

To: Williams F. Tate IV
LSU President

From: Todd Manuel
Vice President for Inclusion, Civil Rights & Title IX

Re: Biannual Report on Power-Based Violence

Date: November 3, 2022

Act 472 of the 2021 Regular Legislative Session of the Louisiana Legislature outlines a biannual reporting requirement for institutions of higher education detailing incidents of power-based violence reported on their campuses. This reporting requirement ensures that every level of leadership between the campus and the Legislature has an opportunity to see and respond to the data. The reporting deadlines for the October cycle as follows:

| | |
|-------------|---|
| October 10 | Report transmitted from the Title IX Coordinator to Chancellor |
| October 24 | Report transmitted from the Chancellor to President |
| November 7 | Report transmitted from President to Board of Regents |
| December 31 | Report transmitted from Board of Supervisors to Board of Regents |
| January 15 | Report transmitted from Board of Regents to Louisiana Legislature |

The Board of Regents created and published in the Uniform Policy on Power-Based Violence a spreadsheet and forms to be used for reporting these data. The spreadsheet and form B2 has been previously provided to you and will be posted along with this memorandum on www.lsu.edu/titleix-review to continue efforts around accountability and transparency to the LSU community.

Form B2

Form B2 provides data on the Confidential Advisors and Responsible employees.

- Number of employees was gathered from a Workday report and includes employees in Faculty, Staff, and Graduate Assistant positions, minus the number of Confidential Advisors.
- The number of Confidential Advisors is reflective of best practices recommended by the Board of Regents which is one Confidential Advisor to 1,500 students. The 14th class day enrollment of Full-Time, Part-Time, Graduate, Undergraduate, Professional, and Online students for Fall 2022 published by the Office of Budget & Planning is 37,354. We have 25 faculty and staff who are serving as Confidential Advisors which meets the 1:1,500 ratio. The names of the 25 employees can be found at www.lsu.edu/support/talk-to-someone.php

- Annual Training is defined as the number of employees who completed the annual training on Power-based Violence prepared by the Board of Regents. This was the first year the training deadline was in the fall as opposed to the end of the calendar year. As of October 24, 2022, 87% of employees had completed the training and the Office of Civil Rights & Title IX continues to partner with other units to move towards 100% compliance.
- During the April 1, 2022 through September 30, 2022 timeframe, there were five formal complaints filed. In two of those cases, the complainant later withdrew their formal complaint, and the formal complaint was dismissed. In cases where a formal complaint is withdrawn and dismissed, the Title IX Coordinator first does a safety assessment regarding both the complainant and the broader campus community. One formal complaint proceeded to investigation but was resolved through an informal resolution agreement prior to the formal hearing. Two cases have completed the investigation phase and are awaiting a formal hearing.
- There were no reported instances of False Reports nor instances of reported Retaliation.

The following information is offered to provide more specificity and perspective to the action taken by the Office of Civil Rights & Title IX over the past six months. We use this data to inform our practices as well as our prevention programming.

Type of Case

Of the 126 reports received by the Title IX Coordinator and included on Tab 1 of the spreadsheet, 73 (62%) were considered Title IX complaints and 44 (38%) were considered Power-Based Violence complaints. Those labeled as Power-Based Violence complaints are ones we know are not under the jurisdiction of Title IX.

Of the 126 reports received by the Title IX Coordinator during this period, 117 (93%) were closed without any disciplinary action on the Respondent (See Table 1). The overwhelming majority of survivors choose a path that does not include a formal investigation. The most common paths that survivors take are to not respond to outreach from the Office of Civil Rights & Title IX, respond but ask that the office take no further action on the report, or to request supportive measures only which are available regardless of whether the survivor wishes to file a formal complaint. A small handful of reports were resolved by either HRM or at the unit/department level after consultation with the Title IX Coordinator and the survivor.

The most commonly requested supportive measures were academic in nature such as requesting an excused absence, extension of a deadline, switching to another class section, or flexibility in work. Other supportive measures requested include educational conversations with respondents, letters of support to in receiving services, referrals to health and mental health resources, housing relocations, and the issuance of no contact directives. This data does not include supportive measures that have been obtained through the Lighthouse Program as they are a confidential resource.

Table 1
Cases Reported between 4/1/2022 – 9/30/2022 and Closed without Disciplinary Action

| Status | Reason | n | % |
|--------|--|-----|------|
| Closed | Complainant anonymous | 4 | 3% |
| Closed | Complainant not currently enrolled | 1 | 1% |
| Closed | Complainant not responsive to outreach | 49 | 42% |
| Closed | Complainant requested supportive measures only | 17 | 15% |
| Closed | Complainant requested no further action | 31 | 26% |
| Closed | Educational conversation | 1 | 1% |
| Closed | Formal complaint withdrawn | 2 | 2% |
| Closed | Informal Resolution | 1 | 1% |
| Closed | Lack of jurisdiction | 5 | 4% |
| Closed | Referred to HRM | 2 | 2% |
| Closed | Resolved at the department/unit level | 4 | 3% |
| | | 117 | 100% |

There are 9 cases (7%) of the original 126 reports that remain open as of October 1, 2022 (See Table 2). Multiple attempts at contact are made when a survivor does not open the outreach that is sent to them.

Table 2
Cases Reported between 4/1/2022 – 9/30/2022 and Open as of October 1, 2022.

| Status | Reason | n | % |
|--------|------------------------------|---|------|
| Open | Pending formal hearing | 2 | 22% |
| Open | Still attempting contact | 6 | 67% |
| Open | Expecting a formal complaint | 1 | 11% |
| | | 9 | 100% |

Table 3 shows the aggregate data for the basis of complaints among the reports. In some reports, more than one type of power-based violence is alleged, so the total of these data points (134) exceeds the total number of reports (126).

This is the third biannual report released since the passage of Act 472. As with both previous reports, Sexual Assault remains the most reported allegation with a total of 35 (26%) with 29 reports of Sexual Assault – Forcible Rape and 6 reports of Sexual Assault – Fondling. Formal complaints were filed in 2 instances of Sexual Assault – Forcible Rape and one formal complaint was filed for Sexual Assault – Forcible Fondling, although the formal complaint was later withdrawn.

Table 3
Prevalence of Reported Behaviors

| Power-based Violence Behavior | n | % |
|--------------------------------|-----|-----|
| Sexual Assault – Forcible Rape | 29 | 22% |
| Sexual Harassment | 26 | 19% |
| Sexual Misconduct | 23 | 17% |
| Stalking | 21 | 16% |
| Dating Violence | 19 | 14% |
| Sexual Exploitation | 6 | 4% |
| Sexual Assault – Fondling | 6 | 4% |
| Domestic Violence | 3 | 2% |
| Quid Pro Quo Sexual Harassment | 1 | 1% |
| Retaliation | 0 | 0% |
| | 134 | 99% |

Given the prevalence of cases identifying sexual assault as the basis for the complaint, the current status of those 35 reports is presented in Table 4. With few and rare exceptions when the safety of the community at large could be at risk, the Complainant in a case of sexual assault (or any Title IX behavior under the jurisdiction of LSU) makes the decision as to whether to file a Formal Complaint which triggers an investigation, attempt an Informal Resolution, or not move beyond the incident report. Our data indicate a minority of Complainants wish to file a formal complaint and engage in formal investigation. Additionally, we can assume, based on data from national surveys, that a small percentage of students and employees who experience some type of sexual assault, harassment, or other forms of sexual misconduct file an incident report with the Title IX office.

Table 4
Status of Sexual Assault Cases

| Status | Reason | n |
|--------|--|----|
| Closed | Complainant not responsive to outreach | 16 |
| Closed | Complainant requested supportive measures only | 10 |
| Closed | Complainant requested no further action | 3 |
| Closed | Complainant anonymous | 1 |
| Closed | Complainant not currently enrolled | 1 |
| Closed | Formal complaint withdrawn | 1 |
| Closed | Informal Resolution | 1 |
| Open | Still attempting contact | 1 |
| Open | Pending formal hearing | 1 |

Table 5 compares the number of reports from the 2021 October biannual report to the 2022 biannual report. Because Act 472 went into effect on June 29, 2021, the 2021 biannual report only covered the period from June 29, 2021, through September 30, 2021. To make an accurate comparison, data from June 29, 2022, through September 30, 2022, was examined so as not to have different reporting timeframes. In future reports, a full 6 month comparison will be possible.

Table 5

Fall 2021 reports compared to Fall 2022 reports (6/29 – 9/30 each year)

| | Fall 2021 | Fall 2022 |
|---------------|-----------|-----------|
| Total Reports | 63 | 67 |

Investigation Resolution

Since the April report, seven formal complaints have been resolved. Those formal complaints were all filed prior to April 1, 2022, and therefore their resolution is not captured on the October 10, 2022, spreadsheet. Of those seven resolutions, five went to a formal hearing panel, one was resolved through an informal resolution utilizing mediation, and in one case the formal complaint was withdrawn.

As a result of the five formal hearing panels, in three cases the formal hearing panel determined there was not enough information to show the respondent was responsible for a policy violation by a preponderance of the evidence. In the other two cases the respondent was found responsible. One respondent was suspended for a period of three years while the other respondent was suspended for a period of one year. When a respondent is found not responsible for a policy violation, no sanctions are imposed.

Form B3 – System Data Report

2022-2023 Academic Year, Fall Semester [1]

| Institution | Date Formal Complaint Filed [2] | Type of Complaint [3] | Status of Formal Complaint [4] | Basis for Complaint [5] | Disposition [6] | Disciplinary Status [7] | Gender of Complainant [8] | Gender of Respondent [9] |
|-------------|---------------------------------|-----------------------|--------------------------------|-------------------------|-----------------|-------------------------|---------------------------|--------------------------|
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- [1] Beginning with AY 2022-2023, Fall Semester reporting will have an effective date of April 1st of the current calendar year.
- [2] Information about Formal Complaints is specifically required to be included in the Chancellor's report. For convenience, BOR Recommends the Title IX Coordinators' reporting in the third column serve as the basis of information to be included in the Chancellor's report, so effectively Title IX Coordinators can copy and paste their reports regarding Formal Complaints into the Chancellor's r
- [3] Type of Complaint, Title IX or Power-Based Violence (PBV).
- [4] Status of investigation as it pertains to Formal Complaints filed for an accusation of power-based violence or retaliation. If closed, length of time taken to resolve complaint.
- [5] Type of power-based violence or retaliation alleged.
- [6] Disposition of any disciplinary processes arising from the Formal Complaints.
- [7] Institution should indicate where they are in the disciplinary status and also note if there was a sanction imposed and what sanction was imposed.
- [8] Although not required by law, for data collection purposes BOR requests information pertaining to the gender of both the Complainant and Respondent.
- [9] Although not required by law, for data collection purposes BOR requests information pertaining to the gender of both the Complainant and Respondent.