



Policy No. 6.021

## Northwest Louisiana Technical Community College

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### *Violence Free Campus*

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Original Adoption: February 10, 2008  
Effective Date: February 10, 2008  
Last Revision: December 16, 2019

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Northwest Louisiana Technical Community College (NLTC) is committed to maintaining a safe learning and working environment for all students, faculty and staff that is fair, humane, and responsible- an environment that supports career and educational advancement on the basis of job and academic performance. Sexual violence, domestic violence, dating violence, sexual assault, stalking or any other type of harassment subverts the mission of NLTC and offends the integrity of our college. In accordance with the Campus Sexual Violence Elimination Act (Campus SaVE Act) and 2013 Violence Against Women Reauthorization Act, the College is actively working to increase transparency about the scope of sexual violence on campus, guarantee survivors enhanced rights, and provide College-wide prevention educational programming.

NLTC will not tolerate threats or acts of violence, including but not limited to acts of domestic violence, dating violence, sexual assault, stalking, and harassment on any campuses. There will be no harassment and/or violence based upon the basis of age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status, pregnancy, childbirth and related medical conditions and sickle cell trait. Such harassment is unacceptable behavior and will not be tolerated at NLTC.

All firearms and dangerous weapons are banned from all campuses of NLTC.

#### **Scope and Applicability**

This policy applies to all NLTC employees, students, and to all individuals who, while not NLTC employees, perform work at NLTC for its benefit.

#### **Definitions**

*Acts of Violence* -Acts of violence include any physical actions, with or without a dangerous weapon, whether intentional or in reckless disregard, that harms or threatens the safety of another individual in

the workplace.

*Threat of Violence* -A threat of violence is any act or statement, which by its very nature causes a reasonable person to fear for his/her safety or that of another person.

*Domestic Violence* -A pattern of coercive behavior that is used by one person to gain power and control over another which may include physical violence; sexual, emotional or psychological intimidation; verbal abuse; stalking or economic control. Domestic violence occurs between people of all racial, economic, educational, religious backgrounds; in heterosexual and same sex relationships, living together or separately, married, or unmarried, in short term or long-term relationships. Domestic violence is a major cause of injury to women, although men may also be victims of such violence.

*Dating Violence* – a pattern of physical, emotional verbal and/or assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship.

*Relationship Violence* – includes both domestic violence and dating violence.

*Intentional* -Intentional is a state of mind that exists when circumstances are such that a person either actively desires or, in the ordinary course of human experience, must have known, that the consequences of his/her act or failure to act would result from his/her action or inaction.

*Stalking* – the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person'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, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

*Dangerous Weapon* - a "dangerous weapon" means any firearm, knife, gas, liquid, or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm.

*Sexual Assault* - Any non-consensual physical contact of a sexual nature, whether by an acquaintance or by a stranger, is a sexual assault. Physical resistance need not occur to fulfill the definition of sexual assault. Consent CAN NEVER be given by anyone under the age of sixteen. Sexual Assault includes, but is not limited to the following:

- Rape
- Acquaintance rape (friend, classmate, peer, co-worker, partner, etc.)
- Incest
- Sexual assault with an object
- Forcible sodomy
- Forcible oral sex
- Forcible fondling

*Consent* - Consent is the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision- indicated clearly by words or actions- to engage in mutually accepted sexual contact. Consent must be ongoing and can be revoked at

any time. Consent to some sexual acts does not imply consent to others, nor does past consent to a particular act imply present consent.

A person forced to engage in sexual contact for force, threat of force, or coercion has not consented to contact. Lack of mutual consent is the crucial factor in any sexual assault. Consent CANNOT be given if a person's ability to resist or consent is substantially impaired because of a mental or physical condition or if there is a significant age or perceived power differential. Examples include, but are not limited to being:

- Unconscious
- Frightened
- Physically or psychologically pressured or forced,
- Intimidated
- Substantially impaired because of a psychological health condition
- Substantially impaired because of voluntary intoxication
- Substantially impaired because of the deceptive administering of any drug, intoxicant or controlled substance.

*Workplace* - Workplace includes all NLTC facilities, premises or equipment and any location, leased or otherwise, where NLTC employees are engaged in NLTC business.

### **Reporting Roles, Responsibilities**

NLTC encourages person who have been sexually assaulted to report eh assault, to seek assistance and to pursue judicial action for their own protection and that of the entire campus community. When conducting the investigation, NLTC primary focus will be on addressing the sexual assault and not on other policy violations that may be discovered or disclosed. Anyone who has been sexually assaulted may choose to pursue criminal prosecution and NLTC and LCTCS disciplinary processes. To preserve evidence for the option of pursuing criminal prosecution or internal disciplinary processes, a person should report the sexual assault to NLTC personnel and/or local police. However, NLTC recognizes that a person who has been sexually assaulted retains the right not to pursue either criminal prosecution or a NLTC judicial proceeding. Choosing not to pursue NLTC or criminal action, however does not remove the responsibility of the college to investigate and/or take action.

### **Reporting to the Office of Student Services**

If the alleged perpetrator of sexual violence is a student, survivors may report to the Office of Student Services. Complaints of sexual violence and harassment may also be submitted to any staff or faculty member and they can refer the survivor to the appropriate College office.

### **Reporting to the Office of Human Resources**

Incidents of sexual violence allegedly committed by an employee of the College may be reported to the Office of Human Resources.

The Office of Human Resources may be consulted about situations, take reports/complaints, initiate investigations/proceedings, and make recommendations/ determinations. Depending on the outcome of the investigation/proceedings, if corrective action needs to be imposed, the Office of Human Resources will advise College leadership on appropriate action.

### **Medical Care/Emergency Room Examination**

Any person who has been sexually assaulted may go directly to the emergency room of any local hospital for medical attention. An individual who has been sexually assaulted is urged to seek medical evaluation as soon as possible.

### **Responsibility of Confidentiality**

When a report of sexual assault is made, both the accused and the accuser, and all identified witnesses who are named in the investigation, will be notified of NLTC's expectation of confidentiality. Breaches of confidentiality or retaliation against: the person bringing the complaint; any person assisting with the investigation; or the person or individuals being charged with the complaint; will result in disciplinary review. NLTC will make all reasonable efforts to maintain the confidentiality of parties involved in sexual assault investigations.

### **Parental/Legal Guardian/Partner Notification**

NLTC is committed to providing support to anyone involved in a sexual assault. In some instances when there is a health or safety concern, Northwest may need to notify the parents, guardian, or partner of the individual involved in the sexual assault. In making this determination, NLTC will consider the wishes of those involved, as well as their personal safety, and the safety of the campus community. In addition, when the person sexually assaulted is under the age of 18 or under 21 and physically or mentally impaired, both privileged and limited confidential sources generally are required to report the abuse to the appropriate social service agency or the police.

### **Privileged Communication Reporting vs. Limited Confidential Reporting**

Before selecting a reporting resource you may want to consider the following information. Under the law, there is a difference between "privileged" and "limited confidential" reporting:

Privileged Reporting consists of those communications that legally cannot be disclosed, without the reporter's consent, to any other person, except under very limited circumstances such as an imminent threat of danger to self or others. When reporting to a privileged source, the information shared between the reporting person and the care provider is privileged and ordinarily will not be disclosed, even to other members of the NLTC community.

Examples of privileged reporting resources include:

- Psychiatrists, Psychologists, Social Workers

- Physicians, Nurses or Nurse Practitioners
- Licensed Professional Health Advocate

Limited Confidential Reporting consists of those communications that will not be disseminated to others except on a need-to-know basis. Primary to a limited confidential reporting source is balancing the wishes of the reporting person while protecting the overall university community and assuring the appropriate disciplinary measures are taken including criminal, civil, and administrative.

A limited confidential reporting source has the obligation to enlist designated campus resources to ensure that necessary steps are taken to protect the community as a whole and that appropriate disciplinary measures are considered and imposed. Such disclosures will be limited to a finite group of people all with the same confidentiality obligations. These steps will include investigating the assault and disclosing the confidential communications to others on a need-to-know basis. NLTC will take all reasonable steps to keep this information confidential.

Examples of designated limited confidential reporting resources include:

- Student Affairs
- Case Police or any Police Authority

*Note: A friend or a peer who is not a privileged reporting source is considered a limited confidential source and may be required to report the sexual assault to the college or the police.*

### **Timely Reporting/Crisis Assistance**

NLTC supports and encourages anyone who has been sexually assaulted to report the incident to the reporting source of their choice. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, crisis counseling, and immediate police response. However, those who delay reporting can report the incident at any time, understanding that this may rule out the collection of physical evidence.

### **Anonymous Reports**

NLTC recognizes that a person who has been sexually assaulted may choose not to report the crime to a limited confidential source or a privileged source. In those situations, NLTC allows an individual who has been sexually assaulted to file an anonymous report which allows the reporting person time to decide what course of action they want to take and also allows the crime to be counted in the campus crime statistics.

**In case of a violent incident, call the local Police by dialing 911 from any campus phone. Only the Police or other law enforcement agencies should attempt to apprehend the offender. All other persons should remain calm and cooperative.**

#### All Employees:

- Should, where warranted, call emergency services at 911 or the appropriate law enforcement agency when experiencing or observing imminent violence or an actual incident of violence.

- Should, intervene only if doing so would not subject themselves or others to bodily harm.
- Should, if he/she believes a crime has been committed against him/her, report it to the proper law enforcement agency.
- Shall report any violation of this policy to his/her immediate supervisor, or the nearest member of management. Such reports will be promptly and thoroughly investigated.
- Shall notify his/her supervisor of any restraining orders or civil protective orders against individuals barred from the workplace. Employees may choose to submit a recent photograph of the barred individual to their section head/Regional administrator for forwarding to security officials to assist them in identifying the individual should he/she appear in the workplace.

#### Supervisors:

- Shall promptly respond to issues related to workplace safety.
- Shall determine whether the appropriate law enforcement agency/security should be contacted in the event of a potential or actual incident of violence.
- Shall promptly inform his/her appointing authority of any violation of this policy even if the situation has been addressed.
- Shall immediately notify his/her appointing authority in the event he/she is advised of a restraining order or a civil protective order.

#### Appointing Authorities:

- Shall work with human resources, student affairs, safety officer, legal counsel, investigator and, where applicable, police/security in promptly conducting investigations concerning allegations of violations of this policy, including interviewing witnesses and parties.
- Shall obtain from each person who is a witness or party to a threat or act of violence a Violence Incident Statement. Attempts shall be made to obtain a Violence Incident Statement from each witness, including persons who are not employees or students.
- Shall take appropriate action, disciplinary or otherwise, based on the findings of the investigation.
- Shall exercise discretion in taking appropriate action in the event he/she is advised of a restraining order, a civil protective order or threat of violence.
- Shall forward to (LCTCS) Human Resources a report detailing the action taken on each incident, including copies of each Violence Incident Statement.
- Shall warn an employee of a threat made by another to do harm to that employee.

#### Human Resources:

- Shall coordinate with the appointing authority, safety officer, legal counsel, investigator and, where applicable, police/security, the prompt investigation into any allegations of policy violations to determine the appropriate action to be taken.
- Shall gather and confidentially maintain Department-wide information and records on threats and acts of violence in the workplace.
- Shall consult with and advise appointing authorities regarding concerns about violent and potentially violent employees, domestic partners, or others.
- Shall provide confidential referral services for clinical evaluation/treatment and to any employee desiring assistance with situations relating to anger, threats, or acts of violence in the workplace.

#### Safety Officer:

- Shall regularly conduct workplace analysis of NLTCC facilities to determine existing or potential hazards for occurrences of workplace violence and recommend appropriate modifications.
- Shall assist the appointing authority, student affairs, human resources, legal counsel, investigator and, where applicable police/security, in the prompt investigation of any allegations of policy violations to determine the appropriate action to be taken.

### **Education and Prevention**

NLTCC provides education about harassment through orientation and follow-up programs for students, staff, faculty, and administrators. All people in a supervisory capacity will receive appropriate training to take leadership in implementing the policy. They will inform people under their direction of this harassment policy and assume leadership in implementing the procedures.

### **Enforcement**

Where there is reason to believe that NLTCC and LCTCS regulations prohibiting sexual violence have been broken, NLTCC may pursue disciplinary action. Such disciplinary action could include demotion, suspension or expulsion from NLTCC for students. Non-employee violations of this policy will be handled in accordance with applicable laws.

### **Retaliation**

NLTCC will not tolerate any retaliation against anyone reporting, participating in or thought to have reported or participated in, an allegation or investigation regarding sexual assault, relationship violence, or stalking. Retaliation will be treated as a violation of this policy regardless of whether any report of sexual assault, relationship violence or staling is substantiated. Retaliation is defined as any adverse or negative action against an individual because that individual has:

- Complained about sexual assault, relationship violence, or stalking
- Participated as a party or witness in an investigation related to such allegations
- Participated as a party or witness in a proceeding related to such allegations

Knowingly false allegations are prohibited and will be treated as a violation of this policy. Submission of a good faith complaint or report that turns out to be unsubstantiated is not a violation of this policy.

### **Annual Crime Reporting**

NLTCC, working along with local law enforcement agencies, is responsible for meeting Clery Act reporting requirements, including reporting and publishing annually the number of sexual assaults reported on each campus/site and the number of sexual assault investigations conducted on each campus/site.

*Policy Reference:* Louisiana Technical College Procedure No. HR1930.596  
LCTCS Policy # 4.008 Security Policy and Crime Statistics  
LTC Violence in the Workplace Acknowledgment HR500.47  
LTC Violence Incident Statement HR500.48  
Executive Order MJF 97-15  
Title VII of the Civil Rights Act of 1964  
Title IX of the Educational Amendments of 1972  
Louisiana State Regulations R.S. 23:301, 312, 332

Approved:



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Earl W. Meador, JD  
Chancellor

# Northwest Louisiana Technical Community College

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## ***Violence Incident Statement***

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Name of Person Making Statement: \_\_\_\_\_

Campus/Region: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Title \_\_\_\_\_

### **Incident Statement**

Date of Incident: \_\_\_\_\_ Location: \_\_\_\_\_

Incident Duration: \_\_\_\_\_ a.m. /p.m. to \_\_\_\_\_ a.m./p.m.

Names of Parties Involved:

Witnesses:

Detailed description of incident: Specify WHO, WHAT, WHEN, WHERE, HOW and WHY. (If necessary, attach additional sheets). Completed statement should be forwarded to appropriate Director (or administrator) or section head (copy to NLTC Human Resources).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Note:** The contents of this statement are confidential. Its contents will only be released to individuals with a legitimate need to know or if it becomes public record by virtue of an appeal to a court or other adjudicative body.

# Northwest Louisiana Technical Community College

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## ***Violence Free Campus Acknowledgment***

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This acknowledge that I have received, this date, a copy of the NORTHWEST LOUISIANA TECHNICAL COMMUNITY COLLEGE Violence Free Campus Policy 6.021, effective February 10, 2008, and understand that I am required to abide by the terms and provisions of this Policy as a condition of employment with the NORTHWEST LOUISIANA TECHNICAL COMMUNITY COLLEGE.

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Employee Signature

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Date