

National Aeronautics and Space Administration  
**Headquarters**  
Washington, DC 20546-0001



Reply to Attn of: Office of Diversity and Equal Opportunity

**Louisiana State University  
Voluntary Resolution Agreement**

NASA Title IX regulations provide for the periodic compliance review of NASA grant recipients.<sup>1</sup> NASA conducted a compliance review of Louisiana State University's (LSU or University) Department of Physics and Astronomy, to ensure that beneficiaries of NASA grants have equal opportunity, without regard to sex, to pursue, participate in, and benefit from academic research, career development opportunities, extracurricular, and other educational activities. The review was conducted under Title IX of the Education Amendments of 1972, and NASA's implementing regulations, which prohibit discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance.<sup>2</sup> A copy of the compliance review has been provided to the University and forms the basis for the Agreement.

While NASA's compliance review focused on the Department of Physics and Astronomy, NASA examined select Title IX procedural requirements, e.g., coordination, grievance procedures, that have university-wide impact and implications. NASA has made findings of noncompliance and this Resolution Agreement has been entered into voluntarily by the University in order to bring the University into compliance with those aspects of Title IX identified in the compliance review. The University voluntarily agrees to take the following actions in good faith to prevent and promptly and equitably address sex discrimination, including sexual harassment and violence (hereinafter referred to as sexual misconduct) at LSU, in a manner designed to remedy the effects of such discrimination if it should occur, and prevent its recurrence, consistent with the requirements of Title IX.

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<sup>1</sup> See 65 Fed. Reg. 52,859 (Aug. 30, 2000). Enforcement Procedures, 14 C.F.R. § 1253.605 (incorporating compliance requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)).

<sup>2</sup> Title IX of the Education Amendments, as amended (20 U.S.C. §§ 1681-1688); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 14 C.F.R. Part 1253; NASA Policy Directive 2081.1A, Subject: Nondiscrimination in Federally Assisted and Federally Conducted Programs of NASA - Delegation of Authority.

**A. The University has designated a Title IX Coordinator to coordinate its efforts to comply with and carry out its responsibilities under Title IX, including coordinating any investigation of a report of sexual harassment, as required by 14 C.F.R. § 1253.135(a), and agrees to the following in regard to Title IX Coordination:**

1. The University shall ensure that the Title IX Coordinator and others involved in the Title IX complaint investigation and adjudication process have the resources, including capacity, independence, and access to senior leadership, necessary to fulfill their Title IX obligations.
2. The University shall ensure coordination between the Title IX Coordinator and deputy coordinators throughout the LSU – System<sup>3</sup> by providing the Title IX Coordinator with the resources and time necessary to coordinate compliance across campuses and taking other appropriate actions.
3. The University shall ensure coordination between the Title IX Coordinator and appropriate student services at LSU by implementing written policies and procedures on information sharing related to sex discrimination incidents and/or complaints and Title IX compliance efforts, and provide those written policies and procedures to NASA, as they are completed or upon NASA’s request, for its review.
4. To increase effective communication between the Title IX Coordinator and other University components in ensuring Title IX compliance, the University shall develop a written protocol regarding complaints of sexual misconduct that requires:
  - a. The Title IX Coordinator (or his/her designee) to notify eligible Title IX complainants of their right to file with the LSU Police Department (LSU PD) complaints of sexual assault or criminal sexual misconduct;
  - b. LSU PD to provide complainants who report sexual assault or criminal sexual misconduct with written information about the role of the Title IX Coordinator and the University’s Sexual Misconduct policies; and
  - c. The Title IX Coordinator and LSU PD to work together to ensure their sexual assault and criminal sexual misconduct policies and efforts clearly delineate the roles and services provided by each office.
5. The University shall ensure the Title IX Coordinator and his/her staff shall not have other responsibilities that create a conflict of interest or an appearance of a conflict of interest with any other office at LSU or within the LSU – System.

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<sup>3</sup> The LSU – System consists of nine public colleges and universities in Louisiana (including LSU). Each college and university designates a staff or faculty member to serve as a deputy Title IX coordinator and assist the Title IX Coordinator in Title IX matters.

**B. The University has agreed to the following in regard to its grievance procedures addressing sex discrimination<sup>4</sup>:**

1. The University, in consultation with the Title IX Coordinator, shall create and implement written Title IX policies and grievance procedures for the prompt and equitable resolution of sex discrimination complaints. (This requirement does not address matters alleging sexual harassment as defined by the new regulations issued by the U.S. Department of Education in 34 C.F.R. Part 106.)

**C. Reporting and Monitoring**

1. Within 90 days from the date of this Agreement, the University shall report to NASA on its efforts to implement:
  - a. Section A of the Agreement by providing documentation, including but not limited to: (1) reports on the University's efforts to provide the Title IX Coordinator with the resources and time necessary to fulfill the obligations of the role; (2) reports on the coordination between the Title IX Coordinator, deputy coordinators and appropriate student services offices;
  - b. Section B of the Agreement by providing documentation including, but not limited to, the University's revised Title IX grievance procedure(s) providing for the prompt and equitable resolution of complaints alleging sex discrimination that do not meet the definition of "sexual harassment" as defined by the U.S. Department of Education in 34 C.F.R. Part 106.
2. The University understands that by signing this Agreement, it agrees to provide data and other information on its efforts to comply with this Resolution Agreement to NASA within 30 days of NASA's written request for such data and other information. All requested data and information must be provided to NASA unless LSU identifies good cause in writing for not complying with the data and information request, and NASA agrees the withholding is justified.
3. Within 180 days from the effective date of this Agreement, the University shall provide an updated report on its efforts to implement Sections A and B of this Agreement. Subsequent reporting shall be provided in January 2022, July 2022, January 2023, July 2023 and biannually thereafter, until such time as NASA states in writing that the University has fulfilled the terms of this Agreement.

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<sup>4</sup> NASA is aware of news articles regarding allegations that the University failed to promptly and equitably resolve allegations of student-on-student sexual harassment involving a student athlete. See e.g., [https://www.theadvocate.com/baton\\_rouge/sports/lsu/article\\_79e631d4-285c-11eb-b4e1-673663d8a8a0.html](https://www.theadvocate.com/baton_rouge/sports/lsu/article_79e631d4-285c-11eb-b4e1-673663d8a8a0.html); <https://www.wafb.com/2020/11/17/hillar-moore-star-comment-reports-lsu-mishandling-sexual-misconduct-complaints/>; [https://www.espn.com/college-football/story/\\_/id/30329382/report-lsu-ignored-sexual-assault-complaints-football-players](https://www.espn.com/college-football/story/_/id/30329382/report-lsu-ignored-sexual-assault-complaints-football-players). Because LSU is currently revising its sexual harassment grievance procedures to comply with the new Title IX regulations issued by the U.S. Department of Education, NASA will refer these allegations to U.S. Department of Education's Office for Civil Rights.

#### **D. Enforcement**

1. The University understands that during the monitoring of this Agreement, NASA may visit the University (in-person or virtually), interview administrators, staff, and students, and request such additional reports or data as NASA, in its sole discretion, deems necessary to determine whether the University has fulfilled the terms of this Agreement and is in compliance with Title IX and NASA's implementing regulations.
2. If NASA chooses to provide feedback necessary to ensure the University's Title IX compliance, the University shall incorporate NASA's feedback, unless the University disagrees. If the University disagrees with NASA's feedback, the University and NASA shall negotiate in good faith to resolve the disagreement. If the parties are unable to resolve the disagreement, and NASA determines that the disagreement constitutes non-compliance with the Agreement, NASA may pursue appropriate relief under the provisions of this Agreement.
3. NASA may enforce the terms of this Agreement, Title IX, NASA's implementing regulations at 14 C.F.R. Part 1253, and all other applicable federal laws and regulations. If NASA determines, during the course of the monitoring of this Agreement, that LSU is not in compliance with this Agreement, Title IX, or NASA's implementing regulations, NASA shall provide the University notice of such non-compliance along with the basis for the determination and a specific description of the matter at issue. The University shall have an opportunity to take action to correct or otherwise negotiate with NASA for the resolution of such non-compliance within 45 days of the notice.
4. If the University, despite its good faith efforts, anticipates that it shall be unable to meet any timeline set forth in this Agreement, it shall immediately notify NASA of the delay and the reason for it. NASA may provide a reasonable extension of the agreed timeline.

#### **E. Terms and Termination**

1. This Agreement shall remain in effect through at least the 2022-2023 academic year and shall not terminate until at least 60 days after NASA has received all reporting as required in this Agreement and stated in writing that LSU is in compliance with this Agreement.
2. This Agreement is entered into for the purpose of voluntarily resolving the issues identified by NASA's compliance review, except for those referred to ED OCR, and shall not be construed as an admission of liability, fault, or wrongdoing of any kind by the University.
3. This Agreement shall not bar any individual from pursuing a complaint under Title IX against the University.

4. The University understands that NASA shall not close the monitoring of this Agreement until NASA determines that the University has fulfilled the terms of this Agreement.
5. NASA may refer this matter to the U.S. Department of Justice (DOJ) if NASA determines that the University has failed to comply with the terms of this Agreement. Unreasonable delays, as determined by NASA, in responding to NASA may constitute non-compliance. Any NASA referral to DOJ may lead to possible litigation or the possible suspension or termination of federal funding to the University in accordance with Title IX, NASA implementing regulations, and all other applicable federal laws and regulations.
6. This Agreement shall become effective on the date signed below by the President (or Designee) of Louisiana State University. This Agreement constitutes the entire understanding between NASA and the University in order to bring the University in compliance with the Title IX issues identified in the attached compliance report. Any statement, promise, or agreement not contained herein shall not be enforceable through this Agreement.



**President or Designee**  
**Louisiana State University**



**Effective Date**

Enclosure: NASA Title IX Compliance Report, Louisiana State University, Department of Physics and Astronomy