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## DIGEST

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HB 409 Original

2021 Regular Session

Freeman

**Abstract:** Requires the termination of postsecondary education institution employees for failure to comply with reporting requirements relative to power-based violence committed by or against students (dating violence, domestic violence, sexual assault, sexual harassment, and stalking).

### **Mandatory reporting**

Present law provides relative to the handling of sexually-oriented criminal offenses at public postsecondary education institutions. Proposed law instead uses the term "power-based violence", which includes dating violence, domestic violence, sexual assault, sexual harassment, and stalking, and proposed law provides the following:

- (1) Requires employees to report power-based violence to the campus Title IX Coordinator. Provides exceptions.
- (2) Requires the Title IX Coordinator to report to the chancellor.
- (3) Requires the chancellor to report to the system president.
- (4) Requires the system president to report to the management board.
- (5) Requires an institution to terminate any employee who fails to comply with these requirements.
- (6) Grants victims the right to obtain a copy of any report pertaining to any incident involving them.

### **Memoranda of understanding**

Present law requires each institution and local criminal justice agency to enter into a memorandum of understanding (MOU) relative to responsibilities, information, investigation protocols, and other aspects of dealing with sexually-oriented criminal offenses. Requires that the MOU be updated every two years. Proposed law requires instead that an MOU relative to power-based violence be updated on at least an annual basis.

### **Hotline information**

Present law requires institutions to post certain information on their website, including the phone number and website address for a victims' hotline. Requires this information to be updated "timely". Proposed law instead requires it to be updated on at least an annual basis.

### **Online reporting system**

Present law authorizes institutions to provide an online reporting system to collect anonymous disclosures of crimes and track patterns of crime on campus. Proposed law requires rather than authorizes such online reporting systems.

### **Training**

Present law requires the Bd. of Regents to have developed a training program relative to handling sexually-oriented criminal offenses by Jan. 1, 2016, and for institutions to have provided such training not later than the beginning of the 2016-2017 school year. Proposed law extends such deadlines to Jan. 1, 2022, and the beginning of the 2022-2023 academic year, respectively, and provides for the training to address power-based violence; adds that training shall also be provided to members of each public postsecondary education management board.

### **Student surveys**

Present law requires an institution to administer an anonymous sexual assault climate survey to its students once every three years. Proposed law changes the terminology to a power-based violence climate survey, makes this an annual requirement, and additionally requires results to be posted prominently on each institution's website and for each institution to make every effort to maximize student participation in the survey.

Present law requires the Bd. of Regents to develop the survey in consultation with the management boards and work with such boards in researching and selecting the best method for survey development and administration. Proposed law additionally requires the Bd. of Regents to consult with victims' advocacy groups and student leaders who represent a variety of student organizations and affiliations when performing these responsibilities.

Present law requires the Bd. of Regents to submit a written report on survey results to the House and Senate education committees and governor not later than Sept. 1st following administration of the survey. Proposed law changes this deadline to 45 days prior to the convening of each Regular Session of the Legislature.

(Amends R.S. 17:3399.13, 3399.14(A), (B), and (C)(3) and (4), 3399.15(intro. para.), (2)(b) and (f), (3), (5), and (6), and 3399.17; Adds R.S. 17:3399.12)