MANDATED REPORTER TRAINING FOR EMPLOYEES:

REPORTING SEX/GENDER DISCRIMINATION, HARASSMENT AND CAMPUS CRIME

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Three federal laws create reporting responsibilities for campus employees, faculty and professional staff to:

- Assure appropriate services to victims of sexual violence
- Foster transparency about campus crimes, and
- Permit the institution to appropriately remedy discrimination and harassment.
## THE LAW - MANDATED REPORTING

<table>
<thead>
<tr>
<th>Law</th>
<th>Requirements</th>
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<tbody>
<tr>
<td><strong>Title IX</strong></td>
<td>• Title IX of the Education Amendments of 1972</td>
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<tr>
<td><strong>Title VII</strong></td>
<td>• Title VII of the Civil Rights Acts of 1964</td>
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- Each law imposes differing responsibilities on different employees, creating a confusing and inconsistent set of overlapping standards and expectations.
In April of 2011, the Department of Education issued a 19-page Dear Colleague Letter on the Title IX implications of campus sexual violence.

In October 2014, The Department of Education also released final regulations significantly amending the Clery Act pertaining to a number of issues, including sexual violence.
As a result, colleges and universities across the country have made efforts to comply with the expectations of the law by modifying policies and procedures and by providing trainings to employees such as this training.

To create uniformity of expectations, your campus has elaborated a clear and consistent reporting policy similar to that of other campuses across the country.
POLICY - THE DUTY TO REPORT ACTS OF SEX/GENDER DISCRIMINATION AND SEXUAL VIOLENCE

- All faculty, employees and professional staff are expected to report acts of sex and/or gender discrimination -- including sexual violence -- involving any member(s) of the campus community, guests or visitors to the Title IX Coordinator or a Deputy Coordinator without delay.

- Rape & Attempted Rape
- Sexual Assault
- Intimate Partner Violence & Relationship Violence
- Stalking on the basis of sex
- Sexual Harassment
- and more…
Each campus has a “Title IX Coordinator,” whose role is to oversee efforts to investigate, remedy, stop and prevent all forms of sex harassment and sex discrimination on your campus.

- The name and contact information for your institution’s Title IX Coordinator is provided in the supplemental materials accompanying this training.

- To help fulfill their role, the Title IX Coordinator is assisted by Deputy Coordinators on most campuses.
# REPORTING RESPONSIBILITIES

<table>
<thead>
<tr>
<th><strong>Group 1</strong></th>
<th><strong>Group 2</strong></th>
<th><strong>Group 3</strong></th>
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<tbody>
<tr>
<td>Mandated Reporters: Full Reporting</td>
<td>“Jane Doe/John Doe” Anonymous Reporting</td>
<td>“Confidential” Reporting</td>
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<tr>
<td>Must report all known information regarding an incident to the Title IX Coordinator or deputy without delay</td>
<td>Report all information known about an incident except any personally identifying information about those involved</td>
<td>Report only non-identifiable, aggregate information regarding incidents disclosed to them</td>
</tr>
<tr>
<td>All employees except those in groups 2 and 3</td>
<td>Specifically designated employees (such as victim advocates)</td>
<td>Only professional Counselors, Medical Providers &amp; Clergy</td>
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</table>
All employees are Mandatory Reporters, meaning they must report all known information regarding incidents of sex/gender discrimination, sexual violence or crime to the Title IX Coordinator (with the exception of those in Groups 2 & 3).

Though many employees have mentoring and close relationships with students and other employees, it is not appropriate to promise someone that you will not report what they tell you.

Thus, if it appears that a victim is about to disclose information regarding a crime, sex/gender discrimination or sexual violence, employees should make sure the victim understands that you will have to share details of their report with a small circle of administrators who may be obligated to act on the information.
REPORTING RESPONSIBILITIES

GROUP 2: MANDATORY REPORTERS

- Are allowed to preserve the privacy of the victim by making “anonymous” reports, meaning reports do not include personally identifiable information about those involved (filed as Jane/John Doe reports), **but** must report all other known information regarding incidents of sex/gender discrimination, sexual violence or sex crimes to the Title IX Coordinator or deputy.

- Are specifically designated by the institution and can include:
  - Non-medical Health Services employees, non-licensed Counseling Center staff, Victim Services Coordinators, Victims Advocates, etc.
  - An updated list of those belonging to this reporting group is provided in the supplemental materials accompanying this training.
Only professional counselors, pastoral counselors and health service medical staff whose official responsibilities include providing medical services or mental-health counseling to members of the school community may provide “complete” confidentiality for reported incidents.

Will only report information with the consent of the victim or if there is a legal “duty to warn.”

For a professional counselor, medical provider or clergy to maintain confidentiality, they must have received the notice while working within the scope of their licensure, certification and job description.
Should a victim wish to make a confidential report, employees should facilitate a meeting with counselors, medical staff or clergy who may maintain confidentiality.

Community resources, such as local victim advocacy centers and domestic violence shelters are additional confidential reporting resources.

Reporting of aggregate data is still expected of this group as long as the information can be provided without personally identifiable information.

Unless the client/patient consents to the sharing of more detail.
## GUIDING VICTIM REPORTING

### Victim wants:

<table>
<thead>
<tr>
<th>Privacy</th>
<th>Confidentiality</th>
<th>Full Report to Title IX Coordinator</th>
<th>Full Report to Law Enforcement</th>
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<tr>
<td>Should seek out advocate or other employee(s) designated by policy; Employee may maintain privacy but is required to make Jane/John Doe reports</td>
<td>Should seek out counselors, clergy or medical providers May also seek confidential resources from off-campus</td>
<td>Any employee should assist the victim with this request; Title IX Coordinator will ensure that campus law enforcement is notified to extent mandated by law</td>
<td>Any employee should assist the victim with this request; Campus law enforcement will then also notify the Title IX Coordinator</td>
</tr>
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THE DUTY TO REPORT CRIMES

- All employees (faculty & staff) are expected to report crimes involving any member(s) of the campus community to campus law enforcement without delay, unless a sex crime victim does not wish the report to be made (a report must be made to the Title IX Coordinator no matter what).

- Exception: Incidents involving minors must be reported.

- Exception: Emergencies that impact health or safety of campus should be reported to law enforcement even if a victim does not want to report.

- Campuses without a law enforcement entity may require reporting to local law enforcement instead.
Anonymous reports (those that withhold personally identifiable details about the incident) are permitted, but full reports should be made when a victim wishes an employee to do so.

When in doubt about whether to report a crime, seek advice on the nature of the incident from campus law enforcement.
Campus officials who receive notice of crimes, sex/gender discrimination or sexual violence have a legal duty to act.

When a victim does not wish to put the institution on notice, the Title IX Coordinator is empowered to honor that choice under certain circumstances.

The Title IX Coordinator may proceed with an investigation if a safety concern is present. Otherwise, the University can respect the victim’s wishes for no formal action to be taken.
Any employee who is uncertain how much information about an act of sex/gender discrimination or sexual violence must be shared with the Title IX Coordinator or Deputy Coordinator should seek their advice.

When behaviors are both crimes and acts of discrimination (e.g. sexual violence), they must be reported to the Title IX Coordinator.

They can also be reported to campus or local law enforcement if a victim wants, or in an emergency or when health/safety is at risk. Otherwise, the Coordinator will share details with campus law enforcement as necessary and you need only report to the Coordinator.
Nothing in the institutional policy would mandate an employee to report their own victimization.

While many reports come to employees first-hand by victims, the policy imposing a duty to report extends to information received second-hand, online, and even potentially through rumors and gossip, which can often be detailed enough to create notice to the institution.

If an incident occurs off campus between members of the campus community, and you are unsure of whether you need to report, seek advice from the Title IX Coordinator.
ADDITIONAL DETAILS ON REPORTING RESPONSIBILITIES

- Student staff are considered mandated reporters for information they learn while they are working. When off-duty, student staff are not mandated to report.

- RAs are *always* on duty.

- Off-campus incidents can be within the duty to report under Title IX and the Clery Act, so report them even if you are unsure whether you have to.

- Timely warnings must be issued immediately by campus law enforcement for crimes that represent a threat to the campus, so do not delay your report as mandated.
Where a health or safety threat is posed to the campus, the Title IX Coordinator can ask that a “Jane/John Doe” Anonymous Reporter divulge the personally identifiable information that they initially held back from the report.

This will not be a matter of common practice, but is essential to the protection of the community in cases that represent a risk to the community.

The request to divulge more information will be based on five criteria, including the presence of: violence, threat, pattern, a predatory offender and/or use of a weapon.
SUMMARY

ALL EMPLOYEES ARE MANDATED REPORTERS OF AT LEAST SOME INFORMATION
SUMMARY

- Aggregate data must be reported by counselors, medical providers and clergy (Group 3)
- Jane and John Doe reports must be provided by Anonymous Reporters (Group 2)
- All other employees must report everything they know about an incident (employee, student, guest, etc.) without delay (Group 1)
  - Crimes = Campus law enforcement (can be Jane/John Doe if victim wants)
  - Sex/gender Discrimination = Title IX Coordinator or deputies
LEGAL NOTICE

INFORMATION OFFERED IN THIS TRAINING IS NOT GIVEN AS, AND SHOULD NOT BE TAKEN AS, LEGAL ADVICE.

FOR DETAILS ON LEGAL ASPECTS OF REPORTING, VIEWERS SHOULD CONSULT QUALIFIED COUNSEL LICENSED IN THEIR JURISDICTION.

MORE INFORMATION ABOUT TITLE IX AND RELATED DISCRIMINATION STATUTES CAN BE FOUND AT

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