

## **Title IX Mandatory Reporters – Frequently Asked Questions**

### **1. What is Title IX?**

Title IX of the Education Amendments of 1972 (“Title IX”) is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Title IX has been applied to impose specific policy and procedural requirements on schools regarding responses to sexual assault, sexual harassment, other forms of sexual violence.

### **2. What is a Title IX Mandatory Reporter?**

Under Title IX, certain employees who know or reasonably should know of possible sexual harassment or sexual violence must report the information to the school’s Title IX coordinator or other designated official so that the school can promptly investigate and address the situation. Title IX uses the term “responsible employee” to describe this category of employees, but SPU chooses to use the term “Title IX Mandatory Reporter” for clarity.

Title IX guidance states that a Title IX Mandatory Reporter includes any employee: (a) who has the authority to take action to redress sexual violence; (b) who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or (c) whom a student could reasonably believe has this authority or duty.

### **3. Which Seattle Pacific University employees are Title IX Mandatory Reporters?**

SPU has designated all of its employees as “Title IX Mandatory Reporters,” except for pastoral counselors, professional counselors, Health Center staff, and student employees. However, these individuals are still expected to take certain actions when they receive information about sexual misconduct, as described in question 8, below. For purposes of determining who is a “pastoral counselor” and “professional counselor,” SPU uses the same definitions that apply when determining whether someone is a Campus Security Authority with a reporting obligation under the Clery Act (see “Campus Security Authorities – Frequently Asked Questions,” posted on the [SPU Title IX Website](#)). The term “Health Center staff” does not include Athletic Trainers (in other words, Athletic Trainers are viewed as mandatory reporters).

### **4. What types of sexual misconduct are Title IX Mandatory Reporters required to report?**

Under Title IX and SPU policy, Title IX Mandatory Reporters should report all incidents of sexual misconduct that occur on SPU property, that occur off-campus at an SPU event or activity, or where the suspected offender is an SPU student, employee, or guest. For this purpose, “sexual misconduct” means any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct includes, but is not limited to, sexual harassment, gender-based harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking (for definitions of these terms, see the Sexual Misconduct Policy in the [Student Handbook](#)). It is not necessary for a Title IX Mandatory Reporter to know for certain whether an incident has occurred to make a report; if he or she has a reasonable belief of possible sexual misconduct, he or she should make a report. The reason that incidents where the suspected offender is an SPU student, employee, or guest should be reported is to help SPU identify potential threats to people on campus. Also, even though

reporting is not always required when the victim is an SPU student or employee, it is still encouraged so that the victim can access available resources for support.

In considering whether to report a possible incident of sexual misconduct, it is important to remember that two purposes of Title IX are to promote environments that are free of sexual misconduct and to encourage schools to help students and employees who are victims of sexual misconduct find support. It is also important to remember that if a Title IX Mandatory Reporter is on notice that a member of the University community has experienced sexual misconduct but does not notify the appropriate University official, the University could be subject to liability and members of the University community could suffer additional harm.

#### **5. How do Title IX Mandatory Reporters report incidents of sexual misconduct?**

Title IX Mandatory Reporters should make reports to the University's Title IX Coordinator or to another designated sexual misconduct report receiver. A list of such persons and their contact information can be found on the [SPU Title IX Website](#).

Alternatively, a Title IX Mandatory Reporter can make a report online at the [SPU Online Reporting Form](#). The information provided online will automatically be transmitted to the Title IX Coordinator and to the Office of Safety and Security.

#### **6. What information should be contained in a report made by a Title IX Mandatory Reporter?**

Reports made by Title IX Mandatory Reporters of incidents of sexual misconduct should include:

- The name(s) of the alleged perpetrator(s), if known;
- The name(s) of the person(s) who experienced the alleged sexual misconduct;
- The names of any other students involved in the alleged sexual misconduct;
- The date, time, and location of the incident; and
- Any other relevant facts.

#### **7. How should a Title IX Mandatory Reporter respond to a person who discloses information about an incident of sexual misconduct?**

Title IX Mandatory Reporters should:

- Be supportive. The first reaction should be supportive. It is not the Title IX Mandatory Reporter's job to determine if the information being shared is true.
- Discuss confidentiality. Before a person reveals information he or she may wish to keep confidential, a Title IX Mandatory Reporter should attempt to ensure that the person understands:
  - The Title IX Mandatory Reporter's obligation to report information to designated SPU officials (i.e., names of people involved, and the date, time, and location of the incident);
  - The person's option to request that SPU maintain his or her confidentiality, which SPU officials will evaluate (for more information, see question 8, below); and
  - The person's ability to share the information confidentially with counseling, advocacy, health, and mental health service providers.

- Identify resources. Title IX Mandatory Reporters should direct people disclosing information to the resources listed on the Sexual Misconduct Policy website in the [Student Handbook](#).
- Mention interim measures. Title IX Mandatory Reporters should inform victims that they may be able to make changes to academic, living, transportation, and working situations while a disclosure is being investigated and addressed.
- Obtain information. The Title IX Mandatory Reporter should obtain the information that will need to be reported (see question 6, above).
- Mention SPU complaint procedures. The Title IX Mandatory Reporter should explain that notifying the Title IX Mandatory Reporter does not automatically initiate a formal complaint, but victims may file complaints with SPU. SPU complaint procedures are described on the Sexual Misconduct Policy website in the [Student Handbook](#).
- Mention criminal complaint procedures. Victims may also report the incident to local law enforcement, and the Office of Safety and Security is available to assist with this process.
- State that retaliation is prohibited. The Title IX Mandatory Reporter should tell the person that federal law and University policy prohibit retaliation, that SPU officials will take steps to prevent retaliation and take strong responsive action if it occurs, and that any retaliation should be reported.
- Explain follow-up. The Title IX Mandatory Reporter should explain that someone from the University will be following up with the individual about the conversation.
- Make a report. After the Title IX Mandatory Reporter has finished talking with the person, the Title IX Mandatory Reporter should promptly report the matter as described in question 5, above. If there is an imminent threat to safety, the Title IX Mandatory Reporter should notify the Office of Safety and Security immediately by calling (206) 281-2911.

**8. What should professional counselors, pastoral counselors, Health Center staff, student employees, and student leaders do, even if they are not Title IX Mandatory Reporters?**

*Student Employees and Student Leaders:*

Student employees and students in leadership positions (e.g., Resident Advisors, Student Ministry Coordinators, ASSP Officers) are not considered Title IX Mandatory Reporters by SPU. However, all students are encouraged to participate in ensuring that the University is free from sexual misconduct. Any student who has knowledge of an incident or alleged incident of sexual misconduct should strongly encourage the victim to speak with one of the sexual misconduct report receivers or should personally report the incident to a sexual misconduct report receiver if the victim is reluctant to do so (see the [SPU Title IX Website](#) for a list of sexual misconduct report receivers).

Also, Resident Advisors and Student Ministry Coordinators are expected to report to their Residence Life Coordinators any incidents of sexual misconduct that are disclosed to them. For this reason, Resident Advisors and Student Ministry Coordinators should:

- Inform the person disclosing information to them about:
  - The RA's / SMC's obligation to report information to designated SPU officials;
  - The person's option to request that SPU maintain his or her confidentiality, which SPU officials will evaluate; and

- The person's ability to share the information confidentially with counseling, advocacy, health, and mental health service providers.
- Be familiar with where victims of sexual misconduct can access information about on-campus and off-campus resources so that they can notify victims about the availability of such resources (a list of resources is included in the section “What to Do if You Are a Victim of Sexual Misconduct” in the Sexual Misconduct Policy located in the [Student Handbook](#)).
- Inform victims that they may make formal complaints to a sexual misconduct report receiver and report the incident to local law enforcement, and that the Office of Safety and Security can assist in making such a report.

*Professional Counselors, Pastoral Counselors and Health Center Staff:*

Even though pastoral and professional counselors and Health Center staff are not Title IX Mandatory Reporters, they should still inform individuals who disclose incidents of sexual misconduct to them about:

- their right to file a Title IX complaint with the University;
- their right to make a report to local law enforcement, and that the Office of Safety and Security can assist in making such a report;
- the availability of professional and pastoral counselors to assist in making a complaint or report;
- the availability of campus resources for counseling, medical, and academic support (for resources for students, see the Sexual Misconduct Policy in the [Student Handbook](#); for employees, talk with a sexual misconduct report receiver); and the fact that Title IX and SPU policy prohibit retaliation against individuals who report sexual misconduct, that SPU officials will take steps to prevent retaliation and take strong responsive action if it occurs, and that any retaliation should be reported.

**9. What does the University do after a Title IX Mandatory Reporter has made a report?**

The process that the University follows when it receives a report of an incident of sexual misconduct is described in the Sexual Misconduct Policy of the [Student Handbook](#). If an individual wants to make a formal complaint about an incident, then the applicable University procedure will depend on the type of incident and the identities of the parties. The [SPU Title IX Website](#) contains links to the different procedures that may apply (see sections titled “Additional Information for Students,” “Additional Information for Faculty,” and “Additional Information for Staff”).

**10. How should a Title IX Mandatory Reporter respond if a person asks that his or her name not be disclosed to the alleged perpetrator or that the University not investigate the incident?**

If a person requests that his or her name not be revealed to the alleged perpetrator or asks that SPU not investigate or seek action against the alleged perpetrator, the Title IX Mandatory Reporter should inform the student that honoring the request may limit SPU’s ability to respond fully to the incident. If the person persists in his or her request, SPU officials will need to determine whether or not the school can honor such a request while still seeking to provide a safe and nondiscriminatory environment for all students and employees, including the person who disclosed the sexual misconduct. Title IX Mandatory Reporters should not promise complete confidentiality or that no investigation will take place. SPU may

need to disclose certain information to comply with legal requirements (such as mandatory reporting laws involving minors, or federal laws requiring reporting of aggregate crime statistics), or to promote the safety of the campus. However, Title IX Mandatory Reporters can say that the University will take all reasonable steps to investigate and respond to an incident consistent with any request for confidentiality.