



<b>Policy:</b> Mandatory Reporting for Incidents of Sexual Harassment, Interpersonal Violence, Discriminatory Acts and Hazing Activities	<b>Policy Number:</b> I-6.14
<b>Policy Owner(s):</b> Human Resources	<b>Original Date:</b> 9/16/2016
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I. **POLICY:** John Carroll University requires mandatory reporting of information by employees in certain circumstances in order to fulfill its mission and obligations in the following areas in compliance with certain federal and state laws:

- [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)
- [Clery Act](#) and Felony Reporting
  - The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act)
  - Ohio Revised Code Section 2921.22
- Hazing
  - The Report and Educate About Campus Hazing Act (REACH Act)
  - Collin’s Law: The Ohio Anti-Hazing Act
  - Ohio Revised Code Section 2903.31
- Discrimination
  - Title VII of the Civil Rights Act of 1964 (Title VII) and Ohio Revised Code 4112
  - Title VI of the Civil Rights Act of 1964 (Title VI)
  - Americans with Disability Act (ADA) and Ohio Revised Code 4112
  - Section 504 of the Rehabilitation Act and Ohio Revised Code 4122.022

- Age Discrimination in Employment Act (ADEA) and Ohio 4112
- Genetic Information Non-Discrimination Act (GINA)
- Other applicable federal or state non-discrimination laws

This policy is intended to protect members of the University community, visitors, and guests from criminal and discriminatory behavior, as well as [Hazing Activities](#). The responsibilities established by these laws and policies give rise to the term “[Responsible Employee](#),” which is the term the University uses to identify those with a duty to report under this policy.

**II. PURPOSE:** This document outlines the University’s policy regarding mandated reporting of suspected harassment or discrimination based on sex/gender under Title VII and Title IX, [Discriminatory Acts](#), conduct covered by the [Clery Act](#), as well as mandated reporting of hazing and other criminal activities based on Ohio law. This policy is in place to help make the University community aware of the mandatory duty to report possible sexual discrimination or harassment (including acts of [Interpersonal Violence](#)), other [Discriminatory Acts](#), criminal or felonious activity, possible [Hazing Activities](#) on campus, and to outline the process for doing so.

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

**IV. DEFINITIONS:**

**Appropriate Reporting Official:** the individual who is responsible for the collection and subsequent reporting of any violations of this policy brought to their attention. Although additional employees may be identified as [Appropriate Reporting Officials](#) pursuant to University policy, the following officials are the default reporting officials for the listed concerns:

- **Sexual Harassment & Interpersonal Violence** - Title IX Coordinator
- **Hazing** - Dean of Students
- **Discriminatory Acts** - Vice President for Diversity, Equity, and Inclusion
- **Clery Act/Felonious Crimes** - JCUPD Chief of Police

**Discriminatory Act:** includes 1) Discrimination, 2) Discriminatory Harassment, or 3) Hate Crime, as defined below and as more fully described in the JCU Non-Discrimination Policy.

**Discrimination** means an intentional adverse action that results in an individual or a group of persons being treated in a disparate or adverse manner, compared to others who are similarly situated, motivated in whole or in part on the basis of any of the following as defined and protected by applicable law: race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information.

**Discriminatory Harassment** means unwelcome objectively offensive

or intimidating intentional conduct of a verbal or physical nature, which, on the basis of race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information, has the purpose or effect of unreasonably interfering with an individual's working or learning conditions or performance, creates a hostile, intimidating, or offensive working or learning environment, or otherwise adversely affects an individual's employment or educational opportunities.

**Hate Crime** means a criminal offense under federal, state or local law that is motivated, in whole or in part, by actual or perceived membership in a protected group based on race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information. Such crimes typically manifest evidence that the victim(s) was intentionally selected because of an individual's bias against the victim(s). Hate crimes may include threatened, attempted, or actual crimes, such as assault and battery, vandalism, or other destruction of property, or verbal threats of physical harm.

**The Jeanne Clery Disclosure of Campus Security Protocol and Campus Crime Statistics Act of 1990 (20 U.S.C. § 1092(f))** (also known as "The Clery Act") defines Hate Crimes for the purposes of its reporting requirements. In compliance with this federal statute, annual statistics of criminal offenses, hate crimes, and violations of the Student Code of Conduct outlined must be disclosed in a yearly report. Any criminal offense (such as murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, or arson), or any incident of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that is motivated by an individual's or group's protected identity also must be reported as a Hate Crime.

**Hazing Activity:** any act towards or coercion of another individual, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including forcing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Ohio Revised Code. Hazing also includes any other act prohibited by the University's Prohibition of Hazing Activities Policy.

**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 their 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, [Discriminatory Acts](#), hazing, conduct covered by the [Clery Act](#), or other criminal activities; (2) has been given a duty of reporting incidents under this Policy to the [Appropriate Reporting Official](#); 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 pursuant to this policy, except for doctors providing medical advice; nurses acting under the direction of a doctor; licensed counselors; or ordained members of the clergy acting in that capacity.

**Sexual Harassment:** as defined in JCU's University's Sexual Harassment and Interpersonal Violence Policy

## V. **PROCEDURES:**

### A. Reporting Guidelines: How to Report

1. A [Responsible Employee](#) may report in person, by email, by phone, or electronically the knowledge of any [Sexual Harassment](#) or discrimination, other [Discriminatory Act](#), [Hazing Activities](#), or conduct covered by the Clery Act or other criminal activities to the [Appropriate Reporting Official](#) either directly or as provided in the applicable policy, such as the Sexual Harassment and Interpersonal Violence Policy or the Non-Discrimination Policy.
2. [Responsible Employees](#) must identify themselves when reporting an incident to the [Appropriate Reporting Official](#).
3. Anonymous reporting does not satisfy a [Responsible Employee](#)'s duty to report incidents under this policy.
4. [Responsible Employees](#) must provide full details of a reportable incident, if known, including names of the parties involved, witnesses and any other relevant facts, such as the date, time and specific location of the incident.

### B. Responsible Employee Reporting of [Sexual Harassment](#) or [Interpersonal Violence](#)

1. As a [Responsible Employee](#), any University employee who becomes aware of possible sexual discrimination - including [Sexual Harassment](#) or [Interpersonal Violence](#) - are required to disclose that information to the [Appropriate Reporting Official](#) promptly, within one (1) business day, and must provide full details of the incident, if known. 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 [Responsible Employee](#) to receive a notice of outcome

unless the [Responsible Employee](#) is the recipient of the conduct or the person alleged to have engaged in inappropriate conduct.

2. If an individual requests confidentiality or requests that no further action be taken, the [Responsible Employee](#) should share that information with the [Appropriate Reporting Official](#) at the time they report the incident.
3. If after the initial report is received, it is determined that more information is needed, any [Responsible Employee](#) may be contacted by the [Appropriate Reporting Official](#). 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. [Reporting of Hazing Activities](#)

1. All employees and volunteers of the University who learn of [Hazing Activities](#) or other violations of the University's Prohibition on Hazing Activities policy taking place on or off campus are required to disclose that information to the [Appropriate Reporting Official](#) promptly, within one (1) business day, and must provide full details of the incident, if known. Fulfilling the duty to report does not entitle the [Responsible Employee](#) to receive a notice of outcome unless the [Responsible Employee](#) is the recipient of the conduct or the person alleged to have engaged in inappropriate conduct.
2. If an individual is involved in [Hazing Activities](#), then that individual, whether victim or perpetrator, may not request confidentiality or that no further action is taken regarding the report.
3. If after the initial report is received, it is determined that more information is needed, any individual who reported the incident may be contacted by the [Appropriate Reporting Official](#). It is the individual's job is to cooperate fully with campus officials, providing any information/details requested, consistent with the obligations outlined in this policy.

#### D. [Reporting of Discriminatory Acts](#)

1. All employees and volunteers of the University who learn of [Discriminatory Acts](#) or practices being conducted on University property or related to a JCU community member are required to disclose that information to the [Appropriate Reporting Official](#) promptly, within one (1) business day, and must provide full details of the incident, if known. Fulfilling the duty to report does not entitle the [Responsible Employee](#) to receive a notice of outcome unless the [Responsible Employee](#) is the recipient of the conduct or the person alleged to have engaged in inappropriate conduct.
2. If after the initial report is received, it is determined that more information is needed, any individual who reported the incident may be

contacted by the [Appropriate Reporting Official](#). It is the individual's job is to cooperate fully with campus officials, providing any information/details requested, consistent with the obligations outlined in this policy.

#### E. Additional Procedures for Reporting

1. [Sexual Harassment](#) & [Interpersonal Violence](#) or [Discriminatory Acts](#)
  - a. Some incidences of [Sexual Harassment](#) or [Interpersonal Violence](#) or [Discriminatory Acts](#) may constitute a crime under federal or state law. Those crimes should be reported to John Carroll University Police Department or to the [Appropriate Reporting Official](#), who will forward the information to the John Carroll University Police Department.
2. [Clergy Act](#)/Felony Activity
  - a. Under the [Clergy 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 on JCU's designated Campus Security Authorities and Covered crimes, see the Annual Security Report on the John Carroll University Police Department website.
  - b. The University requires [Responsible Employees](#) to report all felony crimes to the John Carroll University Police Department and any other applicable law enforcement consistent with Ohio law.
3. This policy does not override or rescind a University employee's duty to abide by any other mandatory reporting policies issued by John Carroll University.

#### F. Exceptions

1. The only exceptions to the Responsible Employee reporting requirements are:
  - a. privileged and confidential resources of doctors, or nurses acting under the direction of a doctor,
  - b. licensed counselors
  - c. 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
  - d. in relation to the [Sexual Harassment](#) and Interpersonal Violence Policy, other staff members (not listed above) who work for the University Health Center (including nurses not acting under a doctor's direction), Counseling Center or Campus Ministry who are initially required to provide only a limited report concerning violations of the University's [Sexual Harassment & Interpersonal Violence Policy](#) 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. For this particular category of information, these staff members are obligated to provide personally identifying information to the [Appropriate Reporting Official](#) or to law enforcement in the following instances:

- the disclosing party gives permission;
- 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.

**VI. CROSS REFERENCES:**

[Sexual Harassment and Interpersonal Violence Policy](#)

[Non-Discrimination and Non-Harassment Policy](#)

[Workplace Violence Policy](#)

[Title VI and VII of the Civil Rights Act of 1964](#)

[Title IX of the Education Amendments of 1972](#)

[Americans with Disabilities Act and Section 504 of the Rehabilitation Act](#)

[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 \(Felony Reporting Statute\)](#)

[Collin's Law: The Ohio Anti-Hazing Act](#)

[Ohio Revised Code Section 2903.31 \(Hazing\)](#)