



# Louisiana State University

Title IX Review

December 2021



# Contents

<b>EXECUTIVE SUMMARY</b> .....	<b>3</b>
BACKGROUND AND OBJECTIVES .....	4
SCOPE AND APPROACH.....	4
STRENGTHS.....	5
<b>DETAILED REPORT</b> .....	<b>6</b>
STATUS AND NEXT STEPS OF CORRECTIVE ACTIONS IN- PROCESS .....	6
OBSERVATIONS AND RECOMMENDATIONS.....	20
<b>APPENDICES</b> .....	<b>24</b>
APPENDIX A: DOCUMENTATION REVIEWED.....	24
APPENDIX B: PERSONNEL INTERVIEWED.....	26
APPENDIX C: WEBSITE REVIEW .....	27
APPENDIX D: BENCHMARKING OF LSU TITLE IX STAFFING AND CASE VOLUME .....	28
APPENDIX E: MAXIENT CONSIDERATIONS .....	29
CONTACT INFORMATION.....	30

Report delivered to:

- Chad Brackin, Chief Auditor
- Stephanie Rhodes, Director of Audit Operations and ERM
- Jane Cassidy, Interim Vice President of Civil Rights and Title IX
- Joshua Jones, Title IX Coordinator

# Executive Summary

Baker Tilly assessed the status and level to which each of the 18 Husch Blackwell recommended corrective actions has been implemented or completed to control or mitigate previously identified risks. Over 75% of the recommended corrective actions are completed and/or have been established.

As of December 14, 2021, the chart below summarizes the status<sup>1</sup> of all recommended corrective actions:

Total number of corrective actions	18
Total number completed	10
Total number established	4
Total number in-process	4
Total number not started or deferred	0

The chart below summarizes the status of each recommended corrective action:

Corrective action description	Status
1. The Title IX Office must be staffed appropriately	Completed
2. Designate a Deputy Title IX Coordinator for Prevention and Training	Completed
3. Designate a Deputy Title IX Coordinator for Support and Resources	Completed
4. The Title IX Coordinator reporting line must change	Completed
5. Implement internal monitoring and quarterly reporting	Established
6. Recordkeeping must be improved	In-process
7. Targeted training for athletics	In-process
8. Mandatory reporting obligations must be clear	Completed
9. Finalize the LSU Police Department (LSUPD) memorandum of understanding (MOU)	Completed
10. Title IX personnel must get specialized training on dating and domestic violence	Completed
11. Accountability is critical	Established
12. Special care is warranted for cases involving athletes	Established
13. Develop and implement alternative resolution options and restorative justice for sex discrimination matters	Completed
14. Thoughtfully consider presumptively appropriate sanctions	Completed
15. Implement timelines for resolution and options for participants in untimely cases	In-process
16. The University needs a new centralized website to increase understanding and simplify process	Completed
17. Regularly measure climate and effectiveness	In-process
18. The rules must apply to everyone	Established

<sup>1</sup> A status of "Complete" indicates the recommendation has been fully completed, and no additional action items are needed; "Established" indicates the recommendation has been implemented, and ongoing action is needed to continue to be compliant with the Husch Blackwell recommendation; "In-process" indicates additional action is needed to fully implement the recommendation; "Not yet started" or "deferred" indicates no progress has been made to date on the recommendation.

## Background and Objectives

Louisiana State University (LSU or the University) Office of Internal Audit (OIA) requested Baker Tilly to perform an independent evaluation of the 18 corrective actions LSU committed to because of the previous Title IX review performed by Husch Blackwell. Specifically, Baker Tilly evaluated LSU's progress toward implementing the 18 recommended corrective actions, including findings (if applicable) and recommendations, to mitigate risks and improve controls in the related area.

The objectives of the Baker Tilly Title IX Review were to:

- Determine the status (for example, not started, completed, in-process, not applicable) of each finding that was noted in Husch Blackwell's review of the University's Title IX policies and procedures (the Husch Blackwell Review)
- Assess the level to which each recommendation has been implemented or completed to control or mitigate previously identified risks
- Evaluate appropriateness of University Title IX policies and procedures, accuracy of reporting, and consistency of application across LSU's campuses to provide insights regarding leading practices and recommendations

## Scope and Approach

To conduct this review, Baker Tilly performed the following:

- **Documentation Review**
  - Reviewed documentation to assess the level to which each of the 18 recommended corrective actions has been implemented (see **Appendix A** for documentation reviewed), including:
    - Job advertisements for Title IX positions
    - Prevention efforts (e.g., bystander intervention program materials)
    - Sanctioning matrices
    - Title IX reports (e.g., quarterly President report)
    - Title IX resource guides
  - Reviewed the University's published Title IX policies and procedures (e.g., Permanent Memorandum 73: Prohibiting Power-based Violence, including Sex- and Gender-based Harassment and Discrimination, and Sexual Misconduct [PM 73]) to evaluate:
    - Overall policy compliance with Title IX regulations
    - Language in place regarding mandatory reporting roles and practices
    - Resolution processes and timelines
  - Reviewed training initiatives and programs, including, but not limited to:
    - Content of presentation and its alignment with the Husch Blackwell recommendations
    - Participants of the presentation (e.g., faculty, staff, students)
    - Timing (e.g., annual training, as part of new employee orientation)
- **Interviews**
  - Interviewed three key stakeholders (see **Appendix B** for personnel interviewed) to understand current Title IX staffing and structure, training, and operations. Functional areas interviewed included:
    - Athletics
    - Office of Civil Rights and Title IX
    - Office of the Title IX Coordinator
- **Website Review**
  - Performed a website review (see **Appendix C**) to assess:
    - Consistency of published information
    - Clarity of information available to both survivors and alleged perpetrators, including students, faculty, and staff



## Louisiana State University

### Title IX Review

- Alignment with leading practices and regulatory guidance for Title IX resources (e.g., confidential resources, responsible employees, due process)
- **Testing**
  - Tested a sample of five cases and complaints reported during the 2020-2021 academic year to assess:
    - Investigations, resolutions, hearings, and actions were properly conducted according to University policy and Title IX requirements, including timeliness
    - Consistent documentation was maintained
    - Case handling time
- **Reporting**
  - Provided one draft and one final report, including a high-level executive summary, a detailed analysis (e.g., matrix) of our findings and recommendations, a progress report on corrective action plans, and leading practices considerations

## Strengths

Baker Tilly identified the following strengths related to LSU Title IX activities:

- **Transparency throughout the remediation process.** LSU has committed to transparency regarding the Title IX corrective actions and improvements by posting the following information on their website:
  - The Husch Blackwell report<sup>2</sup>,
  - Monthly action plan status update<sup>3</sup>, which outlines the progress that has been made and timeframes that outline when each in-progress recommendation is estimated to be completed, and
  - Biannual Power-based Violence reports<sup>4</sup>.
- **Investment from the University.** LSU leadership has exhibited strong tone at the top to improve the processes, procedures, and culture surrounding Title IX and by taking the following actions:
  - Creation of a new Office of Civil Rights and Title IX,
  - Increasing staffing by hiring two Deputy Title IX Coordinators, a Case Manager, two additional Investigators, and a Deputy Athletics Director for Leadership and Strategy, and
  - Increasing activities in Title IX training and prevention activities by the University, including partnering with community organizations and re-designing program materials to deliver additional Title IX training for students, faculty, and staff.

---

<sup>2</sup> Husch Blackwell Title IX Review: [Louisiana State University \(lsu.edu\)](https://www.lsu.edu)




<sup>3</sup> Action Plan Progress Report dated October 18, 2021: [2021 LSU Title IX Progress Report](#)

<sup>4</sup> Title IX Coordinator Biannual Report on Power-based Violence: [LSU Title IX biannual report, October 2021](#), Chancellor Biannual Report on Power-based Violence and B2 Form: [2021-10-24-tix-chancellor-biannual-report-and-b2form.pdf \(lsu.edu\)](#), President Biannual Report on Power-based Violence and B3 Form: [Presidents Biannual Report on Power Based Violence and B3 Form \(lsu.edu\)](#)

# Detailed Report

## Status and Next Steps of Corrective Actions In-Process

The following matrix provides the original Husch Blackwell recommendation, LSU assessment of the recommendation status based on the October 18, 2021 status report<sup>5</sup>, and the Baker Tilly assessment of each recommendation status, including any additional action items needed, where applicable. Recommendations are categorized by the following:


Symbol	Status	Status Definition
	Completed	The recommendation has been fully completed, and no additional action items are needed.
	Established	The recommendation has been implemented, and ongoing action is needed to continue to be compliant with the Husch Blackwell recommendation.
	In-process	Additional action is needed to fully implement the recommendation.

<sup>5</sup> <https://lsu.edu/titleix-review/docs/hb-progress-report.pdf>

Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
1	<p>Hire additional staff, specifically a:</p> <ol style="list-style-type: none"> <li>Administrative support personnel</li> <li>Case manager</li> <li>Two additional full-time investigators</li> </ol>	In process (Title IX Coordinator, Case Manager, and 1 Investigator roles have been filled; Deputy Title IX Coordinator and Investigator positions have been posted but roles not yet filled)	<ol style="list-style-type: none"> <li>Reviewed current organizational chart</li> <li>Reviewed the job posting for the investigator position</li> <li>Interviewed the Title IX Coordinator on current staffing structure</li> <li>Assessed LSU Title IX case volume and staffing against other higher education institutions (see <b>Appendix D</b>)</li> </ol>	<p>As of 12/14/2021, one case manager and two investigator positions have been filled; an additional investigator offer has been extended. The responsibilities for the investigator position include:</p> <ul style="list-style-type: none"> <li>Responding to and investigating allegations of violations of civil rights and non-discrimination policies</li> <li>Documenting the investigation process and prepare reports</li> <li>Initiate outreach of Title IX resources</li> </ul> <p>Administrative support has also been retained by the Office of Civil Rights and Title IX.</p>	No further action is needed.
2	<p>Designate a Deputy Title IX Coordinator for Prevention and Training, who is responsible for:</p> <ol style="list-style-type: none"> <li>Re-designing the University's current online training modules</li> <li>Develop mandatory in-person training for all Athletics personnel</li> <li>Assess feasibility of offering campus climate surveys</li> </ol>	In-process (role filled as of 11/17/2021)	<ol style="list-style-type: none"> <li>Reviewed the job posting for the Deputy Title IX Coordinator</li> <li>Reviewed training materials (e.g., training presentations) for alignment with LSU training goals and leading practices</li> </ol>	<p>The Deputy Title IX Coordinator job description encompasses the Husch Blackwell recommendations for the position. Listed on the job description are the responsibilities of the Deputy Title IX Coordinator, which include developing and implementing educational programs and training material; providing training sessions for students, faculty, and staff; serving as a proxy for the Title IX Coordinator; developing and implementing the climate surveys; and overseeing the content on the Title IX website.</p> <p>As of 11/17/2021, the position has been filled and the individual is expected to start on December 6th.</p>	No further action is needed.

Louisiana State University  
Title IX Review


Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
<p>3</p> 	<p>Designate a Deputy Title IX Coordinator for Support and Resources, who is responsible for:</p> <ol style="list-style-type: none"> <li>1. Ensuring students know where to go for resources and what resources are available</li> <li>2. Resources are equitable among parties</li> </ol>	<p>Completed (April 2021)</p>	<ol style="list-style-type: none"> <li>1. Reviewed Lighthouse website and other program materials</li> </ol>	<p>A standalone center, Lighthouse, was designated as a center for resources. The Program Director for Lighthouse has a formal reporting relationship with the Office of the Title IX Coordinator. This individual oversees the Lighthouse program, which provides free and confidential interpersonal violence prevention, support, and advocacy to the LSU community. It assists student-survivors and students-at-risk for sexual assault, interpersonal violence, stalking, and harassment. The program is only available to survivors and students-at-risk. Resources to students include evidence collection, medical care, emotional support, housing arrangements, academic accommodations, filing police reports, and filing university judicial reports. Students do not have to file a complaint or report to receive services.</p> <p>Respondents have access to confidential resources and advisors outside of the Lighthouse program.</p>	<p>No further action is needed.</p>




Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
4	<p>Restructure Title IX reporting, specifically:</p> <ol style="list-style-type: none"> <li>1. Restructure reporting lines so that the Title IX Coordinator no longer reports to the Office of General Counsel, but rather to the University President or designee</li> <li>2. Assess expanding scope of Title IX to create an Office of Civil Rights</li> </ol>	Completed (February 2021)	<ol style="list-style-type: none"> <li>1. Reviewed current organizational chart</li> </ol>	The Title IX Coordinator reports to the Interim Vice President of Civil Rights and Title IX. The Office of Civil Rights and Title IX was created in March 2021; its purpose is to ensure students, faculty, and staff are treated fairly with no discrimination or bias. The Office of Civil Rights and Title IX oversees LSU's compliance with the Americans with Disabilities Act, Civil Rights, the Jeanne Clery Act, and Title IX enforcement and procedures.	No further action is needed.
5	<p>Implement internal monitoring and quarterly annual reporting, including:</p> <ol style="list-style-type: none"> <li>1. Quarterly reporting to the President on staffing, statistical information, and training</li> <li>2. Semi-annual or annual reports to the University Community</li> </ol>	Established (October 2021)	<ol style="list-style-type: none"> <li>1. Reviewed quarterly President reports and most recent semi-annual report</li> </ol>	Bi-annual reports to the University Community are documented and available on the LSU website. The biannual report to the University Community on power-based violence, delivered to the LSU President, is dated October 14, 2021 (extension granted due to Hurricane Ida). Further, Baker Tilly reviewed the most recent quarterly report, dated July 12, 2021, delivered to the President, which contained information on Title IX staffing, statistical information on reported cases, and an update on Title IX training initiatives throughout the University Community.	Continue to provide quarterly reporting to the President, and bi-annual reports to the University Community.


Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
6 	Improve record keeping, including better and more consistent use of Maxient	Completed	<ol style="list-style-type: none"> <li>1. Tested a sample of five cases or complaints from the past year to ensure all relevant documentation is maintained in the case file</li> <li>2. Interviewed the Title IX Coordinator on record keeping practices</li> </ol>	Based on sample documentation reviewed, Baker Tilly identified two of five cases reported during the 2020-2021 academic year that were missing documentation, such as signed, formal complaints and hearing notifications. Based on discussion with the Title IX Coordinator, the Office of the Title IX Coordinator has put practices in place to improve record keeping, such as filing complaints and sending notifications through Maxient. Baker Tilly was not able to validate these practices, as a full, formal investigation has not been completed since the implementation of these practices.	The Case Manager, in conjunction with other Office of the Title IX Coordinator team members, should ensure that all case documentation is uploaded and/or stored in Maxient. Prior to closing out a case, the Case Manager should review the case file to ensure it is complete, and that no documentation is missing. To assist with this, consider developing a checklist of documentation required to be retained in the case file, and complete the checklist prior to closing out the case.

Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
7 	Require targeted training for Athletics	Established (June 2021)	<ol style="list-style-type: none"> <li>1. Reviewed Athletics Title IX training materials</li> <li>2. Interviewed the Deputy Director of Athletics for Leadership and Strategy</li> </ol>	<p>Athletics has begun to develop a customized training curriculum for Title IX and sexual misconduct prevention that includes four sessions: Introduction &amp; Healthy Relationships, Power &amp; Control, Consent &amp; Boundary Setting, and Hazing &amp; Bystander Intervention. One of the four sessions has been completed. The remaining three sessions are scheduled to take place in Spring 2022.</p> <p>Further, Athletics has partnered with community organizations, such as A Call to Men, to provide additional trainings.</p> <p>Athletics staff received a training from the Vice President for Civil Rights and Title IX about their obligations as mandatory reporters, how to report, what constitutes as sexual misconduct, etc. Additionally, a reporting icon has been placed on the desktop of Athletics staff to facilitate the reporting of incidents. Student athletes have not received targeted training from the Office of the Title IX Coordinator.</p>	Athletics should ensure the remainder of its training curriculum is carried out, as well as consider if customized training from the Office of the Title IX Coordinator regarding what constitutes a Title IX incident and how to report an incident would be beneficial for Athletics.



Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
<p>8</p> 	<p>Clarify mandatory reporting obligations, including:</p> <ol style="list-style-type: none"> <li>1. Who is required to report</li> <li>2. How to report</li> <li>3. Consequences for not reporting</li> </ol>	<p>Completed</p>	<ol style="list-style-type: none"> <li>1. Reviewed policy to assess language in place regarding mandatory reporting roles and practices</li> <li>2. Reviewed new employee training for evidence of mandatory reporting responsibilities and procedures</li> </ol>	<p>Reporting obligations and sanctions have been updated in Permanent Memorandum 73, "Prohibiting Power-based Violence, including Sex- and Gender-based Harassment and Discrimination, and Sexual Misconduct," (PM 73). This explains that all employees, with few exceptions, are required to report instances of sex-or gender-based harassment and discrimination, including Sexual Misconduct and Power-Based Violence for which they are not the Complainant, but of which they are aware. "Employee" includes students working in a position such as teaching assistant or residential advisor. It states that reports can be made in person, via phone, online, or email to the Title IX Coordinator. Consequences for not reporting include termination.</p> <p>Mandatory LSU employee training includes a new Power-Based Violence Prevention Training, which describes mandatory reporting obligations, was implemented on 10/1/2021.</p>	<p>No further action is needed.</p>

Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
9	Finalize the MOU with the LSUPD	Completed	1. Reviewed the finalized MOU	<p>The MOU is a collaboration between law enforcement and educational institutions in LSU's local area. Specifically, the law enforcement involved includes the Baton Rouge Community College Police Department, Baton Rouge Police Department, East Baton Rouge Parish District Attorney's Office, East Baton Rouge Sheriff's Office, Louisiana State University Police Department, and Southern University Police Department. The educational institutions involved are the Baton Rouge Community College, Louisiana State University (LSU), LSU Agricultural Center, Southern University and A&amp;M College, Southern University Law Center, and Southern University Agricultural Research and Extension Center.</p> <p>The MOU was finalized in November 2021.</p>	No further action is needed.
10	Require Title IX personnel to get specialized training on dating and domestic violence	Completed	<ol style="list-style-type: none"> <li>1. Reviewed evidence of completed training (e.g., sign-in sheet)</li> <li>2. Reviewed training materials</li> </ol>	<p>Title IX personnel received specialized training on dating and domestic violence from the Sexual Trauma Awareness and Response (STAR) organization in July 2021. Training attendees included campus coordinators from all campuses; Office of the Title IX Coordinator; and allies from Student Life, Residence Life, Athletics, and LSU Police Department. Further, training materials are available to the Office of the Title IX Coordinator to reference when needed.</p>	No further action is needed.

Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
11 	Hold the University accountable for completing action plans addressing recommendations in the Husch Blackwell report	Completed	1. Reviewed publicly available materials (e.g., Husch Blackwell progress report) for transparency on remediation status	The University has made action plans and corresponding status updates publicly available on its website. Further, there have been statements and press releases by University leadership regarding the Husch Blackwell report and the University's response and progress of its recommendations.	Continue to be transparent in progress of action plan completion (e.g., with monthly status updates).
12 	Monitor cases and prevention efforts involving student athletes	Established (July 2021)	<ol style="list-style-type: none"> <li>1. Review prevention efforts (e.g., bystander intervention program materials) involving student athletes</li> <li>2. Interview the Deputy Director of Athletics for Leadership and Strategy to understand reporting and monitoring of Title IX processes in Athletics</li> </ol>	<p>The Athletics Director has sent communications to the Athletics Department promoting bystander intervention efforts. Further, bystander intervention is a focus area in the newly developed training curriculum for student athletes (see recommendation 7).</p> <p>The Athletics Department has also hired a Deputy Director of Athletics for Leadership and Strategy to facilitate bystander intervention efforts, answer questions regarding the Title IX process and reporting, and assist with providing support/resources for athletics.</p>	<p>Continue to monitor cases and prevention efforts involving student athletes, including efforts such as:</p> <ul style="list-style-type: none"> <li>• Regular messaging on bystander and reporting efforts</li> <li>• Ongoing Title IX and sexual misconduct prevention trainings</li> </ul>

Louisiana State University  
Title IX Review


Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
13	Develop and implement alternative resolution options	Completed	1. Reviewed alternative resolution options	PM 73 includes updates for resolution options. PM 73 offers three resolution options: Informal Resolution, Administrative Resolution, and Formal Resolution, following the filing of a formal complaint. Informal resolution is a voluntary process where the parties work with a professional to reach a mutually agreeable resolution of the complaint. Administrative resolution is a process where a decision-maker determines whether the respondent is responsible through the evaluation of allegations and evidence. A formal resolution determines the respondent's responsibility through a live hearing to a hearing panel. Both parties must agree to an alternative resolution, which is consistent with leading practice.	No further action is needed.
14	Implement timeline for resolution and options (e.g., designated leadership person) for participants in untimely cases	Completed	<ol style="list-style-type: none"> <li>1. Reviewed policy to assess timelines for resolution</li> <li>2. Select a sample of cases to understand delays and options provided to participants</li> </ol>	<p>PM 73 includes a detailed resolution timeline, and specifically for formal Title IX complaints the timeline is as follows:</p> <ol style="list-style-type: none"> <li>1. Report received and outreach</li> <li>2. Formal complaint</li> <li>3. Investigation - within 45 days of receipt of formal complaint</li> <li>4. Report writing and review - 10-day evidence review period</li> <li>5. Adjudication - 10-day hearing panel preparation period, 5-day hearing panel determination, Title IX Coordinator shares outcome within 3 days of receipt from Hearing Panel</li> </ol>	The Office of the Title IX Coordinator should continue to leverage Maxient features (e.g., Milestone feature) to track and monitor case status for compliance with LSU policy. In instances where a case is delayed, the reason for the delay should be documented in the case file. Additionally, consider providing regular (e.g.,

Louisiana State University  
Title IX Review


Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
				<p>6. Appeal - both parties have 5 days to appeal findings</p> <p>Based on review of five sample cases from the 2020-2021 academic year, Baker Tilly noted the following exceptions:</p> <ol style="list-style-type: none"> <li>1. One case where the respondent was not notified of the investigation until six weeks after the incident report and police report were filed</li> <li>2. One case where the complainant was not contacted by the Office of the Title IX Coordinator for five days after an incident report was filed</li> <li>3. One case where two months elapsed between the date the draft report was provided to both parties and when the report was finalized</li> </ol> <p>The Office of the Title IX Coordinator has since implemented monitoring procedures within Maxient to track case status and document delays; as these procedures are newly implemented as of Fall 2021, Baker Tilly was unable to test any cases using these procedures.</p>	<p>biweekly) updates to parties to keep them appraised of case status and case delays.</p>





Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
<p>15</p> 	<p>Consider presumptively appropriate sanctions, including:</p> <ol style="list-style-type: none"> <li>1. Gathering a faculty, staff, and student leadership group to assess current sanctioning process</li> <li>2. Developing sanctioning guidelines and/or matrices</li> </ol>	<p>Completed</p>	<ol style="list-style-type: none"> <li>1. Reviewed sanctioning matrices</li> </ol>	<p>The Office of the Title IX Coordinator has developed detailed sanctioning matrices, providing a range of appropriate sanctions for various policy violations. Further, the sanctioning matrices take into consideration whether or not the respondent has been found responsible of other policy violations in the past.</p>	<p>No further action is needed.</p>

Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
<p>16</p> 	<p>Centralize and update website to increase understanding and simplify the process</p>	<p>Completed</p>	<p>1. Performed website review to assess:</p> <ul style="list-style-type: none"> <li>• Consistency of published information</li> <li>• Clarity of information available to both survivors and alleged perpetrators, including students, faculty and staff</li> <li>• Alignment with leading practices and regulatory guidance for Title IX resources (e.g., confidential resources, responsible employees, due process)</li> </ul>	<p>Baker Tilly conducted a website review and provided a memorandum (see <b>Appendix C</b>) to the Office of Civil Rights and Title IX findings of non-operational links and incorrect and/or out of date contact information on 11/8/2021. The findings have since been remediated by the Office of Civil Rights and Title IX.</p>	<p>No further action is needed.</p>

Louisiana State University  
Title IX Review

Number	Husch Blackwell Finding Description	Status (as of LSU 10/18/2021 status report)	Scope Procedures Completed	Baker Tilly Assessment of Current Status	Suggested Action Items
17 	Regularly measure climate and effectiveness, including: 1. Allowing participants to provide feedback on training 2. Offering an annual campus climate survey	In process, survey is expected to be administered during the 2022-2023 academic year	N/A - survey not yet available	<p>The Deputy Title IX Coordinator is responsible for developing and implementing the climate surveys. The Board of Regents Uniform Policy on Power-Based Violence/Sexual Misconduct requires the administration of a Power-Based Violence Climate Survey by the System Management Boards. It is noted that the surveys will be administered during the 2022-2023 academic year, and every third year thereafter.</p> <p>The Office of Civil Rights and Title IX website has a link to a "How are we doing?" survey to collect feedback on user experience with the office.</p> <p>The LSU OCR/Title IX Training Evaluation is a survey to collect and evaluate feedback on STAR training workshops.</p>	The Office of Civil Rights and Title IX should ensure the campus climate survey is administered in the 2022-2023 academic year, and results are synthesized and analyzed to assess the campus climate.
18 	Ensure the "rules" apply to everyone	Established (June 2021)	1. Assessed process in place for responding to allegations of non-compliance with University policy	PM 73 states that mandatory reporters who violate policy shall be terminated in accordance with the institution's disciplinary procedures, which are publicly available.	Continue to be transparent in ensuring the "rules" apply to everyone in the University Community.

## Observations and Recommendations

We identified the following observations and recommendations related to the University's Title IX policies and procedures.

### 1. Consistently use Maxient for case management and document retention

#### Observation

LSU has not consistently stored documentation within or used the full capabilities of Maxient, its Title IX case management software. Baker Tilly identified two cases (of five cases reviewed) from Spring 2021, for which case documentation, such as a copy of the signed formal complaint and hearing notifications, were missing from the case file. Additionally, for cases handled prior to Fall 2021, key data such as case closure date, was not consistently tracked. Inconsistent use of Maxient increases the risk case documentation is not retained, as required by Federal Title IX guidance, and case monitoring procedures are not consistently occurring.

#### Recommendation

The Office of the Title IX Coordinator should consistently upload and store case documentation into Maxient. The current Title IX Coordinator has begun to expand Title IX's use of Maxient to allow for online incident reporting, case monitoring (e.g., to track and document delays), and more consistent document retention. This is essential, as Federal Title IX guidance requires institutions to retain Title IX case documentation for a minimum period of seven years. As the University expands its use of Maxient, **see Appendix E** for additional information and recommendations for incorporating the Maxient software.

### 2. Assess opportunities to expand the University's Title IX training program

#### Observation

There is no mandatory Title IX training for students, nor is a Title IX overview (e.g., of what constitutes Title IX, how to report) incorporated into student orientation. Without required Title IX training, there is an increased risk of students not being aware of Title IX, including resources and reporting options.

## 2. Assess opportunities to expand the University's Title IX training program

### Recommendation

Consider opportunities to expand Title IX training, particularly for students, to include topics such as:

- What behavior constitutes sexual violence or sexual misconduct
- How to report an incident of sexual misconduct, including defining who is a mandatory reporter
- Overview of options for resolving a complaint (e.g., confidential resources, formal resolution, alternative resolution)
- Overview of resources and/or supportive measures available (e.g., no contact orders, academic accommodations)
- Contact information for key offices or individuals
- Contact information for on- and off-campus resources

Consider if a mandatory Title IX training (e.g., online module or as part of orientation) for students would help increase awareness of Title IX reporting options and resources available. To help increase accountability for mandatory trainings, consider if placing a hold on a student account for incomplete trainings would help increase participation and compliance with training requirements. Alternatively, non-mandatory trainings, such as presentations to student organizations or classes, are also effective.

Additionally, the Office of the Title IX Coordinator should continually track Title IX reports for trends or patterns in complaints, and incorporate trends into future trainings (e.g., based on type of complaint). Based on monitoring of trends, consider if specialized training to a particular group(s) may be warranted. The Office of the Title IX Coordinator should also allow for post-training feedback surveys to collect student opinions and incorporate feedback into future trainings.

### 3. Update PM 73 to explicitly include Federal Title IX requirements

#### Observation

Baker Tilly noted three instances in which Federal Title IX requirements were likely occurring in practice at LSU, but were not explicitly referenced in PM 73:

- The burden of proof and burden of gathering evidence is on the University, and the University must provide the parties equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence, and parties are not restricted from discussing the allegations or gathering evidence (Section 106.45(b)(5)(i)–(vii))
- The University cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains the party’s voluntary, written consent to do so for a grievance process (Section 106.45(b)(5)(i))
- Police investigations and reports are not determinative of whether harassment occurred under Title IX, and therefore, the university is not relieved of the duty to respond promptly and effectively (Revised Sexual Harassment Guidance 2001)

#### Recommendation

The University should update PM 73 to clarify that:

- The burden of proof and burden of gathering evidence is on the University, and the University must provide the parties equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence, and parties are not restricted from discussing the allegations or gathering evidence
- The University cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains the party’s voluntary, written consent to do so for a grievance process
- Police investigations and reports are not determinative of whether harassment occurred under Title IX, and therefore, the university is not relieved of the duty to respond promptly and effectively

Updating PM 73 to explicitly include Federal Title IX requirements mitigates the risk of noncompliance with Title IX guidance.

#### 4. Consider opportunities to revise investigative practices to further align with leading practices

<p><b>Observation</b></p>	<p>Based on case documentation testing, Baker Tilly identified the following:</p> <ul style="list-style-type: none"> <li>• Three cases in which the Notice of Investigation was provided to the respondent, but a copy was not also provided to the complainant.</li> <li>• One case in which neither party was given an opportunity to review and comment on the draft report, in a non-Title IX investigation.</li> </ul>
<p><b>Recommendation</b></p>	<p>As the Office of the Title IX Coordinator evaluates and revises its processes for completing investigations, consider the following to further align with leading practices:</p> <ul style="list-style-type: none"> <li>• <b>Providing the complainant with a copy of the notice of investigation:</b> Providing the complainant with the notice of investigation is a leading practice as it allows the complainant to remain updated on the status of the investigation.</li> <li>• <b>Allowing parties to review and comment on the draft investigative report in non-Title IX investigations:</b> For non-Title IX cases, it is a leading practice to still allow both parties to review and comment on the draft report, to ensure an accurate and comprehensive investigative report, as well as minimize bias, or the perception of bias, in investigations.</li> </ul>

#### 5. Evaluate actions needed to successfully administer the campus climate survey

<p><b>Observation</b></p>	<p>LSU's Office of the Title IX Coordinator is working to implement a campus-wide Power-Based Violence Climate Survey during the 2022-2023 academic year to collect feedback regarding the culture of Title IX at the University. This survey is needed for the University to assess its climate and effectiveness in preventing and responding to allegations of sexual misconduct.</p>
<p><b>Recommendation</b></p>	<p>As the University develops its campus climate survey, consider the following:</p> <ul style="list-style-type: none"> <li>• The survey should be available to all students, faculty, and staff at the University.</li> <li>• To increase participation in the survey, the Office of the Title IX Coordinator should notify the LSU community in advance and follow-up with reminders. Additionally, consider if incentives, such as a raffle or gift cards, would increase survey responsiveness.</li> <li>• The survey should include topics of prevalence of sex-based discrimination, community perceptions about the University's response to sex-based discrimination, perceptions about the University's effectiveness of incident resolutions, and adequacy of the University's resources and supportive measures surrounding Title IX.</li> </ul>

# Appendices

## Appendix A: Documentation Reviewed

We reviewed the following documentation:

- 2<sup>nd</sup> Quarter Quarterly Report for Title IX
- 2<sup>nd</sup> Quarter Quarterly Report for Title IX Redacted
- Act 447 of 2021 Regular Session
- Act 472 of 2021 Regular Session
- Administrative Resolution Process
- Athletics Abbreviated Update on Husch Blackwell Recommendations
- Board of Regents (BOR) Title IX Grievance Procedures
- BOR Uniform Policy on Power-Based Violence/Sexual Misconduct
- Board of Supervisors (BOS) Update 8/4/2021
- BOS Update presentation 10/28/2021
- Case Documentation for selected sample
- Characteristics of Perpetrators of Power-Based Violence
- Confidential Supporter Training
- Continuum of Power-Based Violence
- Coping with Compassion Fatigue
- Data from Form B2 on BOR Chancellor's Report
- Dynamics of Power-Based Violence Scenario Activity Questions
- EthicsPoint Data
- Form B1– Title IX Coordinator's Data Report
- Form B2 – Chancellor's Data Report
- Form B3 – System Data Report
- Formal Resolution Process
- Gaining Resilience and Cultivating Empowerment Training
- Greek Workshop: Preventing Sexual Misconduct
- How Trauma Impacts Four Different Types of Memory
- Job Description of the Deputy Title IX Coordinator
- Job Description of Investigator
- Job Description of The Lighthouse Program
- Job Description of the Title IX Coordinator
- Job Description of the Case Manager
- LSU BOS Power-Based Violence Prevention and Response Training
- LSU Chancellor's Biannual Report
- LSU OCR/Title IX Training Evaluation
- LSU Title IX biannual report, October
- LSU Title IX Review Email from Director of Athletics
- LSU Voluntary Resolution Agreement
- Mandatory Sexual Misconduct Training Requests
- Maxient Data
- Memorandum of Understanding (MOU) with LSU Police Department
- My Student Body Training Review
- National Diversity Advisory Board Updates on Title IX
- Office of Civil Rights and Title IX 15-minute presentation





## Louisiana State University

### Title IX Review

- Office of Civil Rights and Title IX Response to Husch Blackwell Report presentations
- Permanent Memorandum 73
- Power and Control Wheel
- Power-based Violence Prevention & Response Training in MyLSU portal
- Presidents Report to BOS
- Preventing Workplace Harassment: From Compliance to Culture Change
- Sanctioning Matrix Draft Cards
- Self-Care Action Plan
- Self-Care Model of Responsibilities
- Sexual Violence on College Campuses
- Sign-in document for Sexual Assault and Trauma Training
- Successful Trauma Informed Victim Interviewing
- Supplemental Title IX information and training efforts
- Supportive Measures
- Survivor Support One-pager
- Tiger BITes Bystander Intervention Training
- Title IX at LSU Student presentation
- Title IX Education 2021-22 Curriculum
- Title IX Organizational Chart
- Title IX Orientation Excerpt
- Title IX Reporting Memo from Director of Athletics
- Training Scenarios
- Update on Title IX presentation for Chairs
- Violence Against Women Act (VAWA) Brochure
- Workplace Strategies to Prevent Compassion Fatigue

## **Appendix B: Personnel Interviewed**

The following personnel participated in interviews:

- Jane Cassidy, Interim Vice President of Civil Rights and Title IX
- Joshua Jones, Title IX Coordinator
- Lori Williams, Deputy Athletics Director for Leadership and Strategy

## Appendix C: Website Review

We provided the below memorandum to LSU with our findings of non-operational links and incorrect and/or out of date contact information on 11/8/2021. On the following Wednesday, 11/10/2021, the Office of Civil Rights and Title IX responded with a status update with remediations of all non-operational links and incorrect and/or out of date contact information.

### Non-Operational Links

The following links are not operational:

#### [Office of the Title IX Coordinator](#)

- On the [Support: Sexual Misconduct Resources \(Survivors\)](#) tab:
  - Within the Get Support tab, the [IRIS](#) link within the “Take your Personal Safety Seriously” section is broken
  - Within the [Parents](#) header, the link to [asoneproject.org](#) is non-operational (e.g., webpage does not load)
- On the [Contact Us](#) webpage:
  - Under LSU Shreveport Campus Coordinator, the link to [LSUS Title IX Website](#) is broken
  - Campus Coordinator HCSD does not have a website linked
  - Under Campus Coordinator LSU HSC Shreveport, the link to [LSUHS Shreveport Title IX Website](#) is broken

#### [PM-73](#)

- Resource links on the last page (page 37) under VII are non-operational

### Incorrect Contact Information

The following contact information provided for various resources was inaccurate or inconsistent:

#### [Office of the Title IX Coordinator](#)

- On the [Support: Sexual Misconduct Resources \(Survivors\)](#) tab:
  - Within the Get Support tab under the “Take your Personal Safety Seriously” section, one of the [IRIS](#) phone numbers is not correct. The first phone number (225-389-3001) is correct, but the second (1-888-649-0911) is incorrect. The [IRIS](#) website lists 1-800-541-9706 as the correct second phone number.
- Within the [Talk to Someone](#) webpage:
  - On this page, the link to [Office of Civil Rights and Title IX](#) directs you to the Office of Civil Right & Title IX - [Contact Us](#). This webpage is not consistent with the [Contact Us](#) tab on the [Office of the Title IX Coordinator](#).

## Appendix D: Benchmarking of LSU Title IX staffing and case volume

The following chart benchmarks LSU Title IX case volume and supporting resources against other higher education institutions. As the Office of the Title IX Coordinator and the Office of Civil Rights and Title IX expand and develop, consider if additional resources are needed to complete investigations thoroughly and efficiently.

Description of Institution	Avg. Number of Reported Cases a Year	Approximate Number of Students	Cases per 1,000 Students	Supporting Resources
LSU (public, suburban university)	197	30,000 - 40,000	6.4	1 Coordinator, 2 deputy coordinator, 1 case manager, 3 investigators
Public, urban university	51	35,000 - 40,000	1.0	1 Coordinator, 3 deputy coordinators (part time), 2 investigators (part time)
Public, rural university	Unknown	40,000 - 45,000	Unknown	1 Coordinator, 8 deputy coordinators
Public, suburban university	372	30,000 - 40,000	9.9	1 Coordinator, 3 deputy coordinators (part time), 2 investigators
Public, rural university	290	30,000 - 40,000	8.0	1 Coordinator, 1 deputy coordinator
Public, suburban university	181	30,000 - 35,000	5.5	1 Coordinator, 1 deputy, 2 investigators
Private, urban university	390	25,000 - 35,000	13.0	1 Coordinator, 1 deputy coordinator (full time), 2 deputy coordinator (part time), 8 Title IX positions total
Public, urban university	Unknown	25,000 - 30,000	Unknown	1 Coordinator, 1 response coordinator, 1 case manager, 2 investigators
Public, urban university	Unknown	20,000 - 30,000	Unknown	1 Coordinator, 4 deputy coordinators (part time), 1 investigator
Public, suburban university	Unknown	20,000 - 30,000	Unknown	1 Coordinator, 1 deputy coordinator, 3 investigators
Community college with six locations	35	20,000 - 30,000	1.5	1 Coordinator, 2 deputy coordinators (part time)
Public, suburban university	Unknown	20,000 - 25,000	Unknown	1 Coordinator, 1 assistant coordinator, 1 Athletics Title IX officer
Public, suburban university	140	7,500 - 10,000	16.0	1 Coordinator
Private, urban university	31	5,000 - 9,000	5.4	1 Coordinator, 1 deputy coordinator & investigator

## Appendix E: Maxient Considerations

Below we present opportunities to incorporate a Title IX case management software (e.g., Maxient) into LSU's Title IX processes:

Step in Title IX process	Recommendation for incorporating software
<p><b>1. Receipt of a complaint</b></p>	<ul style="list-style-type: none"> <li>Members of the LSU community can submit complaints (including anonymous complaints) using an online form, which then automatically creates an entry in the Maxient database, including information such as date and location of incident, names and contact information of parties (if known), description of the incident, and supporting documentation (e.g., photographs, screenshots).</li> </ul>
<p><b>2. Investigation</b></p>	<ul style="list-style-type: none"> <li>Maxient can send and store notifications to parties (e.g., invitation to review an investigative report), allowing the Office of the Title IX Coordinator to maintain communications with the parties in one location.</li> <li>Forms and templates (e.g., notification letters, investigative report template) can be stored within the case management system, enabling existing tools to be used consistently across cases.</li> </ul>
<p><b>3. Monitoring</b></p>	<ul style="list-style-type: none"> <li>Maxient has a feature called "Milestones" which can be used to run reports and centrally tracks complaints and allows users to generate reports showing case status (e.g., open investigation, pending hearing, appeal, closed), which can be used during discussions to monitor progress and timeliness of case resolution.</li> <li>The Maxient software standardizes various inputs (e.g., capturing individuals involved in a case based on ID number, selecting the specific type of policy violation), which allows the University to monitor trends more consistently, identify individuals with repeated complaints, etc.</li> </ul>
<p><b>4. Resolution</b></p>	<ul style="list-style-type: none"> <li>Final determinations of responsibility can be distributed to both the Complainant and Respondent simultaneously through the system, enabling prompt notification.</li> </ul>
<p><b>5. Document retention</b></p>	<ul style="list-style-type: none"> <li>Maxient can serve as the system of record for all Title IX cases, storing all documentation associated with a given case (e.g., final investigation report, police reports, interview notes, hearing transcripts, notifications and communication with both parties, and evidence such as text messages, emails, and photographs), which helps the University comply with federal documentation retention requirements.</li> <li>Maxient offers customized security profiles that can restrict access to Title IX files for viewing and editing only by authorized individuals.</li> <li>Maxient logs all user activity with an extensive audit trail (e.g., time and user stamping).</li> </ul>



Louisiana State University  
Title IX Review

## Contact Information

If you have any questions about this report, please contact:

**Cassandra Walsh, CPA**  
Partner  
cassandra.walsh@bakertilly.com  
703 923 8652

Baker Tilly US, LLP  
8219 Leesburg Pike  
Tysons, VA 22182