

Mandatory Reporter Policy

2023 - 2024

I. Purpose

The University is deemed to have notice of sex discrimination, including sexual harassment and other prohibited forms of sexual misconduct, in violation of the University’s policy and Title IX of the Education Act of 1972 when a responsible employee knew, or should have known about the conduct. When the University has notice, it is responsible to stop the sex discrimination and where applicable, prevent its recurrence, and remedy its effects. The purpose of this policy is to define who is a responsible employee, referred to as a Mandatory Reporter, and to set out Mandatory Reporters’ responsibility to report incidents of sex discrimination and how the report must be made.

II. Scope

This Policy is applicable to all individuals defined under the Policy as a Mandatory Reporter. The Policy also provides important information for all members of the University community.

III. Definitions

Mandatory Reporter¹: The following are Responsible Employees who are mandated to comply with the reporting procedures of this Policy:

- All University staff who have responsibility for organizing or supervising student and campus activities, such as work study supervisors, domestic and international program leaders, and coaches/ assistant coaches;
- All Student Life staff;
- All faculty of the College;
- All full and part-time faculty of University programs;
- All full and part-time staff of University programs;
- Student leaders officially designated as mandatory reporters by virtue of their position (these include proctors, orientation leaders, PRE/SOP Mentors, SOP Ambassadors, and FYP mentors)
- Sewanee police department personnel;
- Any visiting faculty or staff member involved in staffing a summer program

¹ Individuals who one reasonably believes to occupy the role of a mandated reporter are encouraged to err on the side of caution and provide a report to the Title IX Office. For example, a student may be a proctor for one semester and is no longer a proctor in the next semester. If a complainant believes that the student is still a proctor and shares a concern, the student is still encouraged to file a report. The complainant may have chosen to speak to the student because they reasonably believed the student was still a proctor.

- Equity, Equal Opportunity, and Title IX personnel;
- The Vice Chancellor and University Cabinet;
- Lay people working in the Chaplain's office;

Individuals who are **not** Mandatory Reporters may report, unless prohibited by a legal privilege or legally required confidentiality. The University encourages reports of sex discrimination in order to provide an appropriate response and support to students and colleagues. The following are not Mandatory Reporters:

- Most students, with the few clearly designated positions identified above as Mandatory Reporters;
- Ordained Clergy when information is disclosed to the clergyperson in their professional capacity as clergy;
- Licensed health care personnel with patient-client privilege rights who are serving in their official capacity at the time of a report;
- Licensed attorneys who are serving in their official capacity at the time of a report.

Actual Knowledge means verbal or written notice to the University's Title IX Coordinator or any official who has the authority to institute corrective measures on behalf of the University.

Officials with Authority (OWA) are persons with authority to institute corrective measures or persons required to report sexual harassment, sex discrimination, or prohibited conduct of a sexual nature that may fall under this Policy. Officials With Authority to institute corrective measures are limited to the Title IX Coordinator, The Dean of Students, The Dean of the School of Theology, The Dean of the College, the Dean/Director of Graduate Programs, Human Resources, University President and Provost, and the Sewanee Police Department. Actual knowledge (or notice) results whenever the Title IX Coordinator or any OWA come into knowledge of and/or

1. Witnesses sexual harassment, sex discrimination, or prohibited conduct under this Policy;
2. Hears about allegations of sexual harassment, sex discrimination, or prohibited conduct of a sexual nature which may fall under this Policy;
3. Receives a written or verbal complaint about sexual harassment, sex discrimination, or prohibited conduct of a sexual nature which may fall under this Policy; or
4. Any other means.

Responsible Employee means any individual who is employed by Sewanee and not deemed to be a Confidential Employee. Responsible Employees are required by Sewanee to report Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of Sexual Harassment.

Forms of Sex Discrimination include sexual harassment, sexual assault, dating violence, domestic violence, stalking, and other forms of prohibited conduct (i.e. force, coercion, and complicity) each as defined in the University's Title IX and Sex Discrimination Policy.

IV. Elaboration and Process

Reporting Process. Mandatory Reporters are required to report information they receive about incidents of Sex Discrimination to the Title IX Office by utilizing the following word link:

- [ReportSexualMisconduct.sewanee.edu](https://reportsexualmisconduct.sewanee.edu)

Mandatory Reporters may also contact the Title IX Coordinator, Dr. Sylvia Gray, directly, but this does not take the place of reporting.

Dr. Gray may be using the following contact information:

- **Phone:** 931.598.1420 | **Office:** EQB Annex, 104-A | **Email:** titleix@sewanee.edu.

Under what special situations is reporting not necessary, even for mandatory reporters?

Mandatory Reporters are not required to report knowledge of possible sex discrimination in the following instances:

1. When the Mandatory Reporter is the complainant of an incident of sex discrimination. Individuals are not required to report on themselves. It is always the complainant's choice, even if the complainant is a mandatory reporter, to file a report for their own experience of sex discrimination.
2. A Mandatory Reporter becomes aware of prohibited conduct during the specific public awareness events listed here: Take Back the Night, Sewanee Monologues, and the Posse Plus Retreat.
3. A Mandatory Reporter learns of prohibited conduct after having received IRB approval of a very limited exception for research into the area of sexual violence, including sexual harassment, sexual assault, unwanted sexual misconduct, domestic violence, relationship abuse, stalking (including cyber-stalking), and dating violence. In this case, the following stipulations apply:
 - a. Researchers should note that the Mandatory Reporter of Title IX incidents exception for research applies only to disclosures of student-on-student sexual misconduct incidents made during the research project for which it was approved, and will not relieve researchers from other mandatory reporting responsibilities, such as child abuse to minors (persons under the age of 18). These reports may also be made using the reporting link above.
 - b. The Mandatory Reporter of Title IX incidents exception for research does not apply to minors (students under the age of 18).
 - c. The Mandatory Reporter of Title IX incidents exception for research extends to all researchers on the project for which an approval was granted, including staff and students named in the IRB application who are working on the project.
 - d. Informed consent disclosures to participants must include:
 - i. a statement that the researcher will NOT make reports UNLESS the disclosure involves a minor or the imminent risk of harm, and
 - ii. a link to the University's Title IX web page for information about support services and other Title IX information.

IMPORTANT EXCEPTION: Any disclosure involving a minor or demonstrating the imminent risk of harm to any individual **MUST** be reported, whether or not it would otherwise be considered a “special situation” that would not require reporting. In addition to reporting to the Title IX Office, Tennessee law requires that any person who knows or has reasonable cause to suspect that a minor has been sexually abused to make a report. Such incidents must be reported in accordance with the University’s Policy on Protection of Minors.

Why should people who are not mandatory reporters still report?

People who are not mandatory reporters, such as students who fall outside the scope of mandatory reporters, are often in the best position to observe or hear about various incidents of sex discrimination, harassment or other prohibited conduct of a sexual nature. Student bystanders and observant community members often provide timely and crucial information about sexual misconduct, allowing us to reach out to an affected student or colleague with resources, support, or other options. In addition, although they are not Mandatory Reporters, University Regents and Trustees have a special duty of care and concern to the University community, and are strongly encouraged to participate in training, education, and reporting incidents of sex discrimination, harassment or other prohibited conduct of a sexual nature that come to their attention.

Creating a safer Sewanee thus goes beyond adhering to mandated reporting under this Policy. All members of the Sewanee community are encouraged to be knowledgeable about the reporting mechanisms, including anonymous reporting, and to support individuals who have disclosed an incident that could be a violation of our Title IX and Sex Discrimination Policy.

V. Responsibility

The Provost is the University Official with responsibility for enforcement of this Policy. The Title IX Coordinator is responsible for day-to-day administration and implementation of this Policy.

VI. Revision

The University reserves the right to revise this Policy at any time and post to the Provost’s policies and procedures web page.

Effective Date: August 7, 2018