

Policy: Mandatory Reporting for Incidents of Sexual Harassment and Interpersonal Violence	Policy Number: I-6.14
Policy Owner(s): Title IX Office	Original Date: 9/16/2016
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I. **POLICY:** There are three federal laws that establish responsibilities for employees of universities to report crimes and incidents related to sexual harassment and interpersonal violence:

- Title VII of the Civil Rights Act of 1964 (Title VII)
- Title IX of the Education Amendments of 1972 (Title IX)
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act)

These laws are intended to protect members of the University community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “Responsible Employee.”

Consistent with these laws, the University has adopted this policy that defines **all** employees as Responsible Employees who have a mandatory duty to report incidents related to Sexual Harassment and Interpersonal Violence, except for any of the following employees:

- doctors
- nurses acting under the direction of a doctor
- licensed counselors
- ordained members of the clergy acting in that capacity

As a Responsible Employee, any University employee who becomes aware of possible sexual discrimination, including Sexual Harassment or Interpersonal Violence, must promptly inform the University within one (1) business day by contacting the Title IX Coordinator or one of the Deputy Title IX Coordinators listed in Appendix A of this policy. Reporting is required regardless of whether the matter involves students, faculty, staff, or visitors to the University. Fulfilling the duty to report does not entitle the Mandatory Reporter to receive a notice of outcome unless the Mandatory Reporter is the recipient of the conduct or the person alleged to have engaged in inappropriate conduct.

II. **PURPOSE**: This document outlines the University's policy regarding mandated reporting of suspected harassment or discrimination based on sex/gender under Title VII, Title IX and the Clery Act. This policy is in place to help make the University community aware of the mandatory duty to report possible sexual discrimination and the process for doing so. Sexual Harassment, which includes acts of Interpersonal Violence, is a type of sex discrimination.

III. **SCOPE**: All employees and volunteers of John Carroll University.

IV. **DEFINITIONS**:

Deputy Title IX Coordinator: a University employee who has been assigned the responsibility of receiving reports and complaints of Sexual Harassment and sexual discrimination falling under Title IX.

Interpersonal Violence: a form of Sexual Harassment. Interpersonal Violence for purposes of this policy refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts may fall into the category of Interpersonal Violence, including sexual assault, relationship violence, non-consensual sexual contact, stalking and sexual exploitation. Please see the University's Sexual Harassment and Interpersonal Violence policies for further information.

Responsible Employee: any University employee or volunteer who meets at least one of the following criteria: (1) has the authority to take action to redress Sexual Harassment or other sexual misconduct; (2) has been given a duty of reporting incidents of Sexual Harassment or other sexual misconduct to the Title IX Coordinator or to a Deputy Title IX Coordinator; or (3) is an employee whom an individual could reasonably believe has the above authority or duty. Under this policy, **all** University employees are deemed Responsible Employees with a mandated responsibility to report incidents related to Sexual Harassment or Interpersonal Violence, except for doctors; nurses acting under the direction of a doctor; licensed counselors; or ordained members of the clergy acting in that capacity.

Sexual Harassment: harassment based upon an individual's sex or gender which can include unwelcome sexual advances, requests for sexual favors, offensive references to sex, sexual orientation or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling someone a sexually charged name; stalking; spreading sexual rumors; rating someone on sexual activity or performance; or circulating, showing, or creating e-mails, social media postings, or Web sites of a sexual nature. Please see the University's

Interpersonal Violence and Sexual Harassment policies for further information.

Title IX Coordinator: the University employee having primary responsibility for tracking and overseeing reports and complaints of sex discrimination and Sexual Harassment falling under Title IX.

V. PROCEDURES:

A. Reporting Guidelines: How to Report

1. A Responsible Employee may report in person, by email, by phone, or electronically by using the Report Form found on the Title IX webpage located at: sites.jcu.edu/title-ix
2. This report form is also accessible using the Title IX link located in the footer of every University webpage titled: Title IX Reporting and Resources. Responsible Employees must identify themselves when reporting an incident to the Title IX Coordinator or to a Deputy Title IX Coordinator.
3. Anonymous reporting does not satisfy a Responsible Employee's duty to report incidents under this policy.

B. Responsible Employee reporting of Sexual Harassment or Interpersonal Violence

1. As defined above, any employee with a duty to report incidents to the Title IX Coordinator is considered a Responsible Employee. As a result, Responsible Employees are Mandatory Reporters for purposes of reporting Sexual Harassment or Interpersonal Violence.
2. When reporting sexual/gender based misconduct (including claims of Sexual Harassment and Interpersonal Violence as referenced above, as well as sex/gender discrimination or sexual orientation discrimination), Responsible Employees must provide full details of the incident, if known, including names of the parties involved, witnesses and any other relevant facts, including the date, time and specific location of the incident.
3. If an individual requests confidentiality or requests that no further action be taken, the Responsible Employee should share that information with the Title IX Coordinator or Deputy Title IX Coordinator at the time they report the incident.
4. The only exceptions to the Responsible Employee reporting requirements are:
 - a. privileged and confidential resources of doctors, nurses acting under the direction of a doctor, licensed counselors and ordained members of the clergy acting in that capacity, who will not report personally identifying or non-identifying information unless the

disclosing party gives permission or unless an imminent threat to self or others exists; and

- b. other staff members (not listed above) who work for the University Health Center (including nurses not acting under a doctor's direction), Violence Prevention and Action Center (VPAC), Counseling Center or Campus Ministry who are initially required to provide only a limited report to the Title IX Coordinator that includes the nature, date, time and general location of the incident, but these resources do not share any names or personally identifiable information in the report. These staff members are obligated to provide personally identifying information to the Title IX Coordinator or to law enforcement only in the following instances:
 - the disclosing party gives permission;
 - in the rare event that the incident reveals a need to protect the immediate safety of the disclosing party and/or other members of the University community based on the nature of the conduct alleged, including a pattern of conduct, predation, weapons, violence, or threat; and/or
 - when required by law to report a felony or to cooperate with an on-going criminal law enforcement investigation.
5. If after the initial report is received, it is determined that more information is needed, any Responsible Employee may be contacted by the Title IX Coordinator. It is the Responsible Employee's job is to cooperate fully with campus officials, providing any information/details requested, consistent with the obligations outlined in this policy.

C. Speaking with the Parties Involved

1. In speaking with the parties involved, the Responsible Employee must not promise confidentiality. Faculty and staff members do not have a special privilege or ability to maintain the confidentiality of reports shared with them.
2. If someone begins to discuss an incident of Sexual Harassment or Interpersonal Violence, the Responsible Employee could say the following:
3. *"I appreciate your willingness to share this information with me. Please know that I am here to help in any way that I can. If you would like to file a formal complaint with the University, I will help you connect with [the appropriate Title IX Coordinator or Deputy Title IX Coordinator], so that an investigation into this matter can begin. It is important that you understand that I cannot promise to keep what you share confidential. If you are still comfortable speaking with me, I am here to listen. If not, please let me help you*

connect with one of the University's confidential resources [Health Center (Doctors or Nurses acting under a Doctor's direction)/Counseling Center (Licensed Counselor)/ or ordained member of the clergy]. Above all, please know that the University takes this matter seriously and wants to help."

D. Other Reporting Obligations

1. Some incidences of Sexual Harassment or Interpersonal Violence may constitute a crime under federal or state law. Those crimes should be reported to John Carroll University Police Department or to the Title IX Coordinator, who will forward the information to the John Carroll University Police Department.
2. Under the Clery Act, certain designated individuals are deemed Campus Security Authorities with an obligation to report to the John Carroll University Police Department certain crimes defined under federal law. For further information, see the Annual Security Report on the John Carroll University Police Department website.

VI. **CROSS REFERENCES:**

Corrective Action Policy

Interpersonal Violence Policy

Sexual Harassment Policy

Title VII of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

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

Violence Against Women Reauthorization Act of 2013

Ohio Revised Code Section 2921.22 (Felony Reporting Statute)

Appendix A:

Title IX Reporting Offices for Incidents of Sexual Harassment and Interpersonal Violence

<p>All Complaints and Complaints Involving Visitors</p> <p>Eric T. Butler, J.D. Title IX Coordinator John Carroll University Administration Bldg., Room128 1 John Carroll Blvd. University Heights, OH 44118 216-397-1559 etbutler@jcu.edu</p>	<p>Complaints Involving Faculty</p> <p>James Krukones, Ph.D., Deputy Title IX Coordinator and Interim Academic Vice President John Carroll University Administration Bldg., Room 133E 1 John Carroll Blvd. University Heights, OH 44118 216-397-4762 jkrukones@jcu.edu</p>
<p>Complaints Involving Students</p> <p>Sherri Crahen, Ph.D., Deputy Title IX Coordinator and Associate Vice President for Student Affairs and Dean of Students John Carroll University Recreation Complex, Room 1 1 John Carroll Blvd. University Heights, OH 44118 216-397-4008 lbrown@jcu.edu</p>	<p>Complaints Involving Staff</p> <p>Leslie Beck, Deputy Title IX Coordinator and Human Resources Coordinator John Carroll University Rodman Hall, Room 25 1 John Carroll Blvd. University Heights, OH 44118 216-397-1726 lbeck@jcu.edu</p>
<p>Complaints Involving Athletics</p> <p>Russell Houser, Deputy Title IX Coordinator and Assistant Athletic Director DeCarlo Varsity Center, Room 110 1 John Carroll Blvd. University Heights, OH 44118 (216) 397-1997 rhouser@jcu.edu</p>	<p>Special Note:</p> <p>If you have a complaint regarding Sexual Harassment or Interpersonal Violence and for any reason feel uncomfortable about initiating a report/complaint with a designated Deputy Title IX Coordinator, please feel free to contact the Title IX Coordinator directly at (216) 397-1599 or etbutler@jcu.edu.</p>