

What Are Your Reporting Duties Under Title IX?

By Dr. Katie Rose Guest Pryal

Many institutions now require all faculty and staff to report to the institution's Title IX office any time a student confides that they have been stalked, sexually assaulted, sexually harassed and more. If the student has been a victim of any of the behaviors that fall under the jurisdiction of the Title IX office, the office wants to know about it—which means that you must tell them. Faculty and staff have become “mandatory reporters,” also called “responsible employees.”



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The knowledge that you must report can be startling to faculty and staff. If you have already been trained in the new Title IX reporting rules, you might have heard about these new requirements already.

But you might be asking yourself, can my institution really make me report? How can forcing me to tell a virtual stranger the painful, private information that a student trusted me with be a good thing?

Answer: It isn't always a good thing. But that's not the point.

Title IX requirements in a nutshell

First, let's look at what the law—still a little fuzzy, and still in flux—actually says. Remember: each campus is a little bit different, so be sure to check out the specific rules pertaining to your particular campus.

In general, though, under the guidelines issued by the Department of Education's Office of Civil Rights (OCR), unless specifically exempted from this duty, staff and faculty, including *student* employees, are “mandatory reporters” or “responsible employees,” even if they have not been trained as such and *even if they don't know* about their obligation to report.

Why would OCR put this duty, one might say “burden,” on faculty and staff? The reason for the “responsible employee” duty is to put the institution on notice: “OCR deems an institution to have notice of student-on-student sexual harassment and/or misconduct if a ‘responsible employee’ knew, or in the exercise of reasonable care should have known, that harassment/misconduct occurred.”

Thus, if a responsible employee knew about harm to one of its students, then OCR presumes that the school knew. If the school knew, then OCR can hold the school responsible for failing to protect its students. The responsible employee rule allows OCR to connect those dots.

So then what exactly, according to the law, is a responsible employee? According to OCR, a responsible employee is someone who: (1) has authority to take action to redress harassment, (2) has the duty to officially report the harassment to the school's Title IX coordinator and (3) is a person whom a student could reasonably believe has this authority.

Although you may not believe that you fall into this designation, your school might believe that you do. If you

haven't been trained in mandatory reporting already by your Title IX coordinator, then you need to find out what your reporting duties are.

Speaking of your Title IX coordinator, who is *that*? The Title IX coordinator's main job, according to OCR, is “coordinating the school's compliance with Title IX.”

Schools have a duty to “notify all students and employees of the name or title and contact information of the Title IX coordinator.” What do Title IX coordinators do? Primarily, they handle complaints: “The coordinator's responsibilities include overseeing all complaints of sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.”

Discomfort with mandatory reporting

Not all university employees are comfortable with their duties as mandatory reporters. *Inside Higher Education* reported on this phenomenon last year, and it has continued to concern university employees. If you don't want to break your campus's policies on mandatory reporting but you still want to help students who need someone to talk to, here are some ideas for what you can do.

When a student asks if she can speak with you about something sensitive, pause her before she can tell you something you must report. Sympathetically explain your school's rules on mandatory reporting. Then ask if the student wants to proceed with the conversation.

1. If the student wants to proceed, after you talk, **offer to escort the student to the Title IX office yourself.** After all, she trusted you with this information in the first place. Having you as a friend when filing the official complaint would be very helpful.

2. If the student does not want her story reported to the Title IX office, be prepared to **give her information about off-campus resources** where she can find someone safe to talk to. These resources need to be free and easily accessible. You need to familiarize yourself with the local rape crisis center before such a need arises.

Once a student comes to you with a need for off-campus services, **offer to drive her—right then.** If you make her wait, she may never go. Offer to pick her up later, when she's done.

If your area does not have a rape crisis center or similar service, have the national rape crisis hotlines handy. Then, **right then, offer her your private office space as a place to make her initial call.** She came to you to talk at that moment—who knows when she'll get the courage up again to speak with someone. Say, “I need to go grab a cup of coffee. Why don't you use my office for ten minutes?” Then she can sit in real privacy for ten minutes, having the conversation she worked up the courage to have, knowing that someone—you—is out there caring about her. 📖

Dr. Katie Rose Guest Pryal is a novelist, attorney and journalist who covers disability and mental health, higher education and campus rape, creativity, racial justice, sexism, motherhood and more.

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