

**POLICY & PROCEDURES MEMORANDUM**

<b>TITLE:</b>	<b>CAMPUS SEXUAL MISCONDUCT</b>
<b>EFFECTIVE DATE:</b>	March 3, 1998 <i>(*LCTCS Policy Update 1/10/19; Title Updates 6/7/12, 2/24/05)</i>
<b>CANCELLATION:</b>	DCI 1732 (10/5/90)
<b>CATEGORY:</b>	Administrative (AD)

**POLICY STATEMENT**

In accordance with the Louisiana Community and Technical College System (LCTCS) [Policy #2.015, Campus Sexual Misconduct](#), LCTCS and Delgado Community College are committed to providing a learning and working environment free of sexual discrimination and sexual misconduct. As such, the College prohibits sexual discrimination and sexual misconduct, as provided in Title IX and other applicable laws, for all individuals who participate in institutional activities and programs, including online instruction. Sexual discrimination and sexual misconduct violate an individual's fundamental rights and personal dignity. LCTCS and the College consider sexual discrimination and sexual misconduct in any form to be a serious offense. This policy reaffirms these principles and provides recourse for individuals whose rights have been violated. This policy establishes the mechanism for determining when rights have been violated in the employment, student life, campus support services, and/or an academic environment.

As part of its commitment to providing an educational environment free from discrimination, Delgado Community College complies with Title IX of the Education Amendments, which prohibits discrimination and harassment based upon gender in an institution's education programs and activities. Title IX prohibits sexual harassment, including sexual violence, of students at Delgado Community College sponsored activities and programs whether occurring on-campus or off-campus. Title IX also protects third parties, such as visiting student athletes, from sexual harassment or violence in Delgado Community College's programs and activities and protects employees from sexual harassment and discrimination. Prohibited harassment includes acts of verbal, nonverbal or physical aggression, intimidation or hostility based on gender, even if those acts do not involve conduct of a sexual nature; sex-based harassment by those of the same sex; and discriminatory gender stereotyping. Delgado Community College will take prompt action to investigate and resolve reports of sexual harassment or sexual violence in accordance with Title IX regulations.

Retaliation against any person who initiates an inquiry or complaint or participates in the investigation of a complaint is prohibited. Such conduct will be further cause for disciplinary action. False charges are treated as serious offenses; disciplinary and/or civil action may follow false or frivolous complaints and grievances. Any person who has been impacted by sexual violence (sexual assault, domestic violence, dating violence, stalking) or gender-based misconduct is encouraged to report and seek appropriate resources on the College's [Title IX Resources webpage](#) or contact the [College Title IX Coordinator](#).

## PROCEDURES & SPECIFIC INFORMATION

### 1. Purpose

To publish the College's policy and procedures on the prompt handling of complaints related to campus sexual misconduct.

### 2. Scope and Applicability

This policy and procedures memorandum applies to all Delgado Community College students, staff, faculty, and visitors without regard to sexual orientation, gender identity and/or gender expression.

This policy and procedures memorandum applies to conduct that occurs on a College campus or site, at College-sponsored activities, and/or when a student or employee is representing the College. Delgado Community College has the discretion to extend jurisdiction over conduct that occurs off-campus when the conduct adversely and significantly affects the learning environment or College community and would be a violation of this policy and/or any applicable College policy or code of conduct, if the conduct had occurred on campus. In determining whether to extend jurisdiction, the College may consider, among other factors, its ability to gather information and effect a resolution. The College may extend jurisdiction (over off-campus conduct) if the alleged conduct by the student or employee: (1) involved violence or produced reasonable fear of physical harm; and/or (2) involved any other members of the College community or any academic work, records, documents, or property of the College.

### 3. Definitions

In accordance with the Louisiana Community and Technical College System [Policy #2.015, Campus Sexual Misconduct](#), Delgado Community College defines the following (note that changes in current state laws supersede the state statutes referenced at the time of this policy's issuance):

- A. **Sexual Misconduct** is a sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence and stalking.

- B. **Sexual Assault as defined by the Clery Act:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program.

**Sexual Assault as defined by Louisiana State Law:**

1. **Non-Consensual Sexual Intercourse:** Having or attempting to have sexual intercourse, cunnilingus, or fellatio without consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.
  2. **Non-Consensual Sexual Contact:** Any intentional sexual touching, or attempted sexual touching, without consent.
- C. **Sexual Exploitation:** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.
- D. **Stalking as defined by Clery Act:** Intentional and repeated following or harassing that would cause a reasonable person to feel alarmed or that would cause a reasonable person to suffer emotional distress or intentional and repeated uninvited presence at another person's: home, work place, school, or any other place which would cause a reasonable person to be alarmed or would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping or any other statutory criminal act to the victim or any member of the victim's family or any person with whom the victim is acquainted. 34 CFR 668.46(a)(ii).
- E. **Stalking as defined by Louisiana State Law:** Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. RS § 14:40.2(A) "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. R.S. § 14:40.2(C)

- F. **Domestic Violence definition in Clery Act:** Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the alleged victim is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:
- By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - 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
  - 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
- G. **Family Violence definition in Louisiana State Law:** means any assault, battery, or other physical abuse, which occurs between family or household members, who reside together or who formerly resided together. La. R.S. § 46.2121.1(2)
- H. **Domestic Abuse definition in Louisiana State Law:** Includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. R.S. 46:2132(3)
- I. **Dating Violence definition in Clery Act:** Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
- J. **Dating Violence definition in Louisiana State Law:** "Dating violence" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. R.S. §46.2151(C) For purposes of this Section, "dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
- The length of the relationship.
  - The type of relationship.
  - The frequency of interaction between the persons involved in the relationship.

- K. **Sexual Harassment:** Unwelcome conduct of a sexual nature when i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or iii) such conduct has the purpose or effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this policy, the various forms of prohibited sexual harassment are referred to as "sexual misconduct."
- L. **Retaliation:** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this policy, or as retribution or revenge against anyone who has reported Sexual Misconduct or Relationship Violence or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits retaliation. For purposes of this policy, an attempt requires a substantial step towards committing a violation.
- M. **Consent:** 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 persons involved does not itself imply consent or preclude a finding of responsibility.
- N. **Incapacitation:** An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to Incapacitation; however, someone who is drunk or intoxicated is not necessarily incapacitated, as incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

- O. **Coercion:** is the use of express or implied threats, intimidation, or physical force, which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.
- P. **Responsible Employee:** The College designates and publishes the names and contact information for easily accessible College employees as responsible employees who have the authority to take action to redress sexual violence and have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee. However, an institutional decision to make all College employees mandatory reporters of suspected or known sexual harassment or sexual misconduct to the Title IX Coordinator or other appropriate school designee does not render all College employees to be responsible employees. Employees who are authorized or required by law to keep information confidential by virtue of the employee's professional role such as counseling staff or similar shall not be designated as mandated reporters of sexual harassment or as responsible employees. Section 13, *Responsible Employees*, describes the College's designated responsible employees.
- Q. **Sexually-Oriented Criminal Offense:** Any sexual assault offense as defined in: La. R.S. 44:51 and any sexual abuse offense as defined in La. R.S. 14:403.
- R. **Complainant:** An individual whose report of sexual misconduct has not yet been investigated and validated.
- S. **Victim:** An individual who, after all due investigation and/or adjudication, has been found to be the target of sexual misconduct.
- T. **Respondent:** An individual against whom a sexual misconduct complaint is brought, which has not yet been validated through investigation and/or adjudication.
- U. **Perpetrator:** An individual found guilty of sexual misconduct.
- V. **Confidential Advisor:** The Confidential Advisor primarily serves to aid a student involved in a sexual misconduct complaint in the resolution process as a confidential resource. As suggested by the term "Confidential Advisor," confidential communications with the advisor will be kept confidential in all circumstances except where the College or advisor may be required to disclose the communications under state and federal laws. For example, the College may be compelled by law to disclose communications between the student and his/her Confidential Advisor if directed by the court in civil litigation. The College designates individuals who serve as Confidential Advisors.

#### 4. **Complaint Submission and Processing**

##### A. **Initial Review of Complaint**

The College Title IX Coordinator will conduct or supervise the initial review of the complaint, with such assistance, as needed and/or appropriate under the circumstances, from other campus administrators with responsibilities relevant to the nature of the complaint. A complaining or responding student or employee has the right to a Confidential Advisor at any stage of this process.

The initial review of the complaint will be concluded as quickly as possible, within a reasonable amount of time in a manner that is adequate, reliable, and impartial. To ensure a prompt and thorough initial review, the complainant should provide as much of the following information as possible. A complaint may be submitted anonymously or by an individual who is not a party to the alleged violation. The person or organization filing the complaint need not be a victim of the alleged discrimination but may be affected by a general "hostile sexual environment" or may complain on behalf of another person or group.

As outlined in Section 10, *Retaliation*, retaliation against any person who initiates an inquiry or complaint or participates in the investigation of a complaint is prohibited. Such conduct will be further cause for disciplinary action. As outlined in Section 8, *Disciplinary Action*, false charges are treated as serious offenses; disciplinary and/or civil action may follow false or frivolous complaints and grievances.

A complaint can be filed *one of three ways*:

1. Contact Delgado's Title IX Coordinator (contact information is published on the [Title IX File Complaint](#) webpage).
2. Log onto the College's Referral Reporting System by completing an [Online Incident Referral Form](#).
3. Contact the Office of Civil Rights Enforcement Office that serves the state in which the alleged discrimination occurred. (Contact information is published on the [Title IX File Complaint](#) webpage).

The following may, but is not required to be, provided in writing, and may include:

- The name, organization, department, and position of the person or persons allegedly violating this policy;
- A description of the incident(s), including the date(s), location(s), and the presence of any witness(es);
- If the complainant is an employee, the alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms of conditions of employment;

- The name(s) of other student(s) or employee(s) who might have been subject to the same or similar conduct; and/or
- Any other information the complainant believes to be relevant to the alleged sexual misconduct, discrimination, harassment, or retaliation.

Under Title IX regulations, if an individual chooses to report sexual assault or harassment, the person to whom the complaint is reported may be required to submit a form, which is used to compute campus crime statistics as mandated by the [Clery Act](#). The form asks for information such as what kind of offense occurred and whether it happened on College property. The individual who chooses to report does not have to provide any details beyond those with which he or she is comfortable sharing and has no obligation to give the alleged perpetrator's name. Individuals may or may not be able to report anonymously, depending on the person to whom the complaint is reported, but in no case will the name of the person who reported appear in the College's public crime statistics. The person who reported the complaint has the right to access the incident report in the future, which may involve getting a case number for reference.

#### B. **Resolution Procedures**

Delgado has both an informal and formal resolution procedure for alleged violations of this policy. Both procedures will be implemented by individuals who have received training on issues related to sexual discrimination and sexual misconduct and will utilize a preponderance of the evidence standard, throughout the process, with respect to determinations as to whether or not there has been a violation of this policy. In both procedures, information obtained regarding the complaint will be treated as privately as possible, with only those with a need to know being informed of the complaint. The complainant and the responding student or employee has the right to a Confidential Advisor at any stage of the informal resolution process or formal resolution process.

As set forth below, an informal resolution procedure is available under certain circumstances. If after the initial review the College Title IX Coordinator or designee finds that reasonable cause exists to believe that this policy has been violated, the College Title IX Coordinator or designee will determine whether the informal resolution procedure is appropriate. If it is not appropriate, a full investigation is required (formal resolution process).

If the College Title IX Coordinator or designee determines that the informal resolution process is appropriate, the complainant and responding person will be advised of the informal resolution procedure. If both consent in writing, the informal resolution procedure will be followed, without further investigation, unless the informal resolution is unsuccessful.



1. **Informal Resolution**

The use of the informal resolution procedure is optional and must be agreed upon in writing by all parties involved. Informal procedures are not appropriate for, or applied in, cases involving violence or nonconsensual sexual intercourse. An attempt to informally resolve the complaint will be made or supervised by the College Title IX Coordinator and should be concluded within sixty (60) calendar days of the decision to pursue informal resolution, when possible. Such informal resolution can include meeting with each party to the complaint; review of any initial findings; recommending reassignment, separation or monitoring of the parties; a mediated or facilitated meeting with the parties (however, no complainant shall ever be required to meet with the responding person in an informal resolution); and any other actions deemed appropriate by the parties and the College. Once the informal resolution procedure is complete, written notification of the proposed resolution will be given to all parties. Any party dissatisfied with the outcome of the informal resolution procedure has the right to make a written request, within fifteen (15) calendar days of written notification of the proposed resolution, to the College Title IX Coordinator, that the formal resolution procedure be pursued.

2. **Formal Resolution**

The formal resolution procedure will be followed: if the College Title IX Coordinator or designee deems the informal procedure inappropriate for the alleged offense; if any persons involved in the complaint do not wish to engage in the informal procedure; if an attempt to utilize the informal procedure has been unsuccessful; or, if any party is unsatisfied with the outcome of the informal resolution process. In such cases, at the recommendation of the College Title IX Coordinator or designee and after an initial review, a trained investigator or the College Title IX Coordinator will conduct a full investigation into the facts and circumstances of the complaint. If a trained investigator is used to conduct the full investigation, the investigator shall be authorized and assigned as investigator by the College Title IX Coordinator. Investigators may include, but not be limited to, employees from Human Resources, Student Support Services, or Student Life. The investigation may include in-person interviews with all parties involved and interviews of any direct witnesses. The trained investigator or the College Title IX Coordinator may also collect and review any documents or other relevant information to include but not limited to photographs, video recordings, or other social media. All parties to the complaint will:

- a. Be provided written notice regarding the details of the alleged violation of this policy prior to the initiation of the full investigation;

- b. have an opportunity to identify pertinent evidence to be considered by the investigator; and
- c. have an opportunity to identify witnesses to be interviewed.

The trained investigator or the College Title IX Coordinator will present a written investigative summary, based on a preponderance of the evidence standard. The College Title IX Coordinator will notify the appropriate College offices regarding the results of the investigation. The complainant and the individual who is the respondent to the complaint will be notified in writing of the results of the investigation. Information obtained regarding the complaint will be treated as confidentially as possible (as set forth herein) with only those with a legitimate educational interest being informed of the complaint and the outcome of the investigation.

### C. **Appeal Procedure**

Any party of the complaint, who is dissatisfied with the outcome of the investigation, may submit an appeal of the outcome in writing to the College Title IX Coordinator within ten (10) calendar days of receipt of the outcome.

All Title IX appeals are reviewed by a Title IX Appeal Review Committee, composed of designated members of the College's [Title IX Council](#). All efforts will be made to compose a balanced appeal review committee relevant to the complainant and respondent's categories (students and/or employees). The Title IX Appeal Review Committee will issue a written determination regarding the appeal within (10) calendar days of receipt of the appeal. All decisions of the Title IX Appeal Review Committee are the final **appeal** step of the College's process.

If disciplinary action is deemed appropriate, the procedures set forth in Section 8, *Disciplinary Action* are followed.

## 5. **Withholding of Transcripts for those Accused of Sexual Misconduct**

If a student accused of a sexually-oriented criminal offense seeks to transfer to another institution during an investigation, the College will withhold the student's transcript until such investigation is complete and a final decision has been made. The College will inform the respondent of the institution's obligation to withhold the transcript during the investigation.

## 6. **Communication with other Postsecondary Institutions**

If a student is found responsible for sexually-oriented criminal offenses upon the completion of an investigation and seeks to transfer to another institution, the College will communicate such a violation, when College officials become aware of the student's attempt to transfer, with the institution(s) to which the student seeks to transfer or has transferred.

## 7. **Confidential Advisors**

Complainants and responding students or employees have the right to a Confidential Advisor at any stage of the informal resolution or formal resolution process. Delgado has designated at least two individuals for each campus and site to serve as [Confidential Advisors](#) and publishes the names and contact information for these individuals on the College's [Title IX webpage](#).

Individuals designated as Confidential Advisors are required to complete annual training designed by the Louisiana Board of Regents. The Confidential Advisor will, to the extent authorized under law, provide confidential services to students and/or employees involved in a complaint.

The Confidential Advisor may, when directed to do so by the complainant or respondent:

1. Serve as a liaison between a complainant or respondent and the College or local law enforcement.
2. Accompany the complainant or respondent to interviews and other proceedings of College investigations and disciplinary proceedings.
3. Advise the complainant or respondent of, and provide written information regarding, both the complainant's or respondent's rights and the College's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or the College.

The Confidential Advisor must be authorized by the College to liaise with appropriate staff at the College and to refer requests for reasonable accommodation to the Title IX Coordinator. Any requests for accommodations will not trigger an investigation by the College.

The Confidential Advisor is not obligated to report crimes to the College or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law.

## 8. **Disciplinary Action**

The College will take appropriate action against any person found to be in violation of this policy (Note: violations of this policy may subject an individual to civil or criminal liability under state or federal law). When an employee is deemed to have violated this policy, the College Title IX Coordinator and the Assistant Vice Chancellor for Human Resources or designee will jointly determine the appropriate disciplinary action, or recommendation for disciplinary action, up to and including dismissal, in accordance with applicable laws, rules, and/or College/LCTCS policies.

For violations involving students, except when acting in the capacity of an employee, the Vice Chancellor for Student Affairs or designee will determine the appropriate action, pursuant to the College's [Student Judicial Code](#), [Student Judicial Procedures](#), and any applicable policy/policies governing student conduct. Sanctions may include, but are not limited to, deferred suspension, suspension, expulsion, class only restriction, and separation of employment (for student workers).

As outlined in Section 10, *Retaliation*, retaliation against any person who initiates an inquiry or complaint or participates in the investigation of a complaint is prohibited. Such conduct will be further cause for disciplinary action. Furthermore, false charges are treated as serious offenses; disciplinary and/or civil action may follow false or frivolous complaints and grievances.

## 9. **Record Keeping**

Records will be kept in accordance with Louisiana law and federal law. For students, records will be kept for seven (7) years, except in cases of suspension and expulsion, in which case the records shall be permanent. Employment actions will be filed in the employee's respective Human Resources file and will be kept on file permanently.

## 10. **Retaliation**

Retaliation against a person who has been allegedly subjected to sexual discrimination or sexual misconduct, or is assisting in the investigation of such a complaint, who in good faith brings a complaint of sexual discrimination or sexual misconduct, is prohibited and will be a violation of this policy and will constitute misconduct subject to disciplinary action or other action, as described in Section 8, *Disciplinary Action*. Any employee or student bringing a sexual discrimination or sexual misconduct complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint.

## 11. Cooperation with Law Enforcement

The College complies with law enforcement requests for cooperation and such cooperation may require the College to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. Delgado ensures implementation of appropriate interim steps/remedies during any law enforcement agency's investigation to provide for the safety of all parties to the complaint and the campus community. The College promptly resumes a Title IX investigation as soon as notified by law enforcement that it has completed the evidence gathering process. The College will make diligent effort to enter into Memorandum of Understanding (MOU) with local law enforcement and criminal justice agencies. Such MOUs will be updated every two years and may include:

- Delineation and sharing protocols of investigative responsibilities;
- Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
- Agreed-upon training and requirements on issues related to sexually-oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible;
- A method of sharing general information about sexually-oriented criminal offenses occurring within the jurisdiction of the parties to the MOU in order to improve campus safety; and
- Assurances that local peace officers in addition to each full-time college or university police officer complete a sexual assault program as required by state law La. R.S. 17:1805(H); 40:2405.8(A); (C)(I).

## 12. Reporting of Campus Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act) is a federal law that requires colleges that participate in federal financial aid programs to keep and disclose information about crime on, and near their respective campuses. Delgado Community College adheres to all requirements of the Clery Act and Section 304 of the Violence against Women Reauthorization Act of 2013 (VAWA), which extends the Clery Act to include dating violence, domestic violence and stalking. Campus Crime statistics are published in the annual *College Catalog, Student Handbook*, as well as the [Campus Police Clery Act](#) webpage.

## 13. Responsible Employees

Delgado designates and publishes the names and contact information of the College Title IX Coordinator as well as easily accessible college employees as Responsible Employees. Louisiana Community and Technical College System [Policy #2.015, Campus Sexual Misconduct](#), defines such persons as having the authority to take action to redress sexual discrimination and sexual misconduct and will have been given the duty of reporting incidents of such offenses to the Title IX Coordinator or other designated College official. Employees who are authorized or required by law to keep information confidential by virtue of the employee's professional role such as

counseling staff or similar shall not be designated as mandated reporters or as Responsible Employees.

All Delgado employees are designated as responsible employees, with the exception of those employees who are authorized or required by law to keep information confidential by virtue of their role. Title IX requires reporting from "responsible employees," which include:

1. Those with authority to address and remedy sex and gender-based discrimination and harassment; and/or
2. Those with responsibility to report sexual misconduct to supervisor, Title IX Coordinator, or other designated College official; and/or
3. Those who a student would reasonably believe have such authority or obligation; and/or
4. All supervisors of other employees.

Title IX does *not* consider the following as responsible employees because they are authorized or required by law to keep information confidential by virtue of their roles:

1. Confidential Advisors
2. Health Personnel
3. Clergy/Pastoral Counselors
4. Licensed Mental Health Counselors

Accordingly, individuals above working in the described capacities at the College are not designated as responsible employees.

#### 14. **Prevention and Awareness Programming**

Delgado Community College annually offers and documents education and prevention programs through the College's Title IX Program, Office of Student Affairs, and the College's website, which include, but are not limited to:

1. Awareness programs, which consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce sexual misconduct.
2. Bystander intervention programs which consist of safe and positive options that may be 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. It also 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.

3. Ongoing prevention and awareness campaigns which consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the College.
4. Prevention programs which consist of initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
5. Risk reduction programming which consists of options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence.

#### 15. **Campus Climate Surveys**

To adequately assess perceptions and behaviors of sexual misconduct on the campus, the College administers statewide campus climate surveys annually, as developed by the Board of Regents, and submits the results to the Louisiana Community and Technical College System Board by June 1 of each year, and to the Board of Regents by June 15 of each year. The survey is voluntary, and students have the ability to decline to participate.

#### 16. **Title IX Council**

The College has established a [Title IX Council](#), the primary planning and management group for the College's Title IX program, which is committed to providing a learning and working environment free of sexual discrimination and sexual misconduct. The Council provides a forum for discussing Title IX related issues; develops and proposes policies in support of the College's Title IX program; and serves as an advisory group to the College's designated Title IX Coordinator.

#### 17. **Training**

All employees at the College are required to complete annual Title IX training. Additionally, each employee serving as a Confidential Advisor, each employee responsible for resolving complaints of reported sexual discrimination or sexual misconduct, and each employee who has responsibility for conducting an interview with an alleged victim of a sexually-oriented criminal offense is required to complete additional annual training designed by the Louisiana Board of Regents relevant to their roles.

**18. Amnesty**

Any student who reports, in good faith, sexual discrimination or sexual misconduct shall not be sanctioned by the College for a nonviolent student code of conduct violation that is revealed in the course of such a report.

**19. Provisions for Support Services**

Delgado Community College will, upon receipt of a report of sexual discrimination or sexual misconduct, immediately provide to complainants and respondents the following: on- and off-campus resources, including but not limited to local advocacy, counseling, health and mental health services, as applicable. These support services will be offered regardless of whether the complainant chooses to formally report the incident. The College will develop and distribute contact information for this purpose as well as provide such information online through the [Title IX Resources](#) webpage. Where possible, the College will make arrangements with local health organizations for provisions of support services.

**20. Related LCTCS and College Policies**

To the extent that other LCTCS or College policies may conflict with this policy, the provisions of [Policy #2.015, Campus Sexual Misconduct](#) will supersede and govern.

**21. Cancellation**

This policy and procedures memorandum cancels DCI 1732, *Discrimination, Sexual Harassment and Human Relations Policy*, dated October 5, 1990.

*Policy Reference:*

Title VII of the Civil Rights Act of 1964 (as amended)

Title IX of the Education Amendments of 1972

Louisiana Community and Technical College System [Policy #2.015, Campus Sexual Misconduct](#)