

## IX: DISCRIMINATION AND HARASSMENT POLICY

### I. Purpose

- a. Loyola University New Orleans strives to create and maintain a working and learning environment in which individuals are treated with dignity, decency and respect. The University acknowledges individual differences, including, but not limited to, the dimensions of race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status; and values all individuals. This idea is rooted in the belief that diversity enriches our social interactions and intellectual lives by exposing us to different cultures, ideas, and ethnicities. Recognizing the role which diversity plays in our mission, the University strives to maintain an educational community that is safe, welcoming, and inclusive for its faculty, staff, and students. It is expected that students, faculty, staff, and other individuals covered by this policy will treat one another with respect and are responsible for promoting an environment of inclusion. The environment of the University is characterized by mutual trust and the absence of intimidation, oppression and exploitation. For these reasons, the University does not tolerate discrimination or harassment. Reports of discrimination and harassment under this Policy are taken seriously and will be dealt with promptly. Through implementation and enforcement of this policy, and through education of faculty, staff, and students, the University seeks to discourage, prevent, correct, and when necessary sanction behavior that violates the University's Policy on Discrimination and Harassment.

### II. Scope and Application

- a. This policy applies to all students, faculty and staff of Loyola University New Orleans, as well as others who participate in the University's programs and activities. Its application includes the University's programs and activities both on and off campus, including overseas programs. It is a violation of this Policy to discriminate in the provision of employment or educational opportunities, to create discriminatory work or learning conditions, or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status or any other characteristic prohibited by applicable law. Acts of harassment, including sexual assault, stalking, domestic violence, and dating violence, are violations of this policy and Title IX and will subject students, faculty, and staff of Loyola University New Orleans, as well as others who participate in the University programs and activities, to sanctions.

### III. Definitions

- a. *Campus* for purposes of this Policy means all buildings, facilities, and properties that are owned, operated, managed, or controlled by the University.
- b. *Complainant* for purposes of this Policy shall mean the person who files a complaint to report a violation of this policy. It also includes any person who is reported to have experienced a violation of this Policy in cases where some other person has made a report on that person's behalf.
- c. *Consent* to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually

understandable words and/or actions that clearly indicate a voluntary intention to engage in a specific sexual activity. Silence alone, without actions clearly and unambiguously evidencing permission, does not demonstrate consent. While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions that do not clearly and unambiguously evidence permission may lead to confusion and potential for misunderstandings, which may lead to a violation of this policy. It is the responsibility of the initiator of any sexual activity to obtain their partner's consent. Consent must be knowing and voluntary. To give consent, a person must be at least 17 years old. Assent does not constitute consent if obtained through "coercion" or from an individual whom the respondent knows or reasonably should know is "incapacitated." Coercion for purposes of this policy may be psychological or physical and includes the use of express or implied threats, intimidation, or physical force which places an individual in reasonable fear of harm or physical injury. An individual is considered to be incapacitated for purposes of this policy if the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Individuals who have drunk alcohol, or used drugs, may be incapacitated, depending on the amount and type of alcohol, or drugs, used. The totality of the circumstances will be considered in determining incapacitation. Among the factors the University will use to assess whether someone is incapacitated for purposes of this policy are: 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. The existence of any one of these factors will support a finding of incapacitation for purposes of this policy. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent to sexual activity. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease immediately. 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 imply Consent or preclude a finding of responsibility for misconduct.

- d. *Domestic and Dating Violence* is defined as abusive behavior, including threats, verbal and/or emotional abuse, and physical assault, between persons in an intimate and/or dating relationship. Examples of domestic violence include, but are not limited to, intimidation, threats, and physical harm. Preventing a partner from making contact with others among the partner's family, friends, or peer group also falls within this definition. This includes behavior toward another person when the intimate and/or sexual relationship has ended.
- e. *Discriminatory harassment* for purposes of this Policy is defined as verbal or physical conduct directed toward an individual because of his or her race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status that is offensive to the individual and
  - i. Intentionally stigmatizes the individual to invoke violence or harm, or
  - ii. Is of a severe and/or pervasive nature such that it creates an intimidating, hostile or offensive working, academic or campus environment, or

- iii. Unreasonably interferes with an individual's work or academic performance
- f. *Hate Crime* means any offense against person and/or property because of actual or perceived race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status of that person or the owner or occupant of that property or because of actual or perceived membership or service in, or employment with, an organization.
- g. *Human Resources* for purposes of this Policy means the Human Resources Department at Loyola University New Orleans, 6363 St. Charles Avenue, Mercy Hall, Room 102, New Orleans, Louisiana. The phone number is (504) 864-7757.
- h. *Loyola University Police (University Police)* for purposes of this Policy means the Loyola University New Orleans Police at 6363 St. Charles Avenue, Biever Hall, First Floor, New Orleans, Louisiana. The phone number is (504) 865-3434.
- i. *Office of Government and Legal Affairs* for purposes of this Policy means the Office of Government and Legal Affairs of Loyola University New Orleans, 6363 St. Charles Avenue, Marquette Hall, New Orleans, Louisiana. The phone number is (504) 865-2657.
- j. *Policy* means this Loyola University New Orleans Discrimination and Harassment Policy.
- k. *Nonconsensual Sexual Intercourse and Sexual Conduct* for purposes of this Policy means any sexual behavior including sexual intercourse or attempted intercourse without consent, including rape, attempted rape, molestation, and other cases where the complainant is unable to refuse or effectively consent to sexual advances. The definition applies regardless of whether the alleged assailant is a stranger or an acquaintance. Examples include, but are not limited to, forced insertion, oral copulation, rape by foreign object, sodomy and unwanted touching of an intimate part of another person for the purpose of sexual gratification. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger or inanimate object.
- l. *Respondent* for purposes of this policy shall mean the person responding to an allegation of a violation of this policy.
- m. *Sex Discrimination* for purposes of this Policy includes treating a person unfavorably because of that person's sex, including in hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment. It also includes treating a person unfavorably because of that person's failure to conform to gender or sex-based stereotypes.
- n. *Sexual Exploitation* for purposes of this Policy means taking nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
  - i. Intentionally exposing a private or intimate part of one's body in a lewd manner;
  - ii. Committing any other lewd act in a public place;
  - iii. Prostituting another student;
  - iv. Possession, or sharing of, photographs, video or audio recording of sexual activity in person, or on any social media platforms or internet sites, without the consent of the persons depicted or involved;

- v. Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to witness one's consensual sexual activity;
    - vi. Engaging in non-consensual voyeurism; and/or
    - vii. Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.
  - o. *Sexual Harassment* for purposes of this Policy means the creation of a hostile workplace environment, as well as unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct or communication of a sexual nature in person, or on any social media platforms or internet sites when:
    - i. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, services, or academic status; or
    - ii. Submission to, or rejection of, such conduct by an individual is used as a basis for employment, services, or academic decisions affecting him or her; or
    - iii. Such conduct, whether verbal or physical, is severe and/or pervasive so as to have the purpose or effect of interfering with the individual's work or academic performance or of creating an intimidating, hostile or offensive employment, service or educational environment.
  - p. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex, gender identity or transgender status. For example, harassing a woman, or man, by making offensive comments about women, or men, in general may constitute sexual harassment.
  - q. *Sexual Verbal Abuse* for purposes of this Policy is language that is sexual in nature and unwanted on the part of another person. Examples include, but are not limited to, obscene telephone calls and use of written and/or oral communication that would be considered obscene.
  - r. *Stalking* for purposes of this Policy is a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts in which a person 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. Stalking includes, but is not limited to, the intentional and repeated uninvited presence of the alleged perpetrator at another's home, workplace, school, 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, or sexual assault.
  - s. *University* for purposes of this Policy means Loyola University New Orleans.
- IV. What Constitutes Sexual Harassment
- a. Types of Relationships
    - i. Sexual harassment may occur within a variety of relationships. These relationships may or may not involve unequal authority, as between supervisors to employees supervised, faculty members to students, residence hall staff to student residents, and student leaders to other students. They may also involve relationships among peers. However, allegations of sexual harassment will be scrutinized, regardless of the relationship of a complainant to an alleged offender. Generally, there are three (3) types of relationships where sexual harassment occurs:

1. Quid pro quo - where submission to harassment is used as the basis for employment or educational decisions. Quid pro quo harassment occurs when employee benefits such as raises, promotions, working hours, etc., or student benefits such as grades, assignments, recommendations, etc. are directly linked to compliance with sexual advances. Therefore, only someone with the authority to grant such benefits can engage in quid pro quo harassment.
2. Hostile work or learning environment - where offensive remarks or conduct is severe and/or pervasive and creates an offensive working or learning environment or when it results in an adverse employment decision (such as being demoted, or fired).
3. Third party harassment - when a party or parties are not sexually harassed directly, but suffer the consequences of sexual harassment.

b. Forms of Sexual Harassment

- i. Determining what constitutes sexual harassment depends on the specific facts and context in which the offensive language or conduct occurs. Sexual harassment may take many forms - subtle and indirect or blatant and overt. For example, it may:

1. Be offensive words or conduct toward an individual of the opposite sex or the same sex;
2. Occur between peers or between individuals in a hierarchical relationship;
3. Be aimed at coercing an individual to participate in an unwanted sexual relationship;
4. Have the effect of causing an individual to change behavior or work performance; and
5. Consist of repeated words or actions, or may even arise from a single incident, if sufficiently egregious.

c. Examples of Sexual Harassment

- i. The following are some examples of conduct which may constitute or contribute to sexual harassment:
  1. Gender harassment, including statements and behavior that convey insulting, degrading, or demeaning attitudes towards women, or men;
  2. Direct proposition of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or academic environment;
  3. Derogatory, degrading, or insulting statements and behavior targeting, or ridiculing a person's sexual orientation, transgender status, or gender identity;
  4. Persistent and unwanted requests for dates, unwelcome and inappropriate letters, telephone calls, email, or other communication or gifts;
  5. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
  6. Subtle or overt pressure for sexual favors;

7. Unwanted physical contact such as touching, hugging, brushing against a person's body, or impeding or blocking movements;
  8. Sexually explicit statements, questions, jokes, or anecdotes, regardless of the means of communication (oral, written, email, text messages, etc.);
  9. The display of inappropriate sexually oriented materials;
  10. Sexual assault, attempted rape, or rape;
  11. Sexual submission when made a term or condition, explicitly or implicitly, of obtaining employment, services, or education;
  12. Sexual submission when used as a factor in decisions affecting an individual's employment, services, or education;
  13. Sexual conduct or communication when of such a nature that it creates an intimidating, hostile, or offensive work or educational environment; and
  14. Domestic violence, dating violence, and stalking.
- d. Consensual Sexual or Romantic Relationships
- i. With the exception of cases where individuals are married, or in a formal domestic partnership, the University prohibits faculty and staff from knowingly entering into a romantic, or sexual relationship, with any students over whom such faculty and staff exercise supervisory, or evaluative authority.
  - ii. The University prohibits faculty and staff from knowingly entering into a romantic or sexual relationship with an undergraduate student, regardless if that faculty, or staff, exercise supervisory, or evaluative authority, over the undergraduate student.
  - iii. With the exception of cases where individuals are married, or in a formal domestic partnership, the University strongly discourages faculty and staff from knowingly entering into a romantic or sexual relationship with a graduate or professional student enrolled at the University even if the student is not subject to the supervisory, or evaluative authority, of said faculty or staff. Faculty, or staff, who enter into such a relationship must disclose the relationship to the Provost's Office, and staff must report it to Human Resources or the Director of Government and Legal Affairs, so that the University is in a position to ensure that those faculty and staff do not exercise supervisory or evaluative or other authority over that student.
- e. Pregnancy and Breast feeding/Lactation
- i. The University values families and a woman's need for accommodation during pregnancy and childbirth. Consequently, the University will work with pregnant employees to accommodate the needs of the pregnancy and childbirth. Federal law imposes its own requirements and renders it unlawful to harass a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, termination, pay, job assignments, promotions, layoffs, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. Lactation is a pregnancy-related medical condition. The University will make available

time and a private space for its employees to accommodate lactation-related needs.

V. Reporting Policies and Procedures

a. Complainants

i. Places to Report

1. Internal Reporting

a. In cases of stalking, sexual assault, and sexual violence, Loyola University Police should be notified initially and immediately. Loyola University Police can be reached at: (504) 865-3434. If the complainant believes that they are being harassed or discriminated against by any member of the University community, or a third-party doing business with the University; or if you observe harassment or discrimination by another member of the University community, or a third-party doing business with the University, against a third party; please report the incident immediately to one of the following:

i. Government & Legal Affairs – (504) 865- 2657; or

ii. Human Resources Department - (504) 861-7756;  
or

iii. Chief Student Conduct Officer/Title IX Coordinator – (504) 864-7151; or

iv. University Counseling Center – (504) 865-3835; or

v. Provost Office – (504) 865-3034; or

vi. Office of Diversity and Inclusion – (504) 865-2306

b. If the perpetrator of the alleged harassment or discrimination is listed as a contact person above, then you should report to another person listed. Loyola University New Orleans takes all complaints of unlawful harassment and discrimination seriously and will not penalize anyone for reporting a potential harassment or discrimination problem in good faith.

2. External Reporting to Government Agencies:

a. In cases of stalking, sexual assault, and sexual violence, it is the practice of Loyola University Police to notify complainants of their right to file a criminal complaint. Discrimination and harassment are prohibited by state and federal law. In addition to the internal resources just described, individuals may pursue complaints directly with the government agencies that deal with unlawful harassment and discrimination claims:

i. If the complainant is a faculty or staff member, they should contact the U.S. Equal Employment Opportunity Commission (EEOC) (Title VII employment discrimination claims) at:  
<http://www.eeoc.gov/field/neworleans/index.cfm>;

ii. If the complainant is a student, they should contact the Office for Civil Rights (OCR) of the U.S.

Department of Education (Title IX sex discrimination claims) at:

<http://www2.ed.gov/about/offices/list/ocr/index.htm>;

iii. In addition, all complainants can contact the Louisiana Commission on Human Rights at:

<http://gov.louisiana.gov/page/lchr>.

b. Please know that a violation of this policy may exist even where the conduct in question does not violate the law. If there is immediate danger, contact 911.

b. University Employees as Mandatory Reporters for Sexual Assault and Harassment

i. All University employees, other than counselors, pastors, or advocates and those employees legally regarded as confidential sources, must bring reports of violations of this policy, including sexual and gender-based harassment, assault and violence that they observe or learn about, immediately to the attention of the Office of Human Resources (if the respondent is a staff member), the Office of the Provost (if the respondent is a faculty member), or the Title IX Coordinator (if the respondent is a student). Failure to do so can result in discipline, up to immediate discharge. The employee must report all relevant details about the alleged policy violation, including the name of the complainant, the accused, any witnesses, and any other relevant facts, including the date, time, and specific location of the incident. Complainants may request confidentiality or anonymity, including that their name not be shared with the respondent, that the respondent not be notified of the report, or that no investigation occur. A mandatory reporter should inform the complainant that there are other University employees available to discuss complaints, like advocates or counselors, who can preserve the complainant's confidentiality. If the complainant wants to tell the mandatory reporter what happened, but also wants to maintain confidentiality or anonymity, the employee should tell the complainant that mandatory reporters cannot guarantee confidentiality or anonymity. The employee should advise the complainant that the details of the incident will be disclosed only to those officials with a legitimate institutional interest in knowing the information. In reporting the details of the incident to the University, however, the employee will disclose that the complainant has requested confidentiality, or anonymity. The University will then weigh the complainant's request for confidentiality, or anonymity, against the University's obligation to provide a safe, nondiscriminatory environment for all members of the Loyola Community, including the complainant. If the University honors the request for confidentiality, the applicable investigating office will explain to the complainant that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator may be limited. Explanation of the University's retaliation policy shall be provided to the complainant. If the complainant continues to ask that his or her name not be revealed, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not prevent the University from responding effectively to harassment

and preventing harassment of others. Regardless of whether there is a request for confidentiality or whether the request for confidentiality is honored, the University will take steps to limit the effects of the alleged relationship violence or sexual misconduct and prevent its recurrence. Such steps might include providing increased security or supervision at locations or activities where a pattern of relationship violence or sexual misconduct exists; providing education and training materials for students, student groups, faculty, and staff; reviewing applicable relationship violence and sexual misconduct or disciplinary policies; and conducting climate surveys regarding relationship violence and sexual misconduct. Individuals who choose to discuss an incident of relationship violence or sexual misconduct only in a privileged/confidential or private setting (to a counselor, pastor or advocate) should understand that the University will not be able to conduct an investigation into the particular incident, or pursue disciplinary action against the alleged perpetrator, unless the incident is reported to the University directly by the complainant, law enforcement, someone who is obligated to make a report, or by a confidential party who has been given written permission by the complainant to make a report. Counselors and advocates will assist their clients in receiving support services, regardless of whether a report is made. At the individual's option, this will include coordinating with the University to provide any necessary interim measures. A complainant who requests confidentiality initially to a mandatory reporter or who reports only to a confidential source (a counselor, pastor or advocate), may later decide to file a complaint with the University or law enforcement and have the incident fully investigated. Prior to conducting an investigation, the University will take into consideration any safety risks associated with the University contacting or interviewing the accused, especially in cases where the complainant is fearful and does not want the perpetrator contacted, or when the threats and abuse may escalate and put the complainant in increased danger due to the investigation process. As discussed above, the University will attempt to balance a complainant's request for anonymity or not to participate in an investigation with the University's broader obligation to campus safety.

- c. [Louisiana Reporting Law](#)
  - i. Pursuant to state law, any report of abuse or neglect of minors or persons with a disability, including disabilities or challenges caused by aging, will be reported to state authorities.
- d. [Clery Act Requirements](#) and Other Legal Guidelines
  - i. In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, popularly known as the Clery Act, University Police annually collects, compiles, and publishes crime statistics for a 3-year reporting period. Additionally, University Police identifies and works with Campus Security Authorities (CSAs) to ensure that they satisfy their annual training and reporting requirements pursuant to the Clery Act. A CSA is an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. CSAs are required to report certain offenses that are reported to them and that have

occurred on campus, in residence facilities, in certain non-campus property, and certain public property. CSAs receive training regarding the specific locations (Clery geography) and specific offenses (Clery crimes) that trigger a duty to report. In addition, the University has a responsibility to notify the campus community about any crimes, not just Clery Act crimes, that are serious or pose an ongoing threat. A Timely Warning Notice, known as a BOLO (Be On The LookOut), may be issued for both on and off-campus crime reported to University Police by NOPD, Tulane Police, CSAs, or any other source and shall be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the university community, and the possible risk of compromising law enforcement efforts. The Clery Act encourages voluntary, confidential reporting so that incidents of crime that are reported exclusively to professional and pastoral counselors will be included in the annual crime statistics. University Police and the New Orleans Police Department (NOPD) work closely together to keep the campus neighborhood safe. The University Police officers and NOPD communicate regularly on the scene of incidents that occur in and around the campus area. The University Police investigators work closely with the investigative staff at NOPD when incidents arise that require joint investigative efforts, resources, crime-related reports, and exchanges of information, as deemed necessary. The University Police do not have a Memorandum of Understanding with NOPD. University Police officers patrol regularly in the uptown area usually bordered by Freret Street, Jefferson Avenue, Pitt Street, and Cherokee Street. University Police also coordinate efforts and work with Louisiana State Police when incidents arise that require collaboration. University Police are a member of the Louisiana State Analytical and Fusion Exchange where intelligence and information are shared with other local and state agencies. A daily crime log is kept of all reported crimes. It is available for public review by request at University Police headquarters located in Biever Hall. University Police also monitor incidents at its off-campus sites and records those offenses. University Police report all serious on-campus crimes to NOPD along with providing them with a copy of pertinent records. NOPD accepts and processes evidence for serious crimes such as drug cases.

- VI. Assistance for Complainants of Sexual Assault
- a. Sexual assault is an egregious form of sexual harassment and it is a crime. The University takes all incidents seriously. The University supports the right of the complainant of a sexual assault to decide how best to utilize various University, community, private, and public support systems designated to address crimes of sexual assault. Complainants of sexual assault are highly encouraged to contact Loyola University Police. Reporting an assault to the Loyola University Police does not require filing criminal charges. Nor does it require the complainant to participate in a University investigation. However, it does allow the University to assist and support the complainant. Loyola University Police offers complainants the option of communicating with a counselor on-call or a Complainant's Advocate. If you are a student complainant of sexual assault, you have the right to pursue the remedies and processes set forth in this Policy and the [Student Code of Conduct](#).

The University encourages you to report sexual assault both to campus safety and to the local police and will assist you in doing so. You may choose to:

- i. Report the incident to University Police and pursue University judicial action and/or criminal charges with the New Orleans Police Department; or
- ii. Only report the incident without pressing charges; or
- iii. Report the incident anonymously without providing any personal information.

VII. Title IX Coordinator

a. Roles and Responsibilities of Title IX Coordinator

- i. The Title IX Coordinator oversees the University's efforts to comply with and carry out its responsibilities under Title IX, including investigation of any complaint communicated to the University alleging noncompliance with Title IX or alleging any actions which would be prohibited by Title IX. The Coordinator will track reports of discrimination and sexual harassment for statistical purposes and report at least annually concerning their number, nature, and disposition to the University President or their designee. The Coordinator may keep confidential records of reports of sexual harassment and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training so that training priorities can be established. Investigation records and evidence obtained in investigations will be maintained separately from student records and personnel files in a secure, limited access location for a period of time in accordance with the University's Record Retention Policy and in accordance with Title IX guidelines from the federal government.

b. Contact Information for Title IX Coordinator

- i. Dr. Diana Ward - Title IX Coordinator; 205 Danna Student Center; 504-864-7151; [dmward@loyno.edu](mailto:dmward@loyno.edu)

VIII. ADA/Section 504 Coordinators

a. Roles and Responsibilities of ADA/Section 504 Coordinators

- i. The University's ADA/Section 504 Coordinators have overall responsibility for assisting the University in meeting the requirements of the ADA and Section 504, including assisting individuals with disabilities in seeking reasonable accommodations; delivering support; providing auxiliary aids; addressing concerns about disability discrimination; and coordinating campus services for students and employees with disabilities.

b. Contact Information for ADA/Section 504 Coordinators

- i. The ADA/Section 504 Coordinator for Students is:
  1. Andrea Rodriguez; 504-865-3265; [alrodrig@loyno.edu](mailto:alrodrig@loyno.edu)
- ii. The ADA/Section 504 Coordinator for Faculty/Staff is:
  1. Rachel Dirmann; 504-864-7768; [rdirmann@loyno.edu](mailto:rdirmann@loyno.edu)

IX. Protection Against Retaliation

- a. Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this policy are against the law and will not be tolerated. See also the Loyola University [Non-Retaliation Policy, Policy No. 5-16](#) for more information.

X. Confidentiality

- a. The University recognizes the importance of confidentiality. Those responsible for implementing this Policy will respect the confidentiality and privacy of individuals reporting or accused of discrimination or harassment to the extent reasonably possible. Although individuals involved with investigations are not asked to abide by a nondisclosure agreement, information should be shared on a need-to-know basis to avoid claims of the [Family Educational Rights and Privacy Act \(FERPA\)](#) violations, defamation, or threats of retaliation. In all cases, the issues of confidentiality must be balanced with the University's need to investigate and take appropriate action. FERPA protects a student's right to review his or her education record and it permits the University to inform the complainant of the institution's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases, not just those sanctions that directly relate to the complainant.

XI. Investigation Procedures and Protocols

a. Formal Options

- i. The applicable procedure depends on the circumstances and the status of the person bringing the charge and the person against whom the charge is brought. Generally, the process consists of the individual's submission of a complaint, a fact-finding process or investigation by a University representative, followed by a decision and, in some cases, the possibility of one or more appeals, pursuant to the [faculty appellate process](#), the [human resources operating manual](#) or the [Student Code of Conduct](#). The relevant grievance/adjudication procedure and appeal procedure (see below) should be read carefully, since the procedures vary considerably. The investigation will be conducted in a way that respects, to the extent possible, the privacy of all persons involved. The results of the investigation may be used in any complaint or disciplinary action. Throughout the investigation and any subsequent appeals, all parties shall have the right to have an advisor or attorney of choice present at any meeting. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. The advisor is a silent and non-participating presence who is there solely to observe and provide support during the process. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor as well as the right to request that an advisor leave a meeting in the event the investigator determines that the advisor is not acting appropriately. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

1. For Students

- a. Investigations involving students will be conducted by a Student Conduct Officer.

2. For Staff

- a. Investigations involving staff members will be conducted by Human Resources.

3. For Faculty

- a. Investigations involving faculty members will be conducted by the Office of the Provost.

- ii. Reports of sexual harassment are taken seriously and the University strives to complete the investigation process within 60-business days of receiving a complaint. Depending on the complexity of the investigation and the

severity and extent of the alleged conduct, timeframes for investigations may vary. However, the University will provide periodic status updates throughout the process, and the University aims to respond promptly and equitably to all complainants.

b. Grievance/Adjudication Procedures and Appeals

- i. In appropriate cases, disciplinary procedures may be initiated. The applicable disciplinary procedure depends on the status of the individual whose conduct is in question:
  1. Students are subject to the [Student Code of Conduct](#).
  2. Staff members are subject to the [Human Resources Policies and Procedures Manual](#).
  3. Faculty are subject to the [Faculty Handbook](#).
- ii. The individuals referenced in this section are available to discuss these options and other methods for dealing with discrimination and harassment. Investigators will make findings using a preponderance of the evidence standard or "more likely than not." The specific action taken in any particular case depends on the nature and gravity of the conduct reported and may include intervention, mediation, investigation, and the initiation of complaint and disciplinary processes. Where discrimination and harassment has occurred, the University will act to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible. Both parties receive simultaneous written notice of the outcome in the form of a redacted copy of the decision. The Clery Act requires, and Family Educational Rights & Privacy Act (FERPA) permits, the University to inform the complainant of the University's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases (as opposed to all harassment and misconduct covered by Title IX) not just those sanctions that directly relate to the complainant. The question sometimes arises as to whether the University will defend and indemnify a University employee accused of discrimination or sexual harassment. The issue of indemnification depends on the facts and circumstances of each situation.

c. Prevention and Education

- i. Consistent with this Policy and the University's commitments under it, the University offers a variety of prevention and education/training programs and services for its faculty, staff, and students. Such programs and services may include:
  1. New student orientation training, specifically Everfi's "Think About It" course (an online course regarding substance abuse and sexual assault prevention);
  2. New employee orientation, which includes a discussion of important information regarding Human Resources policies and procedures, specifically the Discrimination and Harassment Policy;
  3. Sexual discrimination and harassment training requirement for all University employees, which includes reporting of sex and gender discrimination incidents, including sexual harassment, sexual assault, stalking, domestic violence, and dating violence, is designed

to inform all employees about their duty to report sexual harassment and other behaviors that fall under Title IX;

4. Bystander Intervention training for students, which includes measures that students may take as active upstanders to prevent sexual harassment or violence;
5. Workshops and event programming for "Take Back the Night;"
6. Group counseling for students;
7. Residence hall posters and presentations;
8. Care for the Pack blog posts providing health information to students, faculty, staff, parents, and alumni;
9. Sexual Aggression Prevention Programs;
10. Sexual Trauma Support Group;
11. Conducting Campus Climate Surveys;
12. Boots on the Ground training for faculty; and
13. Student Handbook information.

d. Training

- i. Complainant Advocates training for students, faculty, and staff;
- ii. Clery Act training for University Police and Campus Security Authorities;
- iii. Training for Title IX Coordinator, Title IX Deputy Coordinators, and Title IX Investigators, which includes a discussion of domestic violence, dating violence, sexual assault, and stalking. Additionally, the annual training will review how to conduct an investigation and the hearing process that both protects the safety of complainants and ensures due process for all parties.

e. Enforcement of Policy

- i. A person found responsible for discrimination or harassment as prohibited in this Policy may face:
  1. Student disciplinary action, up to and including dismissal
  2. Letter of reprimand
  3. Denial of promotion
  4. Demotion
  5. Suspension
  6. Termination
- ii. The University may also take necessary interim actions before determining whether a violation has occurred. The University may terminate relationships or take other appropriate actions against non-University entities that violate this Policy.

f. Policy Review and Evaluation

- i. This policy amends the policy previously adopted on August 1, 2004, and adopted as revised on May 17, 2012. This Policy is subject to periodic review by the Office of Government and Legal Affairs. Any comments or suggestions should be forwarded to the Office of Government and Legal Affairs.