

## XAVIER UNIVERSITY OF LOUISIANA

### SEXUAL MISCONDUCT POLICY

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#### **Sexual Misconduct Policy**

In compliance with Title IX of the Education Amendments of 1972 (“Title IX”), Xavier University of Louisiana does not discriminate on the basis of sex in any of its educational programs, activities or employment. The university is committed to providing a safe environment for all of its members and therefore prohibits sexual misconduct as defined in this policy.

In order to reduce incidents of sexual misconduct, Xavier University of Louisiana provides educational programming and training for the campus community. These programs promote healthy behavior and help educate the campus community about sexual assault, dating and domestic violence, stalking, consent, bystander intervention and reporting. When sexual misconduct does occur, all members of the university community are encouraged to report it promptly through the procedures outlined in this policy. The purpose of this policy is to ensure the university community has a clear understanding of how to report sexual misconduct and how it will be addressed once it has been reported. Xavier retains the right to add, change, delete or modify policies it deems appropriate without obtaining another person’s consent or agreement.

## Reporting Structure

All Xavier employees are considered responsible employees, outside of privileged staff in Violence Prevention Education and Advocacy, Counseling and Wellness Center, Student Health Services and Campus Ministry. Responsible employees are mandated reporters of all types of sexual violence, including sexual assault, domestic violence, dating violence, non-consensual sexual contact, sexual exploitation, sexual harassment and stalking.

## Responsibilities of the Title IX Coordinator

The Title IX Coordinator is responsible for overseeing the university's response to Title IX complaints and identifying and addressing patterns or systemic problems identified by complaints. The Title IX Coordinator and/or Deputy Title IX Coordinators receive information about all complaints raising Title IX issues, even if the complaint was initially reported to another person or office.

## Definitions and Prohibited Conduct

**Community:** Students, faculty, staff, contractors, vendors, visitors and guests.

**Complainant:** An individual initiating a complaint. The complainant may not always be the alleged victim.

**Consent:** Words or actions that show a knowing and voluntary willingness to engage in mutually agreed upon sexual activity. Consent cannot be gained by force, coercion, intimidation, ignoring or acting in spite of objections of another person, or by taking advantage of the incapacitation of another person, where the respondent knows or reasonably should have known of such incapacitation. Minors under the age of 17 cannot legally consent under Louisiana law.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Dating violence includes, but is not limited to, sexual abuse, physical abuse and threats of sexual or physical abuse.

**Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the alleged victim by a person with whom the alleged victim shares a child or by a person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner.

**Incapacitation:** The physical and/or mental state in which a person cannot make a rational, reasonable decision because they lack the ability to understand the consequences of their actions. A person may be incapacitated as a result of the consumption of alcohol or other drugs, due to a temporary or permanent physical or mental health condition, or because they are asleep or unconscious.

**Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. This includes, but is not limited to touching or penetrating a person's intimate parts (such as breasts, groin, buttocks or genitalia), touching or penetrating a person with one's own intimate parts, or forcing a person to touch his or her own or another person's intimate parts.

**Confidential Employees:** Xavier University of Louisiana employees who have been designated by the university's Title IX Coordinator to talk with an alleged victim in confidence. Confidential employees must only report that the incident occurred and provide the date, time, location and name of the alleged respondent (if known) without revealing additional information that would personally identify the alleged victim. Reporting of this information must be submitted in compliance with Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.

**Privileged Employees:** Individuals employed by Xavier University of Louisiana to whom a complaint or alleged victim may talk to in confidence, as provided by law. Disclosure to these employees will not automatically trigger an investigation against the complainant's or alleged victim's wishes. Privileged Employees include those providing counseling/mental health services, advocacy, health services and pastoral counseling through the Counseling and Wellness Center, Violence Prevention Education and Advocacy, Student Health Services and Campus Ministry. Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Louisiana, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm to oneself or other people.

**Respondent:** An individual who is alleged to have engaged in conduct that violates the university's sexual misconduct policy.

**Responsible Employees:** Employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Title IX Coordinator. Responsible employees include any administrator, faculty member, or other person in a position of authority who is not a Confidential or Privileged Employee. Student employees who serve in a supervisory, advisory or managerial role are in a position of authority for purposes of this policy. (Examples include Resident Assistants, Teaching Assistants, Orientation Leaders, etc.) Responsible Employees are not required to report information disclosed at public awareness events such as Take Back the Night, candlelight vigils, protests or other public forums where students might disclose incidents of sexual misconduct.

**Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the benefit or advantage of anyone other than the person being exploited. Examples of sexual exploitation include, but are not limited to: Sexual-based bullying, knowingly transmitting an STD or HIV to another person through sexual activity, invasion of sexual privacy, prostituting an individual,

non-consensual photo/video/audio of sexual activity, non-consensual distribution of photo/video/audio of sexual activity (even if the sexual activity was consensual), intentionally exposing one's buttocks/breasts/groin or genitals in non-consensual circumstances, and/or intentional observation of nonconsenting individuals who are partially undressed/naked/or engaged in sexual acts.

**Sexual Harassment:** Unwelcome verbal, nonverbal or physical conduct based on sex or gender stereotypes that is implicitly or explicitly a term or condition of employment or status in a course, program or activity/a basis for employment or educational decisions/or is sufficiently severe, persistent or pervasive to interfere with one's work or educational performance creating an intimidating, hostile or offensive work or learning environment/or interferes with or limits one's ability to participate in or benefit from a university program or activity.

**Sexual Misconduct:** Includes, but is not limited to, unwanted behavior such as dating violence, domestic violence, nonconsensual sexual contact, sexual exploitation, sexual harassment and stalking.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.

### **How to Report Sexual Misconduct**

The options for disclosure and reporting sexual misconduct are listed below and confidential assistance is available upon request through Violence Prevention Education and Advocacy to help students review these disclosure and reporting options. University support services are available to students regardless of whether they choose to formally report the violation to the university or law enforcement.

### **Institutional Reports**

Sexual misconduct by members of the university community should be immediately reported to one of Xavier University of Louisiana's Title IX coordinators as described below in order to begin the university's investigation process. If you are unsure what happened to you or uncertain if your complaint falls under sexual misconduct, contact one of the Title IX Coordinators for assistance.

- Sexual misconduct by students should be reported to The Associate Vice President and Dean of Students, Nedra Alcorn, University Center, Suite 305, [nalcorn@xula.edu](mailto:nalcorn@xula.edu), 504-520-7357.
- Sexual misconduct by faculty or staff should be reported to the Assistant Vice President for Human Resources, Kevin Wolf, Xavier South Suite 410, [kwolf@xula.edu](mailto:kwolf@xula.edu), 504-520-5281.

### **Law Enforcement Reports**

If the crime occurred on campus, contact Campus Police to file a police report. If the crime occurred off campus, contact the police department in the parish in which the crime occurred. If you have an off-campus emergency, dial 911.

- Campus Police
  - (504) 520-7490
  - 3801 South Carrolton Ave.
  - [www.xula.edu/campussafetyandsecurity](http://www.xula.edu/campussafetyandsecurity)

### **Anonymous Reports**

Xavier University of Louisiana provides a mechanism by which individuals can report incidents of alleged sexual misconduct anonymously. Complainants should understand that it will be more difficult for the university to investigate and take action upon anonymous reports. Anonymous reports can be submitted by accessing [www.xula.ethicspoint.com](http://www.xula.ethicspoint.com).

### **Confidential Disclosure**

Disclosures made to Violence Prevention Education and Advocacy, Counseling and Wellness Center, Student Health Clinic and Campus Ministry staff listed below will be held in strict confidence and will not serve as notice to the university requiring initiation of a review of the disclosed conduct.

- Violence Prevention Education and Advocacy
  - (504) 520-7503
  - 209 Administration Building
- Counseling and Wellness Center
  - (504) 504-520-7315
  - 202 St. Joseph Academic and Health Resource Center
  - Open Monday-Thursday 9am-8pm and Friday 9am-5pm (Fall and Spring)
  - Open Monday-Friday 9am-5pm (summer)
  - [www.xula.edu/counselingservices](http://www.xula.edu/counselingservices)
- Student Health Services
  - (504) 520-7396

- 217 St. Joseph Academic and Health Resource Center
- Clinic Hours: Open 8:30am-4:30pm Monday-Friday
- [www.xula.edu/studenthealthcenter](http://www.xula.edu/studenthealthcenter)
- Office of Campus Ministry
  - 101A Administration Building
  - (504) 520-7593
  - <http://www.xula.edu/faithandleadership>

### **Amnesty**

Individuals are encouraged to come forward and report sexual misconduct regardless of their choice to consume alcohol or use drugs. Information concerning use of alcohol or drugs will not be used against the particular individual in a disciplinary proceeding or voluntarily reported to law enforcement when the university community member is reporting allegations of sexual misconduct. However, individuals may be provided with resources on alcohol and drug counseling and/or education as appropriate.

### **Retaliation**

Anyone who, in good faith, reports what he or she believes to be sexual misconduct, or who participates or cooperates in, or is otherwise associated with any investigation, shall not be subjected to retaliation. Retaliation includes intimidation, threats or other adverse action and/or speech. Retaliation of any kind should be promptly reported to one of Xavier University of Louisiana's Title IX coordinators as described below:

- Retaliation by students should be reported to The Associate Vice President and Dean of Students, Nedra Alcorn, University Center, Suite 305, [nalcorn@xula.edu](mailto:nalcorn@xula.edu), (504) 520-7357.
- Retaliation by faculty or staff should be reported to the Assistant Vice President for Human Resources Kevin Wolf, [kwolf@xula.edu](mailto:kwolf@xula.edu), Xavier South Suite 410, (504) 520-5281.

Any person found to have engaged in retaliation in violation of this policy shall be subject to disciplinary action.

### **False Complaints**

Individuals are prohibited from intentionally giving false statements to a university official. Any person found to have intentionally submitted false complaints, accusations or statements, including during a hearing, in violation of this policy shall be subject to disciplinary action (up to and including suspension or expulsion) and adjudicated under the Student Code of Conduct.

### **Handling Reports of Sexual Misconduct**

#### **Support Services**

Once a student or employee make a complaint or receives notice that a complaint has been made against him or her, or the Title IX Coordinator otherwise learns of a complaint of sexual misconduct, the complainant, alleged victim and respondent will receive written information about support services available such as victim advocacy,

counseling, housing accommodations, legal assistance, disability services, academic support and other assistance available at the university.

### **Interim Measures**

During the investigation and prior to a final determination, the Title IX Coordinator or designee will take appropriate interim measures to protect the complainant. These measures may include, but are not limited to, the imposition of a no-contact order and/or modifications in employment, transportation, housing, dining, extracurricular activities and/or academic modifications. The Title IX Coordinator or designee, at their sole discretion, may limit a student or employee's access to certain University facilities or activities pending resolution of the complaint or may impose an interim suspension on the respondent when deemed necessary to protect the complainant's physical or emotional safety or wellbeing, or if the respondent poses an ongoing threat of disruption or interference with the normal operation of the university. Before an interim suspension is issued, the university will make reasonable efforts to give the respondent the opportunity to be heard as outlined in the Student Code of Conduct.

### **Jurisdiction**

This policy addresses sexual misconduct allegedly committed by a Xavier University of Louisiana student, faculty or staff member when the sexual misconduct occurs on university property, at an institution-sponsored event or off-campus.

### **Advisors**

The alleged victim and the respondent will have the opportunity to use an advisor of their choosing at their own expense, who may or may not be an attorney, for the purpose of providing counsel and advice in compliance with the Student Code of Conduct.

### **Informal Resolutions**

Allegations of sexual misconduct may be resolved informally, without a determination of conduct, if all of the following are met: 1) The complainant and respondent agree to an informal resolution 2) The complainant and respondent agree to the terms of the informal resolution 3) The initial allegation could not result in expulsion 4) The investigator determines informal resolution is in the best interest of the university community and both parties involved.

The complainant and respondent have the option to end informal resolution at any time prior to an informal resolution being reached and instead request a formal hearing. Once the complaint has been resolved informally, the decision shall not be appealed.

### **Timeframe**

Efforts will be made to complete the investigation within a reasonable timeframe, which will be determined based upon the allegations, availability of witnesses and/or evidence, etc. in a particular case. When the timeframe will extend past the reasonable

timeframe, the parties will be informed of the delay and the reason for the delay. The investigator will keep the parties informed of the status of the investigation.

### **Investigations:**

**Hearings:** A full description of the hearing process can be found in the Student Code of Conduct at [http://www2.xula.edu/student-handbook/documents/Student%20Handbook\\_1617.pdf](http://www2.xula.edu/student-handbook/documents/Student%20Handbook_1617.pdf).

A hearing panel will be appointed by the Title IX Coordinator within 10 days of receiving the investigator's report that there is sufficient cause to move forward with the complaint to the Hearing Panel. The Hearing Panel will schedule their first meeting after receiving information, documents and instructions from the Title IX Coordinator. The Hearing Panel consists of faculty and/or staff members who have received training in the Title IX hearing process and procedures. The complainant and the respondent shall have an opportunity to challenge Hearing Panel members for bias or conflict of interest. The Title IX Coordinator, at his/her sole discretion shall determine whether a Hearing Panel member will be removed for possible bias or conflict of interest. Title IX hearings will take place in a private location and are not open to members of the University community or the public. Witnesses will be kept in a separate room, only entering the hearing room to present information. The complainant and the respondent will make their presentations and answer questions from the Hearing Panel separately. An audio tape will be used by the Hearing Panel to record the presentations of the complainant, respondent and witnesses, however neither the complainant nor respondent may record the hearing. Neither the complainant nor the respondent will be allowed to be present when the presentation of the other is made before the Hearing Panel. Irrelevant information that is not pertinent to the incident involving the complainant and respondent will not be admitted in the hearing. Likewise, information that is lacking in credibility will not be considered by the Hearing Panel. If a complainant or respondent fails to attend a hearing, the hearing may be held in the complainant's or respondent's absence. The Hearing Panel Chairperson has discretion to reschedule a hearing if he/she determines it is necessary in order to achieve a prompt and equitable resolution. The Hearing Panel will find the respondent responsible if a preponderance of the evidence indicates that the respondent violated this policy. This means the Hearing Panel must determine whether it is more likely than not, based on the information presented at the hearing, that the respondent is responsible.

**Acceptance of Responsibility:** If the respondent chooses to accept responsibility for the alleged violation(s), the respondent will provide the Investigator with a written statement identifying the specific violation(s) and/or conduct to which the respondent admits. The Investigator will share the respondent's statement with the complainant and the Hearing Panel. Sanctions will be determined by the Hearing Panel and a hearing may be held solely for the purpose of determining sanctions.

**Determining a Continued Threat:** The university may seek consent from the complainant prior to conducting an investigation. He/say may decline to consent to an



investigation and that determination will be honored unless the university's failure to act does not adequately mitigate the risk of harm to the complainant or other members of the university community. Honoring the complainant's request may limit the university's ability to investigate and pursue conduct action against an accused individual. If the university determines that an investigation is required, the university will notify the complainant and take immediate action to protect and assist the complainant. When an incident is disclosed to someone who is responsible for responding to or reporting sexual misconduct, but the complainant wishes to maintain confidentiality, the university will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender
- Whether the incident represents escalation, such as a situation previously involving sustained stalking
- The risk that the accused will commit additional acts of violence
- Whether the accused used a weapon or force
- Whether the reporting individual is a minor
- Whether the university possess other means to obtain evidence, such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group

If the university determines it must move forward with an investigation, the reporting individual or victim/survivor will be notified and the university will take immediate action to protect and assist them.

**Determination of Sanction:** If the Hearing Panel finds the respondent responsible, it will immediately deliberate sanctions. Only the Hearing Panel members are present for deliberations. The Investigator will share the respondent's prior disciplinary conduct record and the sanctioning statements with the Hearing Panel. Any sanction imposed upon the respondent will be selected from the sanctions identified in the policy. The determination of sanctions is based upon a number of factors including: the nature of the violation, the harm suffered by the complainant, any ongoing risk to either the complainant or the community posed by respondent, the impact of the violation on the university community, any previous conduct violations and any mitigating or aggravating circumstances. The Hearing Panel will determine sanctions by majority vote.

**Notification of Outcome:** Within three calendar days from the date of the conclusion of the hearing, the Investigator will communicate in writing to the complainant and respondent the results of the hearing (consistent with the university's obligations under federal law) and procedures for appeal.

**Sanctions:** A Hearing Panel will impose at least one of the sanctions listed below for any student respondent found responsible for violating this policy. At the recommendation of the Hearing Panel, respondents may also be subject to an accountability plan. The accountability plan is developed by the Vice President or Associate Vice President for Student Affairs, if the respondent is a student, and designed to educate and encourage

reflection on the part of the respondent regarding their behavior and effect on the community.

### **Types of Sanctions**

a. Letter of Censure: Official disciplinary action conveying to the respondent that the student's behavior was unacceptable and any future prohibited conduct may result in more severe disciplinary action, including disciplinary probation, suspension or expulsion.

b. Disciplinary Probation: Pre-suspension period in which the student's behavior is under university review, conveying that the student's behavior was unacceptable and any future prohibited conduct may result in more severe disciplinary action, including suspension or expulsion.

c. Deferred Suspension: Although suspension is sanctioned, the student is permitted to remain on campus and enrolled in classes. The initial sanction of suspension (for a period of time no less than the remainder of the current semester and no more than one academic year) shall be imposed immediately if any other conduct prohibited by this policy or the Code of Conduct occurs during the deferred suspension period. A student on deferred suspension may continue to participate in student activities but shall be ineligible to represent the university in any official function or leadership position (For example: varsity athletics, student leadership position, cheerleader, committee chair, student government member/officer or elected office in any recognized student organization).

d. Suspension: Separation from the university for a period of time no less than the remainder of the current semester and no more than one academic year. Suspension may be effective immediately or deferred until the end of the current semester. During the period of suspension, the respondent is not permitted on campus without written permission from the Vice President of Student Affairs. The record of suspension will be maintained by the Vice President of Student Services' office in accordance with the retention of student record policy. The record will be maintained by the Office of the Registrar only during the period of suspension. Any refund of room, board, tuition or fees as result of the suspension shall be in accordance with applicable policies.

e. Expulsion: Permanent separation from the university will be effective immediately. The record of expulsion is maintained in both the Vice President of Student Services' office and the Office of the Registrar. Any refund of room, board, tuition, or fees as result of the expulsion shall be in accordance with applicable policies. No academic credit may be earned for that semester.

**Appeals:** An appeal must be submitted to the Title IX Coordinator within forty-eight hours after receiving the decision of the Hearing Panel. The university allows the complainant and respondent to request an appeal of the outcome of the hearing in two instances: (a) Where procedural error or previously unavailable relevant evidence could significantly impact the outcome of a case or (b) Where a sanction is substantially disproportionate to the findings.

### **Office of Civil Rights Complaints**

If you would like to contact the Office of Civil Rights in the U.S. Department of Education with a concern, you can find information regarding their procedures at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>. The OCR has authority to investigate all allegations of Title IX violations at educational institutions.

### **Support Services and Resources**

#### **On-Campus Support and Resources**

- Violence Prevention Education and Advocacy
  - (504) 520-7503
  - 209 Administration Building
  
- Counseling and Wellness Center
  - (504) 520-7315
  - 202 St. Joseph Academic and Health Resource Center
  - Open Monday-Thursday 9am-8pm and Friday 9am-5pm (Fall and Spring)
  - Open Monday-Friday 9am-5pm (summer)
  - [www.xula.edu/counselingservices](http://www.xula.edu/counselingservices)
  
- Student Health Services
  - (504) 520-7396
  - 217 St. Joseph Academic and Health Resource Center
  - Clinic Hours: Open 8:30am-4:30pm Monday-Friday
  - [www.xula.edu/studenthealthcenter](http://www.xula.edu/studenthealthcenter)
  
- Office of Campus Ministry
  - (504) 520-7593
  - 101A Administration Building
  - <http://www.xula.edu/faithandleadership>
  
- Human Resources
  - (504) 520-5281

- 410 Xavier South
- If the report involves a faculty or staff member
- [www.xula.edu/humanresources](http://www.xula.edu/humanresources)
- Student Services
  - 504-520-7357
  - 305 University Center
  - If the report involves a student on student crime or student and someone who isn't affiliated with the university
  - [www.xula.edu/studentlife](http://www.xula.edu/studentlife)
- Office of Housing and Residence Life
  - 504-520-7321
  - 316R University Center
  - [www.xula.edu/residentialhalls](http://www.xula.edu/residentialhalls)
- Campus Police
  - (504) 520-7490
  - 3801 South Carrollton Ave.
  - [www.xula.edu/campussafetyandsecurity](http://www.xula.edu/campussafetyandsecurity)

### **Off-Campus Support and Resources**

- University Medical Center, Emergency Department: 504-702-2138
  - The Forensic Program is located at University Medical Center New Orleans in the Emergency Department. To access service, please go to the 2nd Floor of the Emergency Department and request a forensic consult.  
<http://www.umcno.org/Forensic>
- New Orleans Police Department  
Non-Emergency Calls/To File Report **504-821-2222**  
Emergency Calls: **911**

### **Local Crisis Hotlines:**

- New Orleans Family Justice Center 504-866-9554
- Sexual Trauma Awareness and Response 855-435-7827
- Louisiana Foundation Against Sexual Assault 225-372-8995
- Louisiana Domestic Violence Hotline 1-888-411-1333
- Project Save (emergency legal representation for domestic violence) 504-310-6872
- Tulane Law School Domestic Violence Clinic 504-865-5153

- New Orleans Children’s Advocacy Center (if you are under the age of 17) 504-896-9237

### **National Crisis Hotlines**

- National Sexual Assault Hotline 1-800-656-4673 or <https://www.rainn.org/> for chat message assistance
- National Domestic Violence Hotline 1-800-799-7233
- National Crime Victim Hotline 1-800-394-2255
- National Suicide Prevention Lifeline 1-800-273-8255
- 1in6 Online Helpline: [1in6.org/helpline](http://1in6.org/helpline), A helpline for male survivors of childhood sexual abuse and adult sexual assault (24/7, free and anonymous)
- 1in6 Online Support Groups: <https://supportgroup.1in6.org/#/terms-of-service>, Support groups for male survivors of childhood sexual abuse and adult sexual assault (free and anonymous)
- The Trevor Project: Crisis and Suicide Prevention Lifeline for LGBTQIQA Youth 1-866-488-7386
- LGBT National Help Center 1-888-843-4564, peer support chat: <https://www.glbthotline.org/peer-chat.html>
- National Coalition of Anti-Violence Programs: National Advocacy for LGBTQIQA Communities 1-212-714-1141
- Crisis Text Line: Text START to 741-741 from anywhere in the US to speak to a trained crisis counselor
- Identity Theft Resource Center 1-888-400-5530
- National Indigenous Women’s Resource Center 406-477-3896
- Women’s Law: Information on protective orders <https://www.womenslaw.org/>

### **Sexual Assault Victims Bill of Rights**

In compliance with Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092(f), as amended by the Student Right-to-Know and Campus Security Act, Public Law 101-542, as amended by the Higher Education Technical Amendments of 1991, Public Law 102-26 (April 9, 1991) and 102-325 (July 23, 1992), and the Campus Sexual Assault Victims’ Bill of Rights Act of 1991, victims of campus-related sexual assaults shall be afforded the following rights by all Xavier University of Louisiana campus administrators and employees.

1. The right to decide whether or not to disclose a crime or violation to the university.
2. The right to have any and all sexual assaults against them treated with seriousness, the right to be treated with dignity and the right for campus organizations that assist victims to be accorded recognition.
3. The right to have sexual assaults committed against them investigated and adjudicated by the criminal and civil authorities of the governmental entity in which the crimes

occurred and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. This shall be in addition to any campus disciplinary proceedings.

4. The right to be free from any kind of pressure from campus personnel to (1) not report crimes committed against them to civil/criminal authorities or to campus law enforcement/disciplinary officials or (2) report crimes as lesser offenses than the victim perceives them to be.
5. The right to be free from any kind of suggestion that campus sexual assault victims should not report or under-report crimes because (1) victims are somehow “responsible” for the crimes against them (2) victims are negligent or assumed the risk of being assaulted (3) by reporting crimes, the victim would experience unwanted personal publicity.
6. The right to decide whether or not to participate in the university’s adjudication process.
7. The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the university affords to the accused.
8. The right to be notified of the outcome of the university’s adjudication proceeding and the right to at least one level of appeal after the outcome of a proceeding has been determined.
9. The right to full and prompt cooperation from campus personnel in obtaining, securing and maintaining information that may be necessary to prove a sexual assault occurred in subsequent legal proceedings.
10. The right to counseling and assistance from mental health services previously established by the university and/or by other violence prevention advocacy entities.
11. After campus sexual assaults have been reported, the victims of such crimes have the right to require campus personnel take the necessary steps or actions reasonably possible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing and transfer of classes if requested by the victim.
12. Additionally, whether a student has been the victim of a sexual assault or not, students have a right to live in campus accommodations for which the university receives any compensation, direct or indirect, in an environment free from sexual or physical intimidation or any other continuing disruptive behavior that is of such a serious nature as would prevent a reasonable person from attaining their education goals. Violations of these provisions will be corrected by campus personnel by relocating the complainant, if reasonably possible, to a safe and secure alternative location as soon as possible, unless the behavior in violation demonstrates the need for immediate action to be taken by campus personnel.