

# MANDATED REPORTER TRAINING FOR EMPLOYEES:

## REPORTING SEX/GENDER DISCRIMINATION, HARASSMENT, AND CAMPUS CRIME

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# THE LAW - MANDATED REPORTING

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- ❑ Three federal laws create reporting responsibilities for campus employees, faculty, and professional staff to:
  - ❑ Ensure appropriate services to victims of sexual violence
  - ❑ Foster transparency about campus crimes
  - ❑ Permit the institution to appropriately remedy discrimination and harassment

# THE LAW - MANDATED REPORTING

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## Title IX

- Title IX of the Education Amendments of 1972

## The Clery Act

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990)

## Title VII

- Title VII of the Civil Rights Acts of 1964

- ❑ Each law imposes differing responsibilities on different employees, creating a confusing and inconsistent set of overlapping standards and expectations.

# THE LAW - MANDATED REPORTING

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Title IX  
Dear  
Colleague  
Letter

VAWA 2013:  
Section 304

- ❑ 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.

# THE LAW - MANDATED REPORTING

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- ❑ As a result, colleges across the country have made efforts to comply with the expectations of the law by modifying policies and procedures and by providing trainings (such as this one) to employees.
- ❑ This training aligns with the mandates of federal and state law, and satisfies its training requirements for employees.

# POLICY - THE DUTY TO REPORT ACTS OF SEX/GENDER DISCRIMINATION AND SEXUAL VIOLENCE

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- ❑ 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, without delay.

Rape &  
Attempted Rape

Sexual Assault

Intimate Partner  
Violence &  
Relationship  
Violence

Stalking on the basis  
of sex

Sexual Harassment

Gender-based hazing  
and bullying

# THE TITLE IX COORDINATOR

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- ❑ The Title IX Coordinator's role is to oversee efforts to promptly, thoroughly, and effectively investigate, remedy, stop, and prevent all forms of sex harassment and sex discrimination.
- ❑ The Title IX Coordinator also looks for patterns of behavior and ensures provision of services and support to the parties involved in an allegation.

# REPORTING RESPONSIBILITIES

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<b>Mandated Reporters: Full Reporting</b>	<b>“Confidential” Reporting</b>
Must report all known information regarding an incident to the Title IX Coordinator without delay	Report only non-identifiable, aggregate information regarding incidents disclosed to them
All employees except those who are confidential	Only professional Counselors and Medical Providers



# REPORTING RESPONSIBILITIES

## MANDATORY REPORTERS

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- ❑ 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 who are confidential).
- ❑ 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

## CONFIDENTIAL REPORTERS

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- ❑ **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 professional counselors or medical providers to maintain confidentiality, they must have received the notice while working within the scope of their licensure, certification, and job description.

# REPORTING RESPONSIBILITIES

## CONFIDENTIAL REPORTERS

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- ❑ Should a victim wish to make a confidential report, employees should facilitate a meeting with counselors or medical staff who may maintain confidentiality.
- ❑ Community resources, such as local victim advocacy centers and domestic violence shelters, are additional confidential reporting resources.
- ❑ Confidential reporters provide aggregate data without personally identifiable information.
  - ❑ Unless the client/patient consents to the sharing of more detail.

# GUIDING VICTIM REPORTING

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## Victim wants:

<b>Confidentiality</b>	<b>Full Report to Title IX Coordinator</b>	<b>Full Report to Law Enforcement</b>
<p>Should seek out counselors or medical providers</p> <p>May also seek confidential resources from off-campus</p>	<p>Any employee should assist the victim with this request;</p> <p>Title IX Coordinator will ensure that Safety &amp; Security notified to extent mandated by law</p>	<p>Any employee should assist the victim with this request;</p> <p>Safety &amp; Security will then also notify the Title IX Coordinator</p>

# THE DUTY TO REPORT CRIMES

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- ❑ All employees (faculty & staff) are expected to report crimes involving any member(s) of the campus community to Safety & Security 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: **Reporting of child sexual and/or physical abuse should be made to Safety & Security and the Department of Public Welfare.**
- ❑ Exception: Emergencies that impact health or safety of campus should be reported to law enforcement even if a victim does not want to report.

# THE DUTY TO REPORT CRIMES

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- ❑ Anonymous reports to Safety & Security (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 Safety & Security.

# ADDITIONAL DETAILS ON TITLE IX

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- ❑ College 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 college may respect the victim's wishes for no formal action to be taken.
- ❑ This determination is vested in the Coordinator by federal law, and not in any employee who is a mandated reporter.

# ADDITIONAL DETAILS ON REPORTING RESPONSIBILITIES

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- ❑ Any employee who is uncertain how much information should be shared with the Title IX Coordinator about an act of sex/gender discrimination or sexual violence should seek advice from the Title IX Coordinator or other listed resource.
- ❑ When behaviors are both crimes and acts of sex/gender 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 Safety & Security as necessary and you need only to report to the Coordinator.



# ADDITIONAL DETAILS ON REPORTING RESPONSIBILITIES

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- ❑ Nothing in college 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 involving a member or 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

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- ❑ Student staff are considered mandated reporters for information they learn while they are working. When off-duty, student staff are not mandated to report.
- ❑ Timely warnings must be issued immediately by Campus Police/Public Safety for crimes that represent a threat to the campus, so do not delay your report as mandated.

# SUMMARY

- ❑ Aggregate data must be reported by counselors and medical providers.
- ❑ All other employees must report everything they know about an incident (employee, student, guest, etc.) without delay.
- ❑ Crimes = Safety & Security (can be Jane/John Doe if victim wants)
- ❑ Sex/gender Discrimination or Harassment = Title IX Coordinator

# HELPING VICTIMS

- ❑ The goal is to provide timely resources to victims who seek you out.
- ❑ Empower the victim to make choices, including:
  - ❑ Reporting to Safety & Security or local law enforcement
  - ❑ Reporting to the Coordinator
  - ❑ Counseling and medical attention
  - ❑ Support groups
  - ❑ Resources on campus and in the community
  - ❑ Doing nothing is also a choice

# HELPING VICTIMS

- ❑ Your role is not to judge whether a crime took place.
- ❑ Avoid blaming comments or invasive questions.
- ❑ Trauma causes victims to delay reporting, experience confusion about details, and suppress painful memories.
  - ❑ Let the institution's investigators figure out what happened. Your role is only to provide support and resources.
  - ❑ Victims tend to self-blame and hold themselves responsible. You can help them to feel supported.

# KEY ADVOCACY INFORMATION

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- ❑ Medical attention for victims of sex offenses is important. Collecting evidence is best within about 120 hours of an incident, but can be collected many months later from clothes and other items.
- ❑ Medical evidence is crucial to a criminal prosecution, but not essential to a campus resolution, which is based on a preponderance of evidence.
- ❑ Even if evidence collection is not a priority for a victim, encourage medical treatment, treatment for diseases, pregnancy intervention, and other services at the hospital.

# SETTING REASONABLE EXPECTATIONS

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- ❑ If it appears that a victim or 3<sup>rd</sup> party is about to disclose sensitive information to you, you may want to help set reasonable expectations for the conversation.
- ❑ Without discouraging disclosure, you can note, “I want to make sure you understand that I am a mandated reporter. I will do all that I can to help you, but I am also obligated to notify College officials. If you want to disclose something in confidence, I can connect you with college resources who do not have to reveal what you share with them with anyone else. Otherwise, I am happy to help you in any way I can.”

# SCENARIO ONE

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- ❑ You observe a group of male students on campus directing severe sexual harassment toward a female student. You approach the female student afterward, but she does not wish to report it or take other action. You should do which of the following:
  - a. Honor her request?
  - b. Honor her request, but document the incident to the Title IX Coordinator without identifying anyone involved?
  - c. Share full details with the Title IX Coordinator ASAP?



# SCENARIO TWO

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- ❑ Based on several incidents, you suspect a colleague is being abused by his partner. You are pretty sure all abuse is happening off-campus, not on-campus. You are concerned about him, and go to another colleague to discuss it. This colleague advises you that this is not reportable as it is happening off-campus and the abuser is not connected to your institution in any way. You should do which of the following:
  - a. Not report. You don't know for sure, and it's off-campus?
  - b. Report. Details are for others to determine, not you?

# SCENARIO THREE

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- ❑ A female student approaches you in class, asking for an extension on a paper due next week. You ask her why, and she discloses that she is struggling to deal with a recent sexual assault. She asks that you keep this confidential, as she only needs an extension, and does not otherwise wish for anyone to know. You should do which of the following?
  - a. Promise to honor her request for confidentiality and grant her the extension?
  - b. Connect her with the Title IX Coordinator for all needed academic support options?

# LEGAL NOTICE

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**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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