

## RÉSUMÉ DIGEST

ACT 472 (HB 409)

2021 Regular Session

Freeman

### Mandatory Reporting

Existing law provides relative to the handling of certain incidents of sexual misconduct at public postsecondary education institutions. Prior law referred to these incidents as "sexually-oriented criminal offenses". New law instead refers to incidents of "power-based violence" and provides the following:

- (1) Requires employees to report to the institution's Title IX coordinator upon witnessing or receiving a direct statement regarding an incident of power-based violence. Provides that reporting is not mandated if information is received during a public forum or awareness event, in the course of reviewing academic work, or indirectly, such as in the course of overhearing a conversation.
- (2) Requires the Title IX coordinator to report to the chancellor.
- (3) Requires the chancellor to report to the management board.
- (4) Requires the system president to submit a system-wide summary report to the management board.
- (5) Requires the management board to submit a system-wide summary report to the Bd. of Regents.
- (6) Requires the Bd. of Regents to submit a report to the governor, House speaker, Senate president, and House and Senate education committees.
- (7) Grants victims the right to obtain a copy of any report pertaining to any incident involving them.
- (8) Requires termination of an employee who is determined by the institution's disciplinary procedures to have knowingly failed to make a report or, with the intent to harm or deceive, made a report that is knowingly false.

New law provides relative to immunity from criminal and civil liability and prohibits retaliation against a student or employee who makes a report or cooperates with an investigation.

### Memoranda of Understanding

Existing law requires each institution and local criminal justice agencies to enter into a memorandum of understanding (MOU) relative to responsibilities, information, and investigation protocols. Prior law required that the MOU be updated every two years. New law requires annual review (with revision as necessary) and that each MOU relative to power-based violence be in writing and include the campus police department, if any, the local district attorney's office, and any law enforcement agency with criminal jurisdiction over the campus.

### Policies

New law requires each management board to institute policies relative to the prevention and reporting of power-based violence and specifies what such policies shall provide for, including the following:

- (1) Existing law requires institutions to post certain information on their websites, including the phone number and website address for a victims' hotline. Prior law required this information to be updated timely. New law instead requires it to be updated on at least an annual basis.
- (2) Existing law provides relative to the use of online reporting systems to collect anonymous disclosures of crimes and track patterns of crime on campus. Prior law

authorized institutions to provide for such online reporting systems. Proposed law requires this rather than authorizing it.

- (3) Existing law provides for the responsibility of the Bd. of Regents to develop a training program relative to these issues. Prior law required this development by Jan. 1, 2016, and for institutions to have provided such training not later than the beginning of the 2016-2017 school year. New law extends such deadlines to Jan. 1, 2022, and the beginning of the 2022-2023 academic year, respectively.
- (4) Existing law provides relative to transfers and transcripts of certain students. Prior law required the withholding of transcripts for students with pending disciplinary action for sexually-oriented criminal offenses. New law requires a uniform transcript notation and communication policy for student transfers with respect to incidents of power-based violence.
- (5) New law requires each institution to adopt a victims' rights policy.

### **Student Surveys**

Existing law requires an institution to administer an anonymous climate survey to its students once every three years. Prior law provided for this to be a "sexual assault climate survey". New law changes the terminology to a "power-based violence climate survey" and 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.

Existing 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. New 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.

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

Effective upon signature of governor (June 29, 2021).

(Amends R.S. 17:3399.11-3399.17; Adds R.S. 15:624(A)(3))