of conduct, and**
25 **possible threats to campus safety.**

26 ~~(3) The reporting processes, as provided in Subsection D of this Section.~~
27 **Where to find reports regarding campus safety.**

28 AMENDMENT NO. 40

29 On page 14, line 16, between "process" and "shall" insert "**for possible threats to the**
30 **campus**"

31 AMENDMENT NO. 41

32 On page 14, line 27, after "reports" delete the remainder of the line and insert "**an incident**
33 **of power-based violence or a safety threat.**"

34 AMENDMENT NO. 42

35 On page 14, line 29, after "every" delete "threat report" and insert "**report of an incident**
36 **of power-based violence or a safety threat**"

37 AMENDMENT NO. 43

38 On page 15, at the end of line 2, change "threats" to "**reports**"

1 AMENDMENT NO. 44

2 On page 15, between lines 15 and 16, insert the following:

3 **"(3) Each institution shall make every effort to maximize student**
4 **participation in the survey."**

5 AMENDMENT NO. 45

6 On page 15, line 21, between "(3)" and "Submit" insert the following:

7 **"Consult with victims' advocacy groups and student leaders who**
8 **represent a variety of student organizations and affiliations, including student**
9 **government associations, academic associations, faith-based groups, cultural**
10 **groups, and fraternities and sororities, when meeting the requirements of**
11 **Paragraph (1) of this Subsection.**

12 **(4)"**

13 AMENDMENT NO. 46

14 On page 15, line 25, change "(4)" to "**(5)**"

15 AMENDMENT NO. 47

16 On page 16, delete lines 4 through 22