

POWER-BASED VIOLENCE REVIEW PANEL

Minutes

Tuesday, December 6, 2022, 10:00 a.m. – 12:00 p.m.

Governor's Press Room

WELCOME, ROLL CALL AND INTRODUCTIONS

Chairwoman Senator Regina A. Barrow called the meeting to order at 10:00 a.m. on Tuesday, December 6, 2022, and provided access information to provide public comment. This in-person meeting was conducted in the Governor's Press Room of the Louisiana State Capitol. The roll was taken, and a quorum was established.

| Members Present | Affiliation |
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| | The President of the Louisiana Senate or his designee. |
| | The Speaker of the Louisiana House of Representatives or his designee. |
| Senator Regina Ashford Barrow | The Chair of the Louisiana Senate Select Committee on Women and Children or his designee. |
| <i>Vacant</i> | The Chair of the Louisiana House Select Committee on Women and Children or his designee. |
| Monica Taylor | The attorney general or his designee. |
| | The commissioner of higher education or his designee. |
| | The president of the UL System or his designee. |
| Todd Manuel | The president of the LSU System or his designee. |
| Kerii Landry-Thomas (Proxy) | The president of the SU System or his designee. |
| Dr. Amber Blair | The president of the LCTC System or his designee. |
| Destiny Broussard | A student representative from each of the postsecondary management board appointed by the respective board's president. (UL System) |
| | A student representative from each of the postsecondary management board appointed by the respective board's president. (LSU System) |
| | A student representative from each of the postsecondary management board appointed by the respective board's president. (SU System) |
| Franchesca Jiminez | A student representative from each of the postsecondary management board appointed by the respective board's president. (LCTC System) |
| | The superintendent of the Louisiana State Police or his designee. |
| | The president of the Louisiana Association of Chiefs of Police or his designee. |
| Amy Dupuy | A member of the Domestic Violence Prevention Commission appointed by the secretary of the Department of Children and |

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| | Family Services. |
| | A licensed social worker with experience related to power- based violence appointed by the president of the Board of Directors of the Louisiana Chapter, National Association of Social Workers. |
| | A licensed psychologist with experience related to power- based violence, appointed by the Louisiana State Board of Examiners of Psychologists. |
| Rafael de Castro | The executive director of the Louisiana Foundation Against Sexual Assault or his designee. |
| Morgan Lamandre | The president of Sexual Trauma Awareness and Response or his designee. |
| | The Governor or his designee. |
| Jacinta Massey | A Title IX Coordinator representing the Louisiana Community and Technical College public postsecondary education system. |
| Joshua Jones | A Title IX Coordinator representing the Louisiana State University public postsecondary education system. |
| | A Title IX Coordinator representing the Southern University public postsecondary education system. |
| Dr. Erica Calais | A Title IX Coordinator representing the University of Louisiana public postsecondary education system. |

APPROVAL OF MINUTES

Senator Barrow asked that the minutes from the previous meeting be reviewed and approved. Upon motion of Monica Taylor, seconded by Dr. Amber Blair, the minutes were approved.

DISCUSSION OF THE U.S. DEPARTMENT OF EDUCATION’S NOTICE OF PROPOSED RULEMAKING ON TITLE IX

Attorney Nina Gupta of Parker Poe Attorneys & Counselors at Law presented an overview of the U.S. Department of Education’s notice of proposed rulemaking on Title IX regarding the definition of sex discrimination, the scope of sex-based harassment, reporting from students who are no longer on campus, grievance procedures, the single investigator model, retaliation, pregnancy-based discrimination, and the expanding obligations of institutions. Notice of the final regulations is expected in spring 2023.

REVIEW OF THE BOARD OF REGENTS PUBLIC COMMENTS ON TITLE IX

Brianna Golden discussed the Board of Regents’ public comment submission related to the U.S. DOE’s proposed rulemaking, which was posted to the Federal Register in November 2022. A summary of the submitted eight comments is as follows: (a) request for clarity on the definition of the conduct constituting sex-based discrimination/harassment; (b) request for clarity on the definition of a hostile work

environment; (c) request for clarity regarding sex-based hostile environments in off-campus programs; (d) request for clarity regarding timeliness and effectiveness requirements with respect to ending prohibited sex discrimination; (e) request for clarity regarding the existence of a statute of limitations on reporting sex-based harassment; (f) expressed concerns pertaining to an institution's ability to provide supportive measures to a party who is no longer a student at the relevant institution; (g) requested guidance for how recipients of a report are to consider age, maturity, and level of independence of students; and (h) requested information regarding the level of peer retaliation necessary to trigger a complaint and subsequent investigation.

TITLE IX AND POWER-BASED VIOLENCE IMPLEMENTATION UPDATES

Senator Barrow requested system updates, beginning with the LCTC System.

LCTC System

Dr. Amber Blair shared that the LCTC System is working diligently, implanting initiatives related to policy, training, reporting, confidential advisors, and MOUs. The pregnant and parenting student policy has been approved and is in force. All required reports have been submitted and all campuses have fully executed MOUs.

LSU System

Todd Manuel shared that the LSU System progressed in a number of areas: increased number of personnel in the Office of Civil Rights and Title IX, including the addition of the Deputy Title IX Coordinator for Responsive Resolution role, ongoing training with an approximately 90% completion rate for the responsible employee training across the system and a new bystander training slated to launch in spring of 2023, and completion of 17 out of 18 recommendations from the Husch Blackwell report (with only administration of a campus climate survey outstanding).

SU System

Kerii Landry-Thomas, who served as proxy for Dr. Akai Smith, reported compliance in a number of areas: confidential advisor training, completed MOUs, data publications and policy implementation. The Southern University System is conducting a review in January 2023 to ensure compliance with proposals from the federal government.

UL System

Dr. Erica Calais shared that UL institutions are working very hard to change the culture on campuses with their Power-Based Violence and Title IX work, as campus safety is the main priority. All institutions have submitted the required reports and those reports are published on the respective websites. The completion rate for responsible employee training is 99%, thanks in part to the training being a component of the onboarding process for new employees. Additionally, the UL System hosted a Title IX Summit on the University of New Orleans' campus in October 2022.

STATEWIDE IMPLEMENTATION UPDATES

Dr. Allison Smith provided an update on how the BOR has continued its commitment to helping maintain campus safety and promoting a culture of prevention on our campuses. Four key areas were identified: ongoing training and education, reporting, survey development, and funding. Dr. Smith thanked the Governor and Legislature for their historic reinvestment in higher education, including \$5,000,000 in recurring state funding for Title IX. The funding will be used for a variety of activities, including ongoing training and the development of a Title IX website.

UPDATE ON CAMPUS CLIMATE SURVEY PROCESS

Dr. Amber Blair shared that Grand River Solutions and Vector Solutions were hosted as vendors for a campus climate survey working group. Considerations included response rate, cost, analytics, and survey fatigue, while anticipating further guidance from the U.S. Department of Education.

OVERVIEW OF BOR LEGISLATIVE RESPONSE DRAFT TO ACT 472

Dr. Smith shared that collaboration with the public postsecondary systems has been a key component of the BOR's efforts to ensure that systems are supported in their efforts to provide their students with access to a safe educational environment free from discrimination. BOR hosted a "Title IX 50th Anniversary Symposium" on June 7, 2022, where 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. In the coming months, the BOR will launch a website dedicated to providing easily accessible resources on power-based violence, to include free training resources, as well

as a mechanism for systems to submit statutorily required reports. The BOR will continue to provide ongoing training on power-based violence, as well as work with the PBV Review Panel to develop an opportunity for students to share feedback following the grievance process to improve the Title IX/PBV process. Once rule changes to the Title IX regulations have been finalized by the Office of Civil Rights (OCR), the BOR and the public postsecondary management boards will update their respective policies to remain consistent with federal regulations.

Given the impending implementation of a federal campus climate survey instrument from U.S. DOE, a recommendation was made by BOR to delay spring 2023 administration of a survey, await the federal instrument, and align state law to the federal timeline regarding administration of the campus climate survey (which will be every two years versus every three years). This was proposed to reduce survey fatigue and potentially increase response rates so institutions can gather meaningful data to improve campus cultures and better serve students.

Student members Destiny Broussard (University of Louisiana at Lafayette) and Franchesca Jimenez (Delgado Community College) shared that if the campus climate survey were to be delayed, they would like to see the institutions utilize the spring semester to seek student input on Power-Based Violence/Title IX and what questions they would like to have included in a new survey. The PBV Review Panel agreed that this would be a great use of the spring semester, with the Board of Regents and each public postsecondary management system agreeing to gather feedback from students on their campuses and/or under their jurisdiction.

AGENCY UPDATES

Senator Barrow asked for agency updates. Monica Taylor shared gratitude from the Attorney General's Office for providing multiple opportunities to collaborate with the systems to provide training to campus law enforcement and their intent to include a higher education session at their upcoming law enforcement training.

Rafael de Castro shared that the Louisiana Foundation Against Sexual Assault (LAFASA) is still spreading the word about its Chat & Text Crisis Intervention service and that institutions can request marketing materials to be displayed around campus.

PUBLIC COMMENTS

Senator Barrow asked if there were any public comments and Dr. Smith informed her that there were none.

NEXT STEPS & ADJOURNMENT

Senator Barrow asked for a motion to adjourn the meeting, which was made by Dr. Erica Calais, with a second by Rafael de Castro. The meeting was adjourned at 12:09 p.m.