Mandatory Reporter Policy

Purpose
The University is deemed to have notice of sexual misconduct in violation of 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 sexual misconduct, 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 sexual misconduct and how the report must be made.

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

Definitions
Mandatory Reporter: The following are Mandatory Reporters required to comply with the reporting procedures of this Policy:

- All 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.
- Student leaders officially designated as mandatory reporters by virtue of their position (these include proctors, orientation leaders, and FYP mentors)
- Sewanee police department personnel;
- Any visiting faculty member involved in staffing a summer program
- Title IX and Deputy Title IX Coordinators;
- 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 sexual misconduct in order to provide appropriate response and support to students. 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.

**Sexual Misconduct** includes sexual assault, sexual exploitation, sexual harassment, dating violence, domestic violence and stalking, each as defined in the University’s [Sexual Misconduct Policy](#).

**Elaboration and Process**

**Reporting Process**

Mandatory Reporters are required to report information they receive about incidents of Sexual Misconduct to the Title IX Office by utilizing the following link: [https://cm.maxient.com/reportingform.php?Sewanee&layout_id=3](https://cm.maxient.com/reportingform.php?Sewanee&layout_id=3)

Mandatory Reporters may also contact the Title IX Coordinator, Dr. Sylvia Gray, directly, but this does not take the place of reporting using the above link. Dr. Gray may be reached by phone at 931.598.1420, in person at her office, Woods Lab 138, or by email at, smgray@sewanee.edu or 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 sexual misconduct in the following instances:

- A Mandatory Reporter becomes aware of prohibited conduct during a public awareness event such as Take Back the Night or Sewanee Monologues
- 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:
  1. 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 or neglect reporting obligations.
  2. The Mandatory Reporter of Title IX incidents exception for research does not apply to minors (students under the age of 18).
  3. 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.
  4. Informed consent disclosures to participants must include: (a) a statement that the researcher will NOT make reports UNLESS the disclosure involves a minor or the imminent risk of harm, and (b) a link to the University’s Title IX 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 other students, are often in the best position to observe or hear about incidents of sexual misconduct. Student bystanders, University staff such as custodians and dining hall employees, and observant community members often provide timely and crucial information about sexual misconduct, allowing us to reach out to an affected student with resources, interim measures, and 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 report incidents of Sexual Misconduct 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 Sexual Misconduct Policy.

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.

Effective Date: August 7, 2018