



**LEGISLATIVE RESPONSE TO
ACT 472 OF THE 2021 REGULAR
LEGISLATIVE SESSION
January 10, 2023**

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I. OVERVIEW

Title IX of the Education Amendments of 1972 and its implementing regulations, along with other applicable laws, mandate campuses to provide safe learning environments that are free from discrimination or harassment based on sex for all students and employees of educational systems that receive federal funding.

Over the past year, the Board of Regents has worked closely with the systems and their stakeholders on matters regarding policy, reporting, and information dissemination to increase and promote safety across Louisiana's campuses, as prescribed in Act 472 ([Appendix A](#)) and Act 447 ([Appendix B](#)) of the 2021 Regular Legislative Session. These stakeholders include registrars, Title IX coordinators, systems' counsel, representatives from student and academic affairs, and deans of students.

This report provides a summary of 2022 campus training outcomes and power-based violence incident reports, along with an update on Board of Regents actions and recommendations to advance this work.

II. ADMINISTRATIVE REPORTING

Act 472 and the BOR Uniform Policy on Power-Based Violence include both training and significant up-the-chain reporting requirements. Each institution's Title IX coordinator submitted bi-annual reports on power-based violence to their respective chancellor by October 10th in the fall semester and April 10th in the spring semester. Within fourteen (14) days of receiving the report from the Title IX coordinator, the chancellor of each institution published on the institutional website a report detailing complaints of power-based violence and submitted the information to their system president.

Upon receipt of all member institutions' reports of power-based violence, each system president summarized the information into a systemwide report, submitted the report to the appropriate management board, published the report to the system website and forwarded the summarized report to the BOR before December 31st.

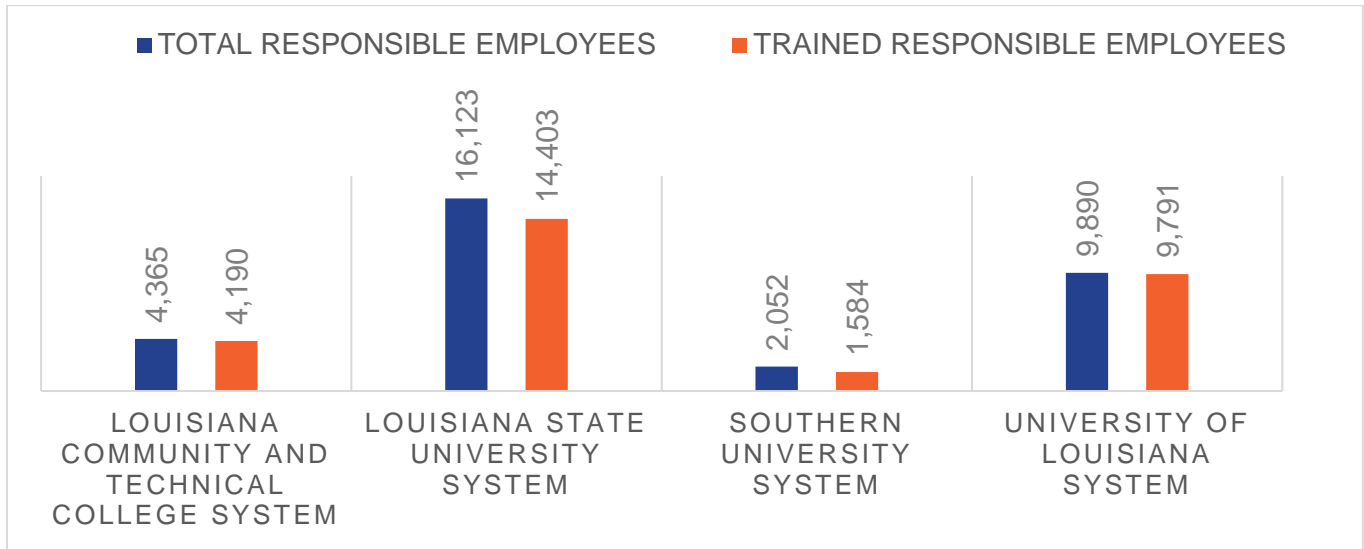
A. TRAINING

A responsible employee is defined as an employee who receives a direct statement regarding or witnesses an incident of power-based violence. Responsible employees do not include an employee designated as a Confidential Advisor pursuant to R.S.

17:3399.15(B) or an employee who has privileged communications with a student as provided by law. By the end of fall 2022, 30,083 responsible employees (92.5%) across all four public postsecondary systems had completed annual training on power-based violence (Figure 1).

Figure 1

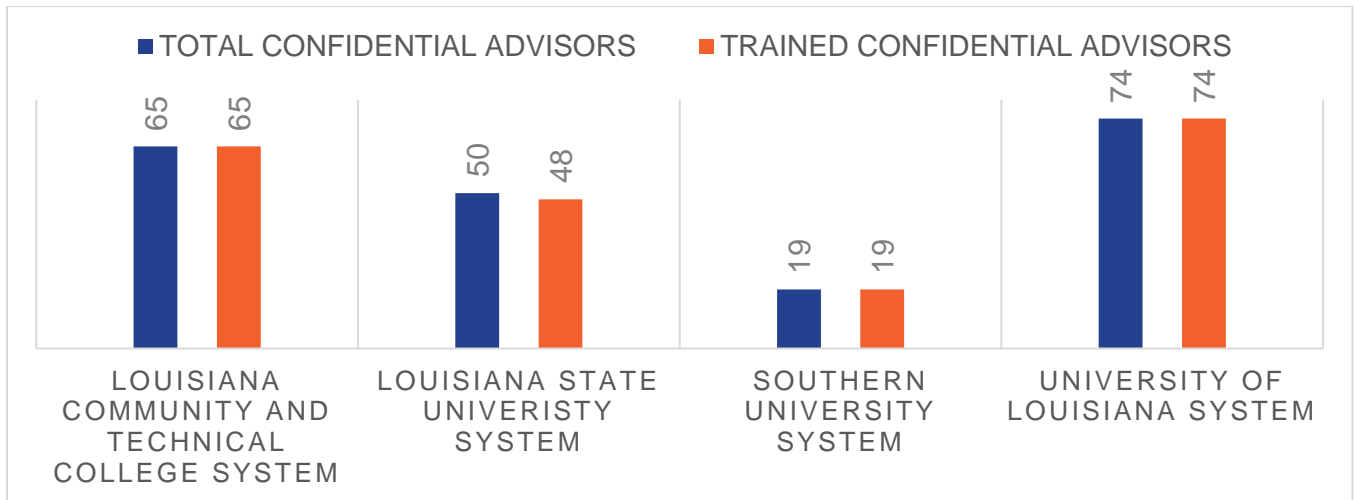
Statewide Training: Responsible Employees by System



A confidential advisor is defined as a person designated by an Institution to provide emergency and ongoing support to students who are alleged victims of power-based violence. 206 persons who have been designated as confidential advisors (99.0%) have completed annual training to competently serve students who have reported instances of power-based violence (Figure 2).

Figure 2

Statewide Training: Confidential Advisors by System



B. CAMPUS INCIDENT REPORTS

A statewide summary of received reports of power-based violence in fall 2022 as reported by each system includes 52 formal power-based violence incidents. Seven of those complaints resulted in discipline or corrective action, including one suspension.

Three cases were dismissed for various reasons, including a non-responsive complainant (Southern University Baton Rouge), withdrawal of a complaint (Nicholls State University) and transference of a complaint to an appropriate office to handle the matter (McNeese State University). The remaining cases, by system, are detailed below. The full statewide summary can be found in [Appendix C](#).

Figure 3

Statewide Composite: Title IX Complaints by System

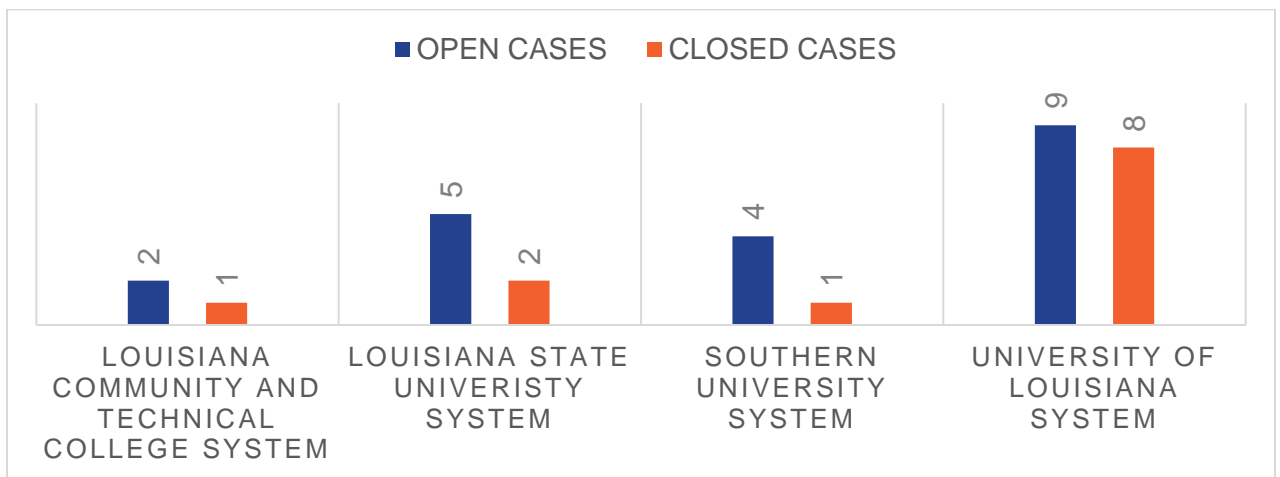
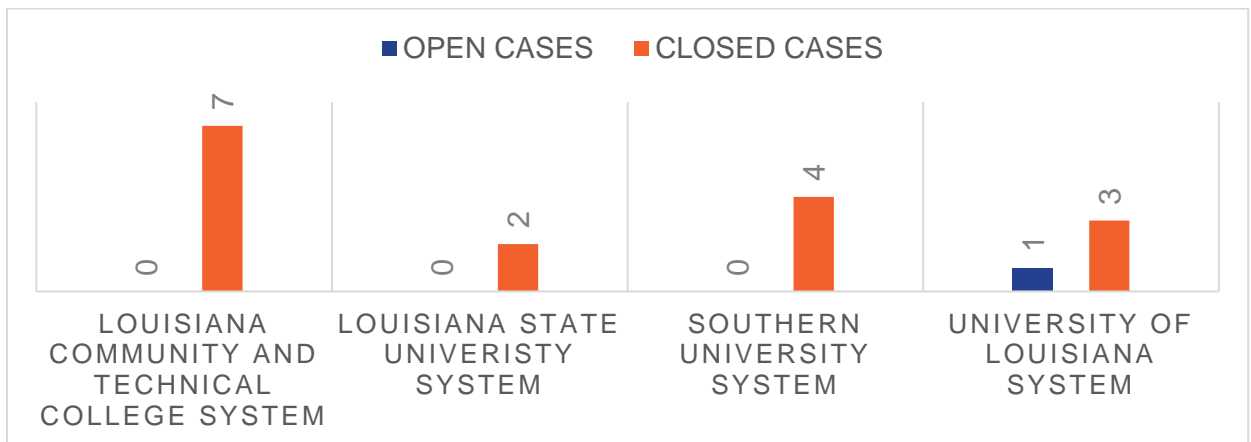


Figure 4

Statewide Composite: Power-Based Violence Complaints by System



Individual reports by system can be found as follows: Louisiana Community & Technical College System (LCTCS) in [Appendix D](#); Louisiana State University System in [Appendix E](#); Southern University System in [Appendix F](#); and the University of Louisiana System in [Appendix G](#).

III. BOARD OF REGENTS UPDATES

Collaboration with the public postsecondary systems has been a key component of the Board of Regents' (BOR's) work to ensure that systems are supported in their efforts to provide their students with access to a safe educational environment free from discrimination.

The BOR continues to utilize the expert guidance of Nina Gupta, a nationally recognized Title IX/power-based violence attorney and partner at Parker Poe Adams & Bernstein LLP.

On June 23, 2022, the United States Department of Education Office for Civil Rights (OCR) released the proposed changes to the Title IX regulations for public comment. The BOR convened Title IX coordinators and systems' counsel, along with BOR's legal consultant, Nina Gupta, to discuss the potential impact of the changes and clarifying questions to be submitted during the public comment period.

Once rule changes to the Title IX regulations have been finalized by OCR, the BOR and public postsecondary management boards will update their respective policies to remain consistent with federal regulations. The current BOR Uniform Policy on Power-Based Violence can be found at the link provided in [Appendix H](#), while the Louisiana Community & Technical College System (LCTCS) policy can be found in [Appendix I](#); the policy for the Louisiana State University System in [Appendix J](#); the policy for the Southern University System in [Appendix K](#); and the policy for the University of Louisiana System in [Appendix L](#).

June 23, 2022, also marked the 50th anniversary of the passage of the Title IX amendments. In honor of this milestone, the BOR hosted a "Title IX 50th Anniversary Symposium" on June 7, 2022. At this event, Louisiana's higher education community gathered to discuss the goals and legacy of Title IX and to recognize members of the community who have demonstrated exceptional dedication to the advancement of Title IX policies, programs, and protections.

The symposium featured two panels that facilitated discussions about the impact of Title IX on campus communities, including its specific effects on student-athletes. The panelists comprised a diverse group of higher education leaders from across the state. Additionally, the symposium featured Dr. Kiki Baker Barnes, Commissioner of the Gulf Coast Athletic Conference, as the keynote speaker. Dr. Barnes delivered an impactful speech that highlighted the progression and accomplishments of Title IX.

The president of each of the public postsecondary systems recognized a “Title IX trailblazer” from their respective system. The following individuals were celebrated for their dedication to the advancement of Title IX: Dr. Amber Blair from the Louisiana Community and Technical College System, Dr. Jane Cassidy from the Louisiana State University System, Dr. Akai C. Smith from the Southern University System, and Dr. Erica Calais from the University of Louisiana System. The event, which featured video messages from Senator Beth Mizell, Representative Aimee Freeman, Representative Neil Riser, Representative Jason Hughes and Representative Barbara Freiberg, concluded with a video message from Senator Regina A. Barrow, Chair of the Senate Select Committee on Women and Children.

The law requires that by January 1st of each year the BOR review the number of confidential advisors for each institution, which is currently at a ratio of 1:1,500. The existing ratio was adopted from the International Accreditation of Counseling Services (IACS) Standards for University and College Counseling Services as no national ratio for confidential advisors to students currently exists. BOR has conferred with its power-based violence expert, Nina Gupta, and will continue to utilize a ratio of 1:1,500 as its required confidential-advisor-to-student ratio for 2023. All public institutions have met or exceeded this ratio.

In the coming months, the BOR will launch a website dedicated to providing easily accessible resources on power-based violence, to include free training, as well as a mechanism for systems to submit statutorily required reports. The BOR will continue to provide ongoing training on power-based violence, including working with the Power-Based Violence Review Panel to develop an opportunity for students to share feedback following the grievance process in order to improve the Title IX/power-based violence process.

IV. LEGISLATIVE ACKNOWLEDGEMENT AND RECOMMENDATIONS

The BOR is grateful to the Governor and the Legislature for providing the best state reinvestment in higher education to date and for their support of important policy priorities, including \$5 million in state funding for Title IX. These dollars will be used for a variety of activities including ongoing training and the development of a Title IX website to provide details regarding the updated federal regulations, as well as state standards and requirements relevant to all postsecondary institutions. The website will also provide definitions for discrimination and assault, helplines and crisis intervention tools, resources for survivors, and links to all system-specific power-based violence websites.

This funding will also support administration of the next Campus Climate Survey, which, as required by R.S. 17:3399.17, is an anonymous power-based violence survey administered by all systems to their students in consultation with victims’ advocacy

groups and student campus leadership. Finally, these dollars will be used for legal services to ensure any updated course creation and training videos related to Title IX not only meet federal laws, but provide support, due process, and respect for all students, faculty, and staff who have suffered from power-based trauma.

Through continued collaboration and communication of the BOR with each of the public postsecondary systems during the second year of implementation of the BOR Uniform Policy on Power-Based Violence, the following recommendations reemerged: legislative support for annual review of MOUs and deferral of the spring 2023 campus climate survey implementation.

A. LEGISLATIVE SUPPORT FOR ANNUAL REVIEW OF MOUs

Act 472 of the 2021 Regular Legislative Session requires a MOU to be signed by each institution and all jurisdictional law enforcement and criminal justice agencies and for the agreement to be reviewed annually by each institution's chancellor and Title IX coordinator, as well as the executive officer of the each participating criminal justice agency.

However, while each system reported that all MOUs have been signed by the required parties, in some areas the completion process with off-campus parties was difficult and prolonged. Therefore, as the legislation calls for MOUs to be revised as necessary, campuses would welcome future legislative support to enhance campuses' efforts to receive timely executed revisions to MOUs.

B. CAMPUS CLIMATE SURVEY

Additionally, the BOR has continued to convene system Title IX contacts, along with Nina Gupta, in preparation for the spring 2023 campus climate survey in accordance with national best practices. This group has also closely monitored developments at the federal level after the 2022 Reauthorization of the Violence Against Women Act (VAWA) and the passage of the Consolidated Appropriations Act of 2022, which calls for the development and deployment of a national climate survey.

Through consultation with the four public postsecondary systems and the Power-Based Violence Review Panel, a consensus was reached to defer the spring 2023 implementation of a campus climate survey, to align with a forthcoming federal instrument.

To avoid over-surveying students, bolster attempts to increase participation, and exercise prudent fiscal responsibility, the BOR and the systems will utilize spring 2023 to engage student groups and other stakeholders identified in Act 472 to develop a robust set of questions around power-based violence for petition to the U.S. Department of Education for inclusion in any forthcoming federal instrument.

To recognize these new developments, the BOR recommends that the existing state law setting the campus climate survey timeline of every three years be amended to align with the forthcoming federal schedule.

V. CONCLUSION

The BOR is dedicated to the ongoing effort to create and maintain safe campuses that reflect a commitment to prevention, education, and support. Moving forward, the BOR will continue to work alongside the legislature, public postsecondary management boards, campuses, students, law enforcement and other stakeholders to ensure that campus communities are safe for all.

The elevation and evaluation of this work will continue through the work of the Power-Based Violence Review Panel, established through Act 441 of the 2021 Regular Legislative Session ([Appendix M](#)) and amended by Act 689 of the 2022 Regular Legislative Session ([Appendix N](#)).

VI. APPENDICES

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**L. UNIVERSITY OF LOUISIANA SYSTEM SEXUAL MISCONDUCT/
POWER-BASED VIOLENCE POLICY**

M. ACT 441 OF THE 2021 REGULAR LEGISLATIVE SESSION

N. ACT 689 OF THE 2022 REGULAR LEGISLATIVE SESSION