

The Louisiana Board of Regents Uniform Policy on Sexual Misconduct: An Overview

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POLICY BACKGROUND

- The BOR Uniform Policy was enacted pursuant to Executive Order No. BJ 2014-14 and mandated by Act 172 of the 2015 Regular Session (the Campus Accountability & Safety Act, eff. June 23, 2015).
- The Original BOR Uniform Policy was adopted on February 23, 2015. The Policy was amended August 26, 2015 in response to the enactment of Act 172 (BOR Amended Uniform Policy).
- This Policy is designed to help public postsecondary institutions create and maintain safe learning, working and living environments for all individuals who participate in the institutions' activities and programs.



APPLICABLE LAWS

Federal

- Title IX of the Educational Amendments of 1972
- The Clery Act
- Other related laws: Violence Against Women Act (VAWA); Title VII of the Civil Rights Act of 1964 (Title VII)

State

- The Campus Accountability and Safety Act (Act 172)
- Applicable state criminal and civil laws



BOR UNIFORM POLICY SUMMARY

PART I: Policy Statement – discusses the obligation of all Louisiana public postsecondary institutions to prohibit sexual misconduct.

PART II: Introduction – provides a procedural history of the BOR Uniform Policy.

PART III: Definitions – defines sexual misconduct, sexual assault (under Clery Act and La. Law), sexual orientation criminal offense, sexual exploitation, stalking (under Clery Act and La. law); domestic violence (under Clery Act); family violence (under La. Law); domestic abuse (under La. Law); dating violence (under Clery Act and La. Law); sexual harassment; retaliation; consent; incapacitation; coercion; Responsible Employee; and Confidential Advisor.



BOR UNIFORM POLICY SUMMARY

PART IV: Compliance With Federal and State Laws– discusses the obligation of all Louisiana public postsecondary institutions to comply with applicable federal and state laws discussed in previous slide.

PART V: Mandatory State Requirements (as identified by best practices by BOR) – discusses obligation of Louisiana public postsecondary institutions to implement measures to prevent and address campus Sexual Misconduct, including: Campus Climate Survey; Confidential Advisors; Prevention and Awareness Programs; Coordination with Local Law Enforcement (MOUs); Online Reporting; and Institutional Task Forces.

PART VI: Mandatory Elements of Institutional Policies– discusses obligation of Louisiana public postsecondary institutions to ensure fair and thorough investigation, reporting, and resolution of any complaint of Sexual Misconduct, including: Freedom of Speech provisions; anti-retaliation provisions; education and prevention programs; mandatory training for Confidential Advisors and Responsible Employees; amnesty policies; and procedures for reporting and responding to reports of sexual misconduct.

