

ACT No. 472

2021 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVES FREEMAN, ADAMS, AMEDEE, BRASS, BROWN, BUTLER, CARPENTER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COX, DAVIS, DUPLESSIS, EDMONSTON, FREIBERG, GAROFALO, GLOVER, GREEN, HILFERTY, HODGES, HORTON, HUGHES, JEFFERSON, JENKINS, LACOMBE, LANDRY, LARVADAIN, MACK, MARCELLE, MIGUEZ, MOORE, NEWELL, CHARLES OWEN, PHELPS, PIERRE, RISER, SCHLEGEL, ST. BLANC, STAGNI, TARVER, THOMPSON, VILLIO, WHEAT, WHITE, WILLARD, AND WRIGHT AND SENATORS ABRAHAM, BARROW, FIELDS, JACKSON, ROBERT MILLS, MIZELL, PETERSON, AND TALBOT

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AN ACT

To amend and reenact Part XII of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3399.11 through 3399.17, and to enact R.S. 15:624(A)(3), relative to power-based violence on college and university campuses; to provide for reporting incidents of power-based violence at public postsecondary education institutions; to provide for coordination between institutions and law enforcement; to provide for confidential advisors, responsible employees, and Title IX coordinators; to require training; to provide for immunities for certain employees; to provide for confidentiality; to provide relative to failure to report or filing false reports; to prohibit retaliation; to require annual reports; to require student safety education; to provide for student power-based violence surveys; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:624(A)(3) is hereby enacted to read as follows:

§624. Sexually-oriented criminal offense data; reporting

A.

* * *

1 (3) By February fifteenth of each year, each college or university campus
 2 police department shall submit the report to the president of the institution's system,
 3 the chancellor of the institution, and the institution's Title IX coordinator. The
 4 chancellor shall ensure that the report is posted on the institution's website.

* * *

6 Section 2. Part XII of Chapter 26 of Title 17 of the Louisiana Revised
 7 Statutes of 1950, comprised of R.S. 17:3399.11 through 3399.17, is hereby amended
 8 and reenacted to read as follows:

PART XII. CAMPUS ACCOUNTABILITY AND SAFETY

§3399.11. Short ~~Title~~ title

This Part may be referred to as the "Campus Accountability and Safety Act".

~~3399.13.~~ §3399.12. Definitions

For the purposes of this Part, the following terms and phrases shall have the following meanings unless the context clearly indicates otherwise:

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

(2) "~~President~~" means ~~the president of the system of the respective institution.~~
 "Confidential advisor" means a person designated by an institution to provide emergency and ongoing support to students who are alleged victims of power-based violence.

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

"Employee" means:

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

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

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

1 (iv) Anyone employed by a foundation or association related to a public
2 postsecondary education management board or institution.

3 (b) "Employee" does not include a student enrolled at a public postsecondary
4 institution, unless the student works for the institution in a position such as a
5 teaching assistant or a residential advisor.

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

7 (5) "Power-based violence" means any form of interpersonal violence
8 intended to control or intimidate another person through the assertion of power over
9 the person and shall include the following:

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

11 (b) Domestic abuse and family violence (R.S. 46:2121.1(2) and 2132(3)). For
12 the purposes of this Part, domestic abuse shall also include any act or threat to act
13 that is intended to coerce, control, punish, intimidate, or exact revenge on the other
14 party, for the purpose of preventing the victim from reporting to law enforcement or
15 requesting medical assistance or emergency victim services, or for the purpose of
16 depriving the victim of the means or ability to resist the abuse or escape the
17 relationship.

18 (c) Nonconsensual observation of another person's sexuality without the other
19 person's consent, including voyeurism (R.S. 14:283.1), video voyeurism (R.S.
20 14:283), nonconsensual disclosure of a private image (R.S. 14:283.2), and peeping
21 tom activities (R.S. 14:284).

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

23 (e) "Sexual exploitation" which means an act attempted or committed by a
24 person for sexual gratification, financial gain, or other advancement through the
25 abuse of another person's sexuality including prostituting another person (R.S.
26 14:46.2 and 82 through 86).

27 (f) "Sexual harassment" which means unwelcome sexual advances, requests
28 for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual
29 nature when the conduct explicitly or implicitly affects an individual's employment
30 or education, unreasonably interferes with an individual's work or educational

1 performance, or creates an intimidating, hostile, or offensive work or educational
 2 environment and has no legitimate relationship to the subject matter of a course or
 3 academic research.

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

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

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

8 (6) "Responsible employee" means an employee as defined in Paragraph (3)
 9 of this Section who receives a direct statement regarding or witnesses an incident of
 10 power-based violence. "Responsible employee" does not include an employee
 11 designated as a confidential advisor pursuant to R.S. 17:3399.15(B) or an employee
 12 who has privileged communications with a student as provided by law.

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

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

19 §3399.13. Mandatory reporting of power-based violence

20 A. Except as provided in Subsection C of this Section, a responsible
 21 employee who receives a direct statement regarding or witnesses an incident of
 22 power-based violence committed by or against a student shall promptly report the
 23 incident to the institution's Title IX coordinator.

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

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

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

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

3 (3) Disclosure is made indirectly, such as in the course of overhearing a
4 conversation.

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

7 (1) The identity of the alleged victim.

8 (2) The identity of the alleged perpetrator.

9 (3) The type of power-based violence or retaliation alleged to have been
10 committed.

11 (4) Any other information about witnesses, location, date, and time that the
12 incident occurred.

13 §3399.13.1. Administrative reporting requirements

14 A. Not later than October tenth and April tenth of each year, the Title IX
15 coordinator of an institution shall submit to the chancellor of the institution a written
16 report on the reports received under R.S. 17:3399.13, including information
17 regarding:

18 (1) The investigation of those reports.

19 (2) The disposition, if any, of any disciplinary processes arising from those
20 reports.

21 (3) The reports for which the institution determined not to initiate a
22 disciplinary process, if any.

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

25 B. The Title IX coordinator of an institution shall immediately report to the
26 chancellor of the institution an incident reported to the coordinator under R.S.
27 17:3399.13 if the coordinator has cause to believe as a result of the incident that the
28 safety of any person is in imminent danger.

29 C. The chancellor of each institution shall submit a report to the institution's
30 management board within fourteen days of receiving the report pursuant to

1 Subsection A of this Section from the Title IX coordinator. The report shall include
 2 the number of responsible employees and confidential advisors for the institution,
 3 the number and percentage of these who have completed required annual training,
 4 the number of complaints of power-based violence received by the institution, the
 5 number of complaints which resulted in a finding that power-based violations
 6 occurred, the number of complaints in which the finding of power-based violations
 7 resulted in discipline or corrective action, the type of discipline or corrective action
 8 taken, the amount of time it took to resolve each complaint, the number of reports
 9 of retaliation, and the findings of any investigations of reports of retaliation. The
 10 report shall be posted on the institution's website.

11 D. The system president shall submit a system-wide summary report within
 12 fourteen days of receiving the reports from the chancellors to the management board.
 13 The report shall be published on the website of the system.

14 E. The management board shall send an annual system-wide summary report
 15 to the Board of Regents by December thirty-first. The Board of Regents shall post
 16 the report on its website.

17 F. The Board of Regents shall annually submit a report to the governor, the
 18 president of the Senate, the speaker of the House of Representatives, and the Senate
 19 and House committees on education by January fifteenth, which shall include
 20 systemwide and statewide information. The report shall also include any
 21 recommendations for legislation. The report shall be published on the website of the
 22 Board of Regents.

23 §3399.13.2. Immunities

24 A. A person acting in good faith who reports or assists in the investigation
 25 of a report of an incident of power-based violence, or who testifies or otherwise
 26 participates in a disciplinary process or judicial proceeding arising from a report of
 27 such an incident:

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

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

5 B. Subsection A of this Section shall not apply to a person who perpetrates
 6 or assists in the perpetration of the incident reported under R.S. 17:3399.13.

7 §3399.13.3. Failure to report or false reporting

8 A responsible employee who is determined by the institution's disciplinary
 9 procedures to have knowingly failed to make a report or, with the intent to harm or
 10 deceive, made a report that is knowingly false shall be terminated.

11 §3399.13.4. Confidentiality

12 A. Unless waived in writing by the alleged victim, the identity of an alleged
 13 victim of an incident reported under R.S. 17:3399.13 is confidential and not subject
 14 to disclosure except to:

15 (1) A person employed by or under contract with the institution to which the
 16 report is made, if the disclosure is necessary to conduct the investigation of the report
 17 or any related hearings.

18 (2) A law enforcement officer as necessary to conduct a criminal
 19 investigation of the report.

20 (3) A person alleged to have perpetrated the incident, to the extent required
 21 by law.

22 (4) A potential witness to the incident as necessary to conduct an
 23 investigation of the report.

24 B. The alleged victim shall have the right to obtain a copy of any report made
 25 pursuant to this Part that pertains to the alleged victim.

26 §3399.13.5. Retaliation prohibited

27 A. An institution shall not discipline, discriminate, or otherwise retaliate
 28 against an employee or student who in good faith either:

29 (1) Makes a report as required by R.S. 17:3399.13.

1 (2) Cooperates with an investigation, a disciplinary process, or a judicial
2 proceeding relating to a report made by the employee or student as required by R.S.
3 17:3399.13.

4 B. Subsection A of this Section does not apply to an employee or student who
5 either:

6 (1) Reports an incident of power-based violence perpetrated by the employee
7 or student.

8 (2) Cooperates with an investigation, a disciplinary process, or a judicial
9 proceeding relating to an allegation that the employee or student perpetrated an
10 incident of power-based violence.

11 §3399.14. Coordination with local law enforcement

12 A. ~~Each~~ On or before January first, 2022, each institution and law
13 enforcement and criminal justice agency located within the parish of the campus of
14 the institution, including the campus police department, if any, the local district
15 attorney's office, and any law enforcement agency with criminal jurisdiction over the
16 campus, shall enter into and maintain a written memorandum of understanding to
17 clearly delineate responsibilities and share information in accordance with applicable
18 federal and state confidentiality laws, including but not limited to trends about
19 ~~sexually-oriented criminal offenses occurring~~ power-based violence committed by
20 or against students of the institution.

21 B. ~~The Board of Regents' Uniform Policy on Sexual Assault shall require that~~
22 ~~the memorandum of understanding, as described in Subsection A of this Section, be~~
23 ~~updated every two years.~~

24 ~~Each~~ Each memorandum of understanding entered into pursuant to this Part
25 shall include:

26 (1) Delineation and sharing protocols of investigative responsibilities.

27 (2) Protocols for investigations, including standards for notification and
28 communication and measures to promote evidence preservation.

29 (3) Agreed-upon training and requirements for the parties to the
30 memorandum of understanding on issues related to ~~sexually-oriented criminal~~

1 offenses power-based violence for the purpose of sharing information and
2 coordinating training to the extent possible.

3 (4) A method of sharing general information about ~~sexually-oriented criminal~~
4 ~~offenses~~ power-based violence occurring within the jurisdiction of the parties to the
5 memorandum of understanding in order to improve campus safety.

6 ~~D. The~~ (5) A requirement that the local law enforcement agency ~~shall~~ include
7 information on its police report regarding the status of the alleged victim as a student
8 at an institution as ~~defined in this Part.~~

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

12 C. Each memorandum of understanding shall be signed by all parties to the
13 memorandum.

14 D. Each executed memorandum of understanding shall be reviewed annually
15 by each institution's chancellor, Title IX coordinator, and the executive officer of the
16 criminal justice agency, and shall be revised as considered necessary.

17 E. Nothing in this Part or any memorandum of understanding entered into
18 pursuant to this Section shall be construed as prohibiting a victim or responsible
19 employee from making a complaint to both the institution and a law enforcement
20 agency.

21 §3399.15. Campus security policy

22 A. The Board of Regents shall establish uniform policies and best practices
23 to implement measures to address the reporting of ~~sexually-oriented criminal~~
24 ~~offenses~~ power-based violence on institution campuses, the prevention of such
25 ~~crimes~~ violence, communication between institutions regarding incidents of power-
26 based violence, and the provision of medical and mental health care needed for these
27 alleged victims ~~that includes the following.~~

28 B. Each public postsecondary education management board shall institute
29 policies incorporating the policies and best practices prescribed by the Board of
30 Regents regarding the prevention and reporting of incidents of power-based violence

1 committed by or against students of an institution. The policies, at a minimum, shall
2 require each institution under the board's management to provide for the following:

3 (1) Confidential advisors. (a) The institution shall designate individuals who
4 shall serve as confidential advisors, such as health care staff, clergy, staff of a
5 women's center, or other such categories. Such designation shall not preclude the
6 institution from partnering with national, state, or local victim services organizations
7 to serve as confidential advisors or to serve in other confidential roles.

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

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

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

19 (d) The confidential advisor shall inform the alleged victim of the following:

20 (i) The rights of the alleged victim under federal and state law and the
21 policies of the institution.

22 (ii) The alleged victim's reporting options, including the option to notify the
23 institution, the option to notify local law enforcement, and any other reporting
24 options.

25 (iii) If reasonably known, the potential consequences of the reporting options
26 provided in this Part.

27 (iv) The process of investigation and disciplinary proceedings of the
28 institution.

29 (v) The process of investigation and adjudication of the criminal justice
30 system.

1 (vi) The limited jurisdiction, scope, and available sanctions of the
2 institutional student disciplinary proceeding, and that it should not be considered a
3 substitute for the criminal justice process.

4 (vii) Potential reasonable accommodations that the institution may provide
5 to an alleged victim.

6 (viii) The name and location of the nearest medical facility where an alleged
7 victim may have a rape kit administered by an individual trained in sexual assault
8 forensic medical examination and evidence collection, and information on
9 transportation options and available reimbursement for a visit to such facility.

10 (e) The confidential advisor may, as appropriate, serve as a liaison between
11 an alleged victim and the institution or local law enforcement, when directed to do
12 so in writing by an alleged victim who has been fully and accurately informed about
13 what procedures shall occur if information is shared, and assist an alleged victim in
14 contacting and reporting to a responsible employee or local law enforcement.

15 (f) The confidential advisor shall be authorized by the institution to liaise
16 with appropriate staff at the institution to arrange reasonable accommodations
17 through the institution to allow the alleged victim to change living arrangements or
18 class schedules, obtain accessibility services, or arrange other accommodations.

19 (g) The confidential advisor shall be authorized to accompany the alleged
20 victim, when requested to do so by the alleged victim, to interviews and other
21 proceedings of a campus investigation and institutional disciplinary proceedings.

22 (h) The confidential advisor shall advise the alleged victim of, and provide
23 written information regarding, both the alleged victim's rights and the institution's
24 responsibilities regarding orders of protection, no-contact orders, restraining orders,
25 or similar lawful orders issued by a court of competent jurisdiction or by the
26 institution.

27 (i) The confidential advisor shall not be obligated to report crimes to the
28 institution or law enforcement in a way that identifies an alleged victim or an
29 accused individual, unless otherwise required to do so by law. The confidential
30 advisor shall, to the extent authorized under law, provide confidential services to

1 students. Any requests for accommodations, as provided in Subparagraph (f) of this
 2 Paragraph, made by a confidential advisor shall not trigger an investigation by the
 3 institution.

4 (j) ~~No later than the beginning of the 2016-2017 academic year, the~~ The
 5 institution shall appoint an adequate number of confidential advisors. The Board of
 6 Regents shall determine the adequate number of confidential advisors for an
 7 institution, based upon its size, no later than January 1, ~~2016~~ first, 2022, and on
 8 January first annually thereafter.

9 (k) Each institution that enrolls fewer than five thousand students may partner
 10 with another institution in their system or region to provide the services described
 11 in this Subsection. However, this Paragraph shall not absolve the institution of its
 12 obligations under this Part.

13 (l) Each institution may offer the same accommodations to the accused that
 14 are hereby required to be offered to the alleged victim.

15 (2) Website. The institution shall list on its website:

16 (a) The contact information for obtaining a confidential advisor.

17 (b) Reporting options for alleged victims of ~~a sexually-oriented criminal~~
 18 ~~offense~~ power-based violence.

19 (c) The process of investigation and disciplinary proceedings of the
 20 institution.

21 (d) The process of investigation and adjudication of the criminal justice
 22 system.

23 (e) Potential reasonable accommodations that the institution may provide to
 24 an alleged victim.

25 (f) The telephone number and website address for a local, state, or national
 26 hotline providing information to ~~sexual violence~~ victims of power-based violence,
 27 which shall be updated on ~~a timely~~ at least an annual basis.

28 (g) The name and location of the nearest medical facility where an individual
 29 may have a rape kit administered by an individual trained in sexual assault forensic

1 medical examination and evidence collection, and information on transportation
2 options and available reimbursement for a visit to such facility.

3 (h) Each current memorandum of understanding between the institution and
4 a local law enforcement and criminal justice agency located within the parish of the
5 campus.

6 (3) Online reporting. The institution ~~may~~ shall provide an online reporting
7 system to collect anonymous disclosures of incidents of power-based violence and
8 crimes and track patterns of power-based violence and crimes on campus. An
9 individual may submit a confidential report about a specific incident of power-based
10 violence or crime to the institution using the online reporting system. ~~If the~~
11 ~~institution uses an online reporting system, the~~ The online system shall also include
12 information regarding how to report a an incident of power-based violence or crime
13 to a responsible employee and law enforcement and how to contact a confidential
14 advisor.

15 (4) Amnesty policy. The institution shall provide an amnesty policy for any
16 student who reports, in good faith, ~~sexual~~ power-based violence to the institution.
17 Such student shall not be sanctioned by the institution for a nonviolent student
18 conduct violation, such as underage drinking, that is revealed in the course of such
19 a report.

20 (5) Training. ~~(a) Not later than January 1, 2016, the Board of Regents, in~~
21 ~~coordination with the attorney general and in consultation with state or local victim~~
22 ~~services organizations, shall develop a program for~~ The institution shall require
23 annual training for each responsible employee, individual who is involved in
24 implementing an institution's student grievance procedures, including each individual
25 who is responsible for resolving complaints of reported ~~sex offenses~~ power-based
26 violence, or sexual misconduct policy violations, each Title IX coordinator at all
27 institutions, and each employee of an institution who has responsibility for
28 conducting an interview with an alleged victim of a ~~sexually-oriented criminal~~
29 ~~offense~~ power-based violence. Each institution shall ensure that the individuals and

1 employees receive the training described in this Subsection no later than the
2 beginning of the ~~2016-2017~~ 2022-2023 academic year.

3 (b) Not later than January first, 2022, the Board of Regents, in coordination
4 with the attorney general and in consultation with state or local victim services
5 organizations, shall develop the annual training program required by Subparagraph
6 (a) of this Paragraph. The Board of Regents shall annually review and revise as
7 needed the annual training program.

8 (6) Inter-campus transfer policy. ~~(a) The Board of Regents' Uniform Policy~~
9 ~~on Sexual Assault shall require that institutions communicate with each other~~
10 ~~regarding transfer of students against whom disciplinary action has been taken as a~~
11 ~~result of a code of conduct violation relating to sexually-oriented criminal offenses.~~

12 B. The Board of Regents' Uniform Policy on Sexual Assault shall require that
13 institutions withhold transcripts of students seeking a transfer with pending
14 disciplinary action relative to sexually-oriented criminal offenses, until such
15 investigation and adjudication is complete. Institutions shall implement a uniform
16 transcript notation and communication policy to effectuate communication regarding
17 the transfer of a student who is the subject of a pending power-based violence
18 complaint or who has been found responsible for an incident of power-based
19 violence pursuant to the institution's investigative and adjudication process. The
20 notation and communication policy shall be developed by the Board of Regents, in
21 consultation with the postsecondary education management boards. The policy shall
22 include procedures relative to the withholding of transcripts during the investigative
23 and adjudication process.

24 (7) A victims' rights policy. The institution shall adopt a victims' rights
25 policy, which, at a minimum, shall provide for a process by which a victim may
26 petition and be granted the right to have a perpetrator of an incident of power-based
27 violence against the victim barred from attending a class in which the student is
28 enrolled.

1 §3399.16. Safety education; recognition and reporting of potential threats to safety

2 A. The administration of each ~~public~~~~postsecondary~~ institution, in
 3 consultation with campus or local law enforcement agencies, shall develop and
 4 distribute information to students regarding power-based violence, campus safety,
 5 and internet and cell phone safety and online content that is a potential threat to
 6 school safety. Such information shall include how to recognize and report potential
 7 threats to school safety that are posted on the internet, including but not limited to
 8 posts on social media.

9 B. The information shall include the following:

10 (1) Instruction on how to identify and prevent power-based violence and how
 11 to detect potential threats to school safety exhibited online, including on any social
 12 media platform.

13 (2) ~~Visual examples of possible threats.~~ How to report incidents of power-
 14 based violence, crimes on campus, violations of the student code of conduct, and
 15 possible threats to campus safety.

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

18 C. The information shall be distributed as part of new student orientation and
 19 shall be posted on an easily accessible page of each institution's website.

20 D. The reporting process for possible threats to the campus shall, at a
 21 minimum, include:

22 (1) A standardized form to be used by students, faculty, and other personnel
 23 to report potential threats. The form shall request, at a minimum, the following
 24 information:

- 25 (a) Name of institution, person, or group being threatened.
- 26 (b) Name of student, individual, or group threatening violence.
- 27 (c) Date and time the threat was made.
- 28 (d) Method by which the threat was made, including the social media outlet
 29 or website where the threat was posted, a screenshot or recording of the threat, if
 30 available, and any printed evidence of the threat.

1 (2) A process for allowing anonymous reporting and for safeguarding the
 2 identity of a person who reports a ~~threat~~, an incident of power-based violence or a
 3 safety threat.

4 E. Each institution shall adopt a policy to implement the provisions of this
 5 Part. The policy shall require that for every ~~threat report~~ report of an incident of
 6 power-based violence or a safety threat received, the actions taken by the institution
 7 and the campus law enforcement agency or security officers be documented. The
 8 policies shall also provide for guidelines on referring the ~~threats~~ reports to the
 9 appropriate law enforcement agencies.

10 §3399.17. Public institutions of postsecondary education ~~institutions~~; ~~sexual assault~~
 11 power-based violence climate surveys

12 A.(1) Each ~~public postsecondary education~~ institution shall administer an
 13 anonymous ~~sexual assault~~ power-based violence climate survey to its students once
 14 every three years. If an institution administers other surveys with regard to campus
 15 safety, the ~~sexual assault~~ power-based violence climate survey may be included as
 16 a separate component of any such survey provided that the ~~sexual assault~~ power-
 17 based violence component is clearly identified as such.

18 (2) Participation in the ~~sexual assault~~ power-based violence climate survey
 19 shall be voluntary; no student shall be required or coerced to participate in the survey
 20 nor shall any student face retribution or negative consequence of any kind for
 21 declining to participate.

22 (3) Each institution shall make every effort to maximize student participation
 23 in the survey.

24 B. The Board of Regents shall:

25 (1) Develop the survey in consultation with the public postsecondary
 26 education management boards and in accordance with national best practices.

27 (2) Work with the management boards in researching and selecting the best
 28 method of developing and administering the survey.

29 (3) Consult with victims' advocacy groups and student leaders who represent
 30 a variety of student organizations and affiliations, including student government

1 associations, academic associations, faith-based groups, cultural groups, and
2 fraternities and sororities, when meeting the requirements of Paragraph (1) of this
3 Subsection.

4 (4) Submit a written report on survey results to the House Committee on
5 Education, Senate Committee on Education, and the governor not later than
6 ~~September first following administration of the survey~~ forty-five days prior to the
7 convening of the next Regular Session of the Legislature following the
8 administration of the survey. The report shall summarize results from each public
9 postsecondary education institution and the state as a whole.

10 ~~(4)~~(5) Publish the survey results on the board's website and in any other
11 location or venue the board ~~deems~~ considers necessary or appropriate.

12 C. Each public postsecondary institution shall:

13 (1) Administer a survey during the 2022-2023 academic year and every third
14 year thereafter.

15 (2) Report survey results to the institution's board of supervisors and the
16 Board of Regents.

17 (3) Publish the survey results in a prominent easy to access location on the
18 institution's website.

19 Section 3. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____