

RÉSUMÉ DIGEST

ACT 441 (SB 232)

2021 Regular Session

Barrow

Creates the Louisiana Power-Based Violence Review Panel under the jurisdiction of the Board of Regents composed of the following members:

- (1) The Senate president, or his designee.
- (2) The House speaker, or his designee.
- (3) The chair of the Senate Select Committee on Women and Children, or his designee.
- (4) The chair of the House Select Committee on Women and Children, or his designee.
- (5) The attorney general, or his designee.
- (6) The commissioner of higher education, or his designee.
- (7) The president of each public postsecondary education management system, or his designee.
- (8) A student representative from each of the postsecondary management boards appointed by the respective board's president.
- (9) The superintendent of the La. State Police, or his designee.
- (10) The president of the La. Association of Chiefs of Police, or his designee.
- (11) A member of the Domestic Violence Prevention Commission appointed by the secretary of the Department of Children and Family Services.
- (12) A licensed social worker with experience related to power-based violence appointed by the president of the Board of Directors of the La. National Association of Social Workers.
- (13) A licensed psychologist with experience related to power-based violence, appointed by the chair of the La. State Board of Examiners of Psychologists.
- (14) The executive director of the La. Foundation Against Sexual Assault, or his designee.
- (15) The president of Sexual Trauma Awareness and Response, or his designee.
- (16) The governor, or his designee.
- (17) A Title IX coordinator representing a public postsecondary education system.

Requires that the Title IX coordinator serve for one year, and that it rotate between higher education systems appointed by each system president.

Provides that a majority of the members of each panel constitute a quorum. Provides that all official actions of the panel shall require the affirmative vote of a majority of the members of the panel. Requires that the commissioner of education call the first meeting of the panel by August 15, 2021.

Requires the panel to meet at least two times per year up to a maximum of four times each year, and may meet at other times at the call of the chairman or as provided by panel rule. Authorizes the panel to adopt rules of procedure for its operation.

Requires that the panel:

- (1) Evaluate policies and practices of institutions of public postsecondary education, public postsecondary education management boards, and the Board of Regents

regarding reporting, investigating, and adjudicating power-based violence by and against students and recommend revisions to improve such policies and practices.

- (2) Advise and assist institutions of public postsecondary education, public postsecondary education management boards, and the Board of Regents in coordinating procedures to provide power-based violence prevention programs.
- (3) Serve as an advisory agency to the legislature, the governor, the Board of Regents, and the public postsecondary education management boards regarding power-based violence.

Requires that to the extent permitted by and in accordance with the Public Records Law, the Board of Regents, each public postsecondary education management board, each public postsecondary education institution, and each local law enforcement or criminal justice agency located within a parish with a public postsecondary education institution campus shall make available all facts, records, information, and data required by the panel and in all ways cooperate with the panel in carrying out the functions and duties imposed by new law.

Defines "power-based violence" as any form of interpersonal violence intended to control or intimidate another person through the assertion of power over them including sexual harassment, sexual assault, sexual exploitation, domestic abuse and family violence, dating violence, nonconsensual observation, stalking, unlawful communications, and unwelcomed sexual or sex- or gender-based conduct.

Provides that domestic abuse includes any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.

Requires the Board of Regents to develop a plan to distribute monies in the proposed Power-Based Fund if that fund is created in the Act which originated as House Bill 515 of the 2021 R.S.

Effective upon signature of the governor (June 22, 2021).

(Amends R.S. 39:100.101(D); adds R.S. 17:3399.13(4) and 3399.18)