

TITLE IX

AND POWER-BASED VIOLENCE

Any Employee of a Postsecondary Institution is a Responsible Employee and Mandated Reporter!

An employee who receives a direct statement regarding or witnesses an incident of power-based violence committed by or against a student or employee is a Responsible Employee (unless they are designated specifically as a Confidential Advisor). A Responsible Employee shall promptly report the incident to the Institution's Title IX Coordinator. If an individual chooses to make an initial report to an employee other than the Title IX Coordinator, that employee must refer the information to the Title IX Coordinator because the Title IX Office bears responsibility for responding to reports of power-based violence. Once the information is received by the Title IX Coordinator, it should constitute a Report. If an employee believes an individual may intend to share any information regarding an instance of power-based violence, the employee should seek to confirm that the reporting party understands the employee's obligations as a mandatory reporter. If the reporting party would prefer to speak with a confidential resource, the employee should direct the reporting party to a confidential resource. Institutions must provide a list of confidential resources in their policies.

A Responsible Employee Must Report the Following to the Title IX Coordinator:

1. The identity of the alleged victim
2. The identity of the alleged perpetrator
3. The type of power-based violence or retaliation alleged to have been committed
4. Any other information about witnesses, location, date, and time that the incident occurred
5. Any other relevant information

According to state law, a Responsible Employee is not required to make a report if information involving power-based violence was received under 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 made in the course of academic work consistent with the assignment
3. Disclosure made indirectly, such as in the course of overhearing a conversation



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Important Definitions:

1. **Title IX-** Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including pregnancy and parental status, in educational programs and activities.
2. **Power-Based Violence-** Any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person, including but not limited to the following:
 - a. Dating violence
 - b. Domestic abuse and family violence
 - c. Nonconsensual observation of another person's sexuality without the other person's consent, including voyeurism
 - d. Sexual assault
 - e. Sexual Battery
 - f. Crime against nature
 - g. Obscenity
 - h. Sexual exploitation
 - i. Human trafficking
 - j. Prostitution
 - k. Sexual harassment
 - l. Stalking and cyberstalking
 - m. Unlawful communications
3. **Confidential Advisor-** A person designated by an Institution to provide emergency and ongoing support to students who are alleged victims of power-based violence.
4. **Title IX Coordinator-** The individual designated by a public postsecondary education institution as the official for coordinating the Institution's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 and Act 472 the 2021 Regular Legislative Session of the Louisiana Legislature.
5. **Employee- Includes:**
 - a. An administrative officer, official, or employee of a public postsecondary education board or Institution.
 - b. Anyone appointed to a public postsecondary education board or Institution.
 - c. Anyone employed by or through a public postsecondary education board or Institution.
 - d. Anyone employed by a foundation or association related to a System Management Board or Institution.
 - e. The employee category **does not include a student** enrolled at a public postsecondary Institution unless the student works for the Institution in a position such as a teaching assistant or residential advisor.

Important Resources:

1. <https://www.lctcs.edu/titleix>
2. Act 439: <http://www.legis.la.gov/legis/ViewDocument.aspx?d=1235895>
3. Act 441: <http://www.legis.la.gov/legis/ViewDocument.aspx?d=1235962>
4. LCTCS Confidential Advisors: <https://campussuite-storage.s3.amazonaws.com/prod/1558543/91b64910-2d2e-11e8-8c09-0a7155647e8a/2248537/b6c1cc3a-9620-11eb-9dc8-0a50ccea9a7f/file/LCTCSConfidential%20Advisors%20-%20Title%20IX.pdf>

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