



## CONFIDENTIAL ADVISING AND TITLE IX

*A Campus Resource Guide for  
Students, Faculty, and Staff*

Office of the Dean of Students

**SOUTHERN UNIVERSITY AND A&M COLLEGE** is committed to maintaining an academic and working environment where all individuals feel safe and are free to develop intellectually, professionally, and socially. In accordance with Title IX, Southern University and A&M College strictly prohibits any acts of sexual misconduct by students, faculty, or staff.

### WHAT IS CONFIDENTIAL ADVISING?

Designated individuals who have been trained to aid a student involved in a sexual misconduct complaint in the resolution process as a confidential resource. As suggested by the term “confidential advisor,” confidential communications with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the communications under state and federal laws.

### HOW IS CONFIDENTIALITY CONSIDERED?

An individual may make a request for confidentiality/privacy at any point during the investigation process. If at any point an individual requests privacy, the University will make all reasonable attempts to comply with this request, but such requests limit the University's ability to investigate and properly adjudicate any allegations.

## DUTIES OF A CONFIDENTIAL ADVISOR

### *TO INFORM A COMPLAINANT (VICTIM) OF THE FOLLOWING:*

- The rights of the Complainant (victim) and Respondent (accused) under campus policies.
- The Complainant's reporting options, including the option to notify the Title IX Coordinator, the option to notify local law enforcement, and any other reporting options.
- If reasonably known, the potential consequences of the reporting options.
- The process of investigation, adjudication, and disciplinary proceedings.
- The limited jurisdiction, scope, and available sanctions of SUBR student disciplinary procedures, and that this process should not be considered a substitute for the criminal justice process.
- Potential reasonable accommodations that SUBR may provide.
- The name and location of the nearest medical facility where Complainant may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options for a visit to such facility.
- To advise the Complainant of, and provide written and SUBR's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by SUBR.

## SEXUAL MISCONDUCT/SEXUAL CONSENT

### WHAT IS SEXUAL MISCONDUCT?

Is the broad term encompassing sexual assault, sexual exploitation, non-consensual sexual contact,” and sexual harassment. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

### WHAT IS CONSENT?

Consent must be clear, unambiguous, and a voluntary agreement between participants to engage in specific sexual activity. Consent is active, not passive, and is given by a clear and sober “YES”. Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute, and consent to one form of sexual activity. It does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent. In some situations, an individual may be deemed incapable of consenting to sexual activity because of circumstances or the behavior of another, or due to their age.

## PARTIES INVOLVED / WHO REPORTS?

### Who are the parties involved in an incident?

- **Complainant (Victim):** A person who believes they experienced sexual misconduct.
- **Reporter:** A person who has information that sexual misconduct may have been committed by a university student, employee or participant in a university program.
- **Respondent (The Accused):** The person whose actions are alleged to have violated the Gender-Based Sexual Misconduct Policy.

### Who Reports?

- Is a Confidential Advisor required to report incidents of sexual misconduct? **NO**
- Is a non-professional counselor or advocate required to report incidents of sexual misconduct?
  - The only individuals that are NOT required to report are individuals that are listed as Confidential Advisors or individuals that are hired by the University as a licensed counselor or advocate role (i.e. the University Counseling Center).
- If an individual wishes to report, they should be directed to any of the following:
  - Any Responsible Employee
  - Office of the Dean of Students
  - Office of Human Resources
  - Southern University Police Department

## CONSEQUENCES FOR NON-COMPLIANCE

### UNIVERSITY CONSEQUENCES FOR NON-COMPLIANCE

- Loss of federal funding
- Lengthy state and/or federal investigations
- Loss of due process for the accused
- Negative media exposure
- Penalties for University violations; and
- Private lawsuits that may result in substantial damages and attorney's fees

### CONSEQUENCES FOR EMPLOYEES/STUDENTS

- Potential suspension/expulsion or termination
- Private lawsuits that may result in substantial damages and attorney's fees



## CONFIDENTIALITY/PRIVACY

### HOW IS CONFIDENTIALITY AND PRIVACY CONSIDERED?

An individual may make a request for confidentiality/privacy at any point during the investigation process. If at any point an individual requests privacy, the University will make all reasonable attempts to comply with this request, but such requests limit the University's ability to investigate and properly adjudicate any allegations.

In all investigations, the identities of all involved parties will only be revealed to University officials who need to know as an official part of the investigation. When a report or formal complaint is filed, all parties who are named in the investigation will be notified of the University's expectation of confidentiality. The University will make all reasonable efforts to maintain the confidentiality of parties involved during the investigation and adjudication process. Breaches of confidentiality and privacy against involved parties may warrant a separate misconduct hearing.

In the event that a Complainant requests confidentiality or asks that a formal complaint of sexual misconduct not be pursued, Title IX Coordinator will generally before taking any further investigative steps, forward any available information to the Sexual Assault Response Team (SART) for review. The SART represents

## KNOW YOUR RESOURCES

the interests of the University, law enforcement, survivors of sexual misconduct, persons accused of sexual misconduct, and/or other offices as deemed necessary and appropriate under the circumstances.

### WHO ARE THE CONFIDENTIAL ADVISORS ON CAMPUS?

- Director, University Counseling Center: (225) 771.2480
- Director, Student Health Center: (225) 771.4770
- Director, Office of Disability Services: (225) 771.3546

### INFORMATION

For information and resources on Confidential Advisors, visit [www.subr.edu/titleix](http://www.subr.edu/titleix)

TITLE IX