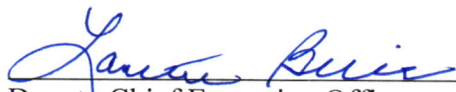


**LSU HEALTH CARE SERVICES DIVISION
BATON ROUGE, LOUISIANA**

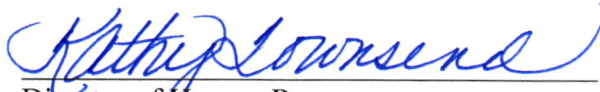
POLICY NUMBER: 4566-18
CATEGORY: Human Resources
CONTENT: Title IX and Sexual Misconduct Policy
EFFECTIVE DATE: September 22, 2016
REVIEWED/REVISED: March 20, 2017
December 14, 2018

INQUIRIES TO: Human Resources Administration
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Deputy Chief Executive Officer
LSU Health Care Services Division

12/14/18
Date



Director of Human Resources
LSU Health Care Services Division

12/14/18
Date

**LSU HEALTH CARE SERVICES DIVISION
TITLE IX AND SEXUAL MISCONDUCT POLICY**

I. POLICY STATEMENT

In accordance with Title IX, LSU Presidential Memorandum No. 73 (PM-73), and other applicable law, the Health Care Services Division (HCSD) is committed to providing a learning and working environment that promotes integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex and sexual misconduct which includes sexual assault, sexual harassment, domestic violence, dating violence, stalking and retaliation.

HCSD prohibits sexual misconduct and sexual discrimination and has implemented this policy to prevent acts of sexual misconduct and sexual discrimination and to take prompt and appropriate action to investigate and effectively discipline those found to have engaged in such conduct in a manner consistent with the law and due process.

HCSD shall provide support and assistance to those who complain of sexual misconduct and shall report instances of sexual misconduct in accordance with PM-73 and applicable law. Sexual misconduct violates an individual's fundamental rights and personal dignity. HCSD considers sexual misconduct in all of its forms to be a serious offense. HCSD will provide recourse for individuals whose rights have been violated. This policy established a mechanism for determining when rights have been violated in all HCSD functions, including employment.

HCSD does not discriminate on the basis of race, creed, color, marital status, sexual orientation, gender identity, gender expression, religion, sex, national origin, age, mental or physical disability, or veteran's status.

II. APPLICABILITY

Adherence to this policy is required for HCSD Headquarters and Lallie Kemp Medical Center.

III. IMPLEMENTATION

This policy or any subsequent revisions are effective upon signature/date of the HCSD Deputy CEO.

New Hires will be assigned this policy through WILMA as part of orientation.

IV. DEFINITIONS

For the purposes of this policy, the following definitions shall apply.

- A. Advisor of Choice –Any person who the employee chooses but may not have personal involvement regarding any facts or circumstances of the alleged misconduct. This Advisor's only function shall be to assist and/or consult with the employee. This advisor may not act as a spokesperson. This Advisor may be an attorney, but participation shall be limited as state above.
- B. Coercion-The use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug,

intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

- C. Complainant-Any employee who alleges a violation under this policy.
- D. Confidential Advisor-A person trained in accordance with law and designated by HCSD who the employee can choose to have support and advise them in accordance with law during the complaint process. The Confidential Advisor may be present during any meeting conducted under this policy to assist and/or consult with the employee. The Confidential Advisor may not act as a spokesperson.
- E. Consent-Consent to engage in sexual activity must exist from the beginning to the end of each instance of sexual activity. Consent is demonstrated through mutually understandable words or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate consent. Consent must be knowing and voluntary. To give consent, a person must be of legal age. Assent does not constitute consent if obtained through coercion or from a person who the alleged offender knows or should reasonable know is incapacitated. The responsibility of obtaining consent, through mutually understandable words or actions, rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish the responsibility to obtain consent. Consent to engage in sexual activity may be withdrawn by any persons at any time. Once withdrawal of consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving consent. A current or previous consensual dating or sexual relationship between the Parties does not itself imply consent or preclude a finding of responsibility.
- F. Dating Violence as defined by the Clery Act-Violence, including but not limited to sexual or physical abuse or threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
- G. Dating Violence as defined by Louisiana Law-Includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other (La. RS 46.2151CC)). For purposes of this Section, "dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1. The length of the relationship;
 - 2. The type of relationship; and
 - 3. The frequency of interaction between the persons involved in the relationship.
- H. Domestic Violence as defined by the Clery Act – Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the alleged victim is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:
 - 1. By a current or former spouse or intimate partner of the victim;
 - 2. By a person with whom the victim shares a child in common;

3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- I. Domestic Abuse as defined by Louisiana Law – Abuse and violence including but not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3).
 - J. Family Violence as defined by Louisiana Law – Any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. La. RS 46:2121.1(2).
 - K. Hostile Environment – Includes conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit an employee's ability to participate in or benefit from one's employment, or to create a hostile or abusive work environment
 - L. Incapacitation – An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is clearly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to incapacitation; however, someone who is drunk or intoxicated is not necessarily incapacitated, as incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.
 - M. Non-Consensual Sexual Intercourse – Having or attempting to have sexual intercourse, cunnilingus, or fellatio without consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.
 - N. Non-Consensual Sexual Contact – Any intentional sexual touching, or attempted sexual touching, without consent.
 - O. Respondent – Any employee against whom a complaint under this policy has been made.
 - P. Responsible Person – Any employee who has the authority to take action to redress sexual violence or who has been given the duty of reporting incidents of sexual violence or any other misconduct prohibited by this policy by employees to the Title IX coordinator or other appropriate designee. Responsible Persons do not include victims' advocates, mental health counselors, or clergy.
 - Q. Retaliation – Title IX prohibits retaliation. Any acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this policy, or as retribution or revenge against anyone who has reported Sexual Misconduct or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this

policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination.

- R. Sexual Assault – Any type of sexual contact or behavior that occurs, or is attempted, without the explicit consent of the recipient. Sexual assault includes, but is not limited to, sexual acts, or attempted sexual acts, such as rape, fondling, incest or statutory rape, forced sexual intercourse, sodomy, child molestation, any sexual touching, and includes sexual acts against people who are unable to consent either due to age or incapacitation. Sexual assault also includes sexual battery as defined by La. R.S.14:43.1.
- S. Sexual Assault as defined by the Clery Act – Any offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's UCR program.
- T. Sexual Discrimination – Behaviors and actions that deny or limit a person's ability to benefit from and/or fully participate in the educational programs, activities, and services because of a person's gender.
- U. Sexual Exploitation – Any act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio or videotaping of sexual activity, prostituting another person, allowing other to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.
- V. Sexual Harassment – The unwelcome conduct of a sexual nature when, 1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; 2) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment; or 3) such conduct has the purpose or effect of unreasonably interfering with a person's employment, or creating an intimidating, hostile, or offensive employment environment, and has no legitimate relationship to the subject matter. Sexual Harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this policy, the various forms of prohibited Sexual Harassment are referred to as "Sexual Misconduct".
- W. Sexual Misconduct – A sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence and stalking, as well as crimes of a sexual nature as defined in Title 14 of the Louisiana Revised Statutes or at La. R.S. 44:51.
- X. Sexually-Oriented Criminal Offense – any sexual assault offense as defined in La. R.S. 44:51, and any sexual abuse offense as defined in La. R.S. 14:403.

- Y. Stalking as defined by the Clery Act – 1)The intention and repeated following or harassing that would cause a reasonable person to feel alarmed or that would cause a reasonable person to suffer emotional distress; or 2) the intentional repeated uninvited presence at another person’ home, work place, school, or any other place which would cause a reasonable person to be alarmed or would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping or any other statutory criminal act to the victim or any member of the victim’s family or any person with whom the victim is acquainted. 34 CFR 668.46(a)(ii).
- Z. Stalking as defined by Louisiana Law – The intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include by not be limited to the intentional and repeated uninvited presence of the perpetrator at another person’s home, workplace, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnaping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. R.S. 14:40.2(A). “Harassing” means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. “Pattern of conduct” means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity or emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. R.S. 14:40.2(c).

V. TITLE IX COORDINATOR

HCSD shall designate a Title IX Coordinator who shall be responsible for the implementation, enforcement, and coordination of Title IX.

VI. INITIATION OF COMPLAINTS

Complaints of sexual discrimination which do not involve sexual misconduct or sexual assault shall be handled under any other applicable HCSD policy.

A. Complaints

Any employee who believes that they have been subjected to sexual misconduct or any other violation of this policy has a right to report the conduct to the Title IX Coordinator, Department Head or Human Resources Department.

Title IX Coordinator shall notify the parties involved of their rights under this policy.

Persons who may have experienced criminal sexual misconduct are encouraged to report the offense to local law enforcement. The complainant, however, has the legal right not to provide a statement to law enforcement.

B. Notification of Complaints

Any responsible person who receives actual notice of a complaint under this policy shall promptly notify the HCSD Title IX Coordinator, who shall be responsible for notifying the LSU Title IX Coordinator or anyone else who may be involved in the resolution process.

Notice of complaint may or may not come from a formal complaint.

Any supervisor or other responsible party who witnesses or receives a report or complaint shall notify the HCSD Title IX Coordinator.

C. Interim Measures

At any time after becoming aware of a complaint, the HCSD Title IX Coordinator may recommend that interim protections or remedies be provided to impacted parties involved by appropriate HCSD officials.

Remedies may include issuing a timely warning to the HSCD staff, separating the parties, placing limitations on contact between the parties, interim suspension, or making alternative workplace arrangements.

Interim measures may vary depending on the nature of the complaint, status of respondent or other criteria.

All parties shall be notified of the availability of these measures as well as the fact that such measures are being put into effect.

D. Confidentiality

All parties involved in a complaint, any investigation, and /or resolution, including witnesses, are encouraged to keep information concerning the complaint private until a final decision is rendered in order to protect both the complainant and the respondent.

HCSD may be required to divulge information on a need-to-know basis in order to properly address the complaint, when there is a threat to others, pursuant to subpoena, or other court or administrative order, or as may be required by applicable law.

Violations of confidentiality by any other persons involved in the resolution, investigation or administration of the complaint, including any employee or staff if identified and confirmed, may result in disciplinary or corrective action.

Only individuals employed as mental health counselors, victim's advocates, hospital chaplains, or others provided by law can guarantee confidentiality.

VII. PROCESSING OF COMPLAINTS

Note: Reference is also being made to HCSD Policy #4528, Investigations Policy.

A. Preliminary Inquiry

HCSD Title IX Coordinator or designee shall conduct or supervise the initial review of the complaint, with assistance as needed and/or appropriate under the circumstances, from other staff with responsibilities relevant to the nature of the complaint.

A complainant or respondent has the right to a Confidential Advisor or an Advisor of Choice at any stage of this process.

The initial review of the complaint shall be concluded as quickly as possible, within a reasonable amount of time required to complete the review in a manner that is adequate, reliable and impartial and based on the nature and complexity of the complaint. The initial review should ordinarily be completed within 15 business days of receipt of the complaint.

The purpose of the initial inquiry is to determine whether there is a reasonable cause to believe a specific policy/policies may have been violated.

After completion of the preliminary inquiry, any initial determination that a policy has not been violated shall be made by the HCSD Title IX Coordinator.

A respondent or complainant can request a review of the initial determination to the LSU Title IX Coordinator, whose decision shall be final.

To ensure a prompt and thorough initial inquiry, the complainant should provide as much information as possible. A complaint may be submitted anonymously or by an individual who is not a party to the alleged violation. The following may, but is not required to be provided in writing:

1. The name of employee(s) to include department and position of the person(s) allegedly violating this policy;
2. A description of the incident(s) to include the date(s), location(s), and the presence of any witness(es);
3. If the complainant is an employee, the alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, work environment, or other terms or conditions of employment;
4. The name of other employee(s) who might have been subject to the same or similar conduct; and/or
5. Any other information the complainant believes to be relevant to the alleged sexual misconduct, discrimination, harassment, or retaliation.

B. Notice of Investigation

If, after the initial inquiry, the HCSD Title IX Coordinator finds reasonable cause to believe a policy or policies may have been violated, an investigation shall be conducted. At any time during the investigation, the matter may be referred, if appropriate under this policy, to the information resolution process.

If an investigation is warranted, then, at the recommendation of the HCSD Title IX Coordinator, a trained investigator(s) will conduct a full investigation into the facts and circumstances of the complaint.

The investigation may include in-persons interviews with all parties involved, including witnesses and parties that the investigator(s) may deem appropriate. Both the respondent and complainant will be given the opportunity to identify witnesses to be interviewed. The investigator may also collect and review any documents or other relevant information to include, but not limited to, photographs, video recordings, and/or information from social media.

Any such investigation shall be conducted by a trained person, authorized and assigned as an investigator by the HCSD Title IX Coordinator, including, but not limited to, trained employees from the Human Resources Department or other qualified HCSD employees.

Both the respondent and complainant will be provided written notice that an investigation will be undertaken as well as the nature of the complaint. The notice should include the specific section(s) of this policy that may have been violated.

All parties will have an opportunity to identify pertinent evidence to be considered by the investigator(s).

The investigator will author a written investigative summary to include a timeline of events, facts, and circumstances surrounding the complaint.

Upon completion of the investigative summary, the HCSD Title IX Coordinator or designee, in consultation with the Human Resources Department, will reach a finding based on a preponderance of the evidence or more likely than not that this policy was or was not violated.

Prior to issuing a finding, the HCSD Title IX Coordinator may request additional investigation, should he or she deem this to be appropriate.

Upon issuance of a notice of investigation, any and all effort should be made to conduct a thorough and prompt investigation based on the facts and circumstances of each complaint ordinarily within thirty (30) business days of the notice. Complicated or extensive investigations may take longer.

After a full investigation, a determination that this policy has or has not been violated, from a more likely than not or preponderance of the evidence standard, shall be made by the HCSD Title IX Coordinator or his designee, by admission of responsibility by the respondent or by the complainant's admission of making false charges against the respondent.

Both the complainant and the respondent will be given written notice of the results of the investigation.

VIII. RESOLUTION PROCEDURES

In the event a determination has been made that from a more likely than not or preponderance of the evidence standard that this policy has been violated, HCSD has both informal and formal resolution procedures to address alleged violations of this policy. Both procedures will be implemented by individuals who have received training on issues related to sexual misconduct.

The complainant and respondent have the right to an Advisor of Choice or a Confidential Advisor at any stage of the informal resolution or formal resolution processes.

Both informal and formal resolution procedures will utilize a preponderance of the evidence standard throughout the process, with respect to determinations as to whether, or not, there has been a violation of this policy.

As set forth below, an informal resolution procedure is available under certain circumstances.

After a full investigation, or at the request of the parties as provided in Section VII (B), or if the respondent accepts responsibility for violations(s) of this policy and if the investigator finds that reasonable cause exists to believe that this policy has been violated, the HCSD Title IX Coordinator or designee will determine whether the informal resolution procedure is appropriate. In situations involving an employee as a respondent, the HCSD Title IX Coordinator or designee will determine the appropriate procedure to follow in consultation with the Human Resources Department and/or applicable HCSD Department.

If the HCSD Title IX Coordinator or designee determines that informal resolution is appropriate, the complainant and respondent shall be advised of the option to pursue an informal resolution procedure. If both complainant and respondent agree in writing, the informal resolution procedure will be followed, without further investigation, unless and until informal resolution is unsuccessful.

A. Informal Resolution

The use of informal resolution procedure is optional and must be agreed upon by all parties involved. The informal resolution procedure will not be followed:

1. If any of the persons involved in the complaint do not wish to engage in the informal procedure;
2. If the HCSD Title IX Coordinator deems the informal resolution procedure inappropriate for the alleged offense;
3. If the respondent does not accept responsibility for the alleged policy violation(s);
4. If an attempt to utilize the informal procedure has been unsuccessful; and/or
5. In cases involving violence resulting in significant harm to others.

Additionally, the parties may discontinue participation in the informal process at any time.

Information obtained regarding the complaint and the investigative summary will be treated as private, with only those with a need to know being informed of the complaint.

An attempt to informally resolve the complaint shall be made by the HCSD Title IX Coordinator or designee and should be ordinarily concluded within fifteen (15) calendar days of the decision to pursue informal resolution.

Such informal resolution includes:

1. Meeting with each party to the complaint;
2. Review of any initial findings;
3. Review or continuance of interim remedies; and
4. Any other actions deemed appropriate by the parties and HCSD.

Any further inquiry or review deemed necessary should be concluded in that same period. Once the informal resolution procedure is completed, written notification of the determination of whether or not this policy(s) was violated will be provided to the complainant and respondent.

If a determination has been made that this policy was violated, any changes in status, restrictions, limitations, or other recommended outcomes shall be given to all parties.

Any party not willing to accept the proposed informal resolution has the right to make a written request within five (5) calendar days upon receipt of written notification of the proposed

resolution, to the HCSD Title IX Coordinator, thereby requesting the opportunity to pursue the formal resolution procedure set forth below.

B. Formal Resolution

If either the respondent or complainant is not in agreement with the outcome of the informal resolution process or if the HCSD Title IX Coordinator, the respondent, and/or the complainant have not consented to and/or determined that informal resolution is inappropriate or insufficient, the formal procedure will be utilized.

Upon submission of written notification by either the respondent or complainant to the HCSD Title IX Coordinator communicating an intent not to accept the proposed informal resolution outcome, consideration will be given to utilize a formal resolution process.

The complainant and the respondent will be notified in writing the specific section(s) of this policy alleged to have been violated, and the date, time, and location of the formal resolution process. Information obtained regarding the complaint will be treated as privately as possible (as set forth herein) with only those with a legitimate interest being informed of the complaint and the outcome of the investigation.

The formal procedure will consist of a formal review of all allegations, the initial complaint, supporting documents, investigative summary and corresponding documentation. For complaints involving employees as respondents, the HCSD Title IX Coordinator or designee and the Human Resources Department or applicable HCSD administrator will direct the formal process of the investigation. HCSD shall utilize existing procedures to address alleged violation(s) of this policy that afford both the complainant and the respondent due process as well as appeal options and other procedural rights. The HCSD procedures for resolution of such complaints may be subject to review by the LSU Title IX Coordinator.

IX. RESOLUTION/DISCIPLINARY ACTION

HCSD will take appropriate action against any persons found to be in violation of this policy. (Note: Violations of this policy may also be subject to individual civil or criminal liability under the state or federal law.)

When an employee is deemed to have violated this policy, the HCSD Title IX Coordinator and Human Resources Department and/or applicable HCSD administrator will jointly determine the appropriate disciplinary action, or recommendation for disciplinary action, up to and including dismissal, in accordance with applicable laws, rules, LSU and/or HCSD policy.

X. APPEAL

Either party may appeal the findings of the formal resolution process. Appeals must be submitted in writing to the HCSD Title IX Coordinator or designee within ten (10) business days upon receipt, by the appealing complainant or the appealing respondent, of notification of the outcome of the formal resolution process.

XI. COOPERATION WITH LAW ENFORCEMENT

HCSO will comply with law enforcement requests for cooperation and such cooperation may require HCSO to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence.

HCSO will promptly resume its Title IX investigation as soon as notified by law enforcement that it has completed the evidence gathering process. HCSO may provide up to ten (10) calendar days to allow for the law enforcement agency criminal process/investigation to unfold prior to resuming the fact-finding aspect of the Title IX investigation.

HCSO will implement appropriate interim steps/remedies during the law enforcement agency's investigation to provide for the safety of the complainant, the respondent, the HCSO staff, and to avoid any instance of retaliation.

HCSO will develop protocols to coordinate efforts with local law enforcement agencies and other organizations such as crisis centers. A Memorandum of Understanding (MOU) may be utilized to establish those protocols.

XII. RETALIATION

Retaliation against a person who has been subjected to sexual misconduct, or against one, who in good faith brings a complaint of sexual misconduct or who, in good faith, participates in the investigation of a sexual misconduct complaint, is prohibited; and shall be a violation of this policy and shall constitute misconduct subject to disciplinary or other action, as described above. HCSO will take steps to prevent recurrence and remedy the effects of any violation of this policy.

XIII. RECORD KEEPING

Records will be kept in accordance with Louisiana law and federal law. Employment actions involving violation of this policy will be maintained in the employees' personnel file.

XIV. OTHER ASSISTANCE

HCSO will provide other assistance to persons impacted by a violation of this policy by maintaining a list of department, programs/services, or community-based agencies offering assistance to employees concerning issues related to this policy.

XV. AGENCY CLIMATE SURVEY

According to PM-73, HCSO, as a division of LSU, shall administer an Agency Climate Survey to assess the knowledge, perceptions and behaviors of its employees and staff regarding sexual misconduct. The survey shall be developed by the four (4) management boards of public higher education in the state of Louisiana, in coordination with the Board of Regents. HCSO is encouraged to supplement the statewide survey with any additional information specific to its unique characteristics and that may assist in preventing sexual misconduct and administering strategies dealing with sexual misconduct. The annual Agency Climate Survey shall be submitted to the LSU Title IX Coordinator by June 1st of each year.

XVI. TRAINING, EDUCATIONAL, AND PREVENTION PROGRAMS

HCSO shall regularly offer training, educational and prevention programs designed to inform employees and staff about the law of Title IX and PM-73. HCSO will develop and maintain a list

of educational programs, prevention programs, and other events designed to reduce the incidence of sexual violence in and around the workplace. HCSD shall identify and include programs addressing issues related to this policy.

XVII. RELATED POLICIES

To the extent other HCSD policies may conflict with this policy, the provisions of this policy shall supersede and govern.

- A. In accordance with HCSD Policy No. 4528, Investigation Policy, employees are required to cooperate in an investigation. This may include participation as a witness; providing details; confirming and/or documenting information; or to identify other potential witnesses or parties.

Disciplinary action up to and including dismissal may occur where the employee refuses to cooperate and/or violates the policy.

VII. EXCEPTIONS

Any exception to this policy must be approved by the Chief Executive Officer/designee of HCSD.