

Mandatory Reporters **What's My Obligation to Report?** *Title IX and Clery Act*

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Presentation Objectives

1. Understand mandatory reporting obligations under Title IX and Clery Act
2. Learn how and to whom to make reports to
3. Learn what to say and do
4. Scenario-based experience on how to handle disclosures

Title IX Overview

Promotes equal opportunity by providing that no person may be subjected to discrimination on the basis of sex under any educational program or activity receiving federal financial assistance. A school must respond promptly and effectively to sexual harassment, including sexual violence, that creates a hostile environment.

Clery Act Overview

Promotes campus safety by ensuring that students, employees, parents, and the broader community are well-informed about important public safety and crime prevention matters. Institutions that receive Title IV funds must disclose accurate and complete crime statistics for incidents that are reported to Campus Security Authorities (CSAs) and local law enforcement as having occurred on or near the campus.

Mandatory Reporters Overlap

Title IX-Responsible Employee

Any employee who has the authority to take action to redress sexual violence, who has been given the duty to report to appropriate school officials about incidents of sexual violence or any other misconduct by students, or who a student could reasonably believe has this authority or responsibility.

Dean of Students, Campus Police,
HR/Title IX Coordinator, Faculty,
Coaches, Advisors, Resident
Assistants

Clery Act-Campus Security Authority

Any employee who has individual responsibility for campus security, including but not limited to campus police/security, any employee or department designated as who criminal offenses should be reported to, any official of an institution who has a significant responsibility for student and campus activities.

Dean of Students, Campus Police,
Resident Assistants, Coaches,
Advisors, Faculty Club/Org. Advisors

Exemptions to Reporting

Privileged

A professional counselor, licensed or working under licensed supervisor, working as an employee or contractor to provide counseling at institution.

A pastoral or religious counselor.

Student Health Center, Counseling
Center, Faculty serving as Counselor

Confidential

Victim advocacy office that provides assistance to survivors of sexual violence. Required to report aggregate data, but not any personally identifiable information without student's consent.

HU-CARES

**Designated as confidential because of NMHU
Policy and privilege status in NM.*

Policy Statement on the Prevention of and Response to Sex Offenses, Domestic Violence, and Stalking

NMHU / CAMPUS LIFE / HU CARES

HU Cares

The Center Advocacy Resources Education Support "HU-CARES" program provides a web of collaborative services and support to students who are victim/survivors of domestic violence, dating violence, sexual assault, stalking and suicide prevention. Services include counseling, advocacy, and connect with community service providers. HU-CARES also provides educational outreach and prevention, and coordinates trainings for students, faculty, and staff.

What is Dating and Domestic Violence? | What is Sexual Assault? | What is Stalking?

Contact Us | Resources | Suicide Prevention | Sexual Abuse Resources | LGBTQ

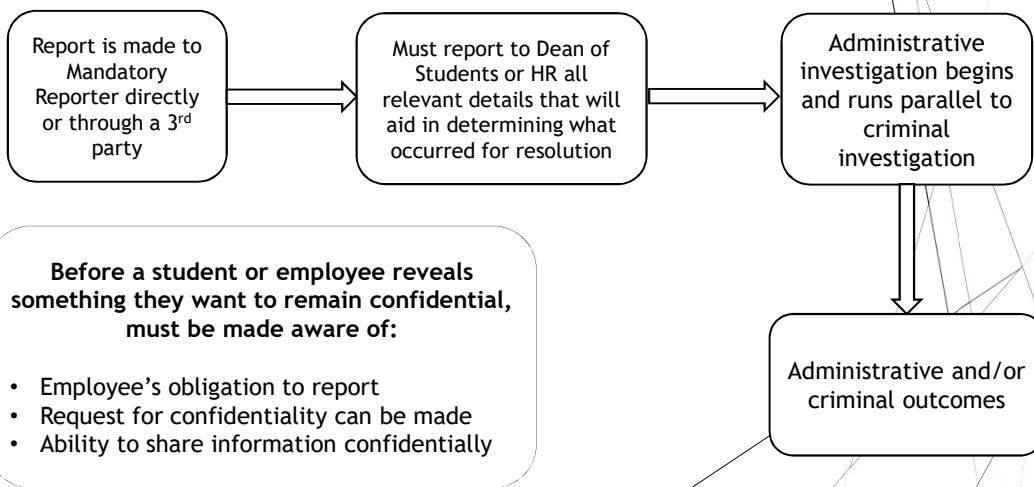
Policy Statement Regarding the Prevention of and Response to Sex Offenses, Domestic Violence and Stalking

EMERGENCY

In case of an emergency, please dial 911 or
On campus, dial 5555
After-hours rape crisis 505.425.1048

www.nmhu.edu/prevention

How to Report



Next Steps:

- ▶ There are some things to consider when responding to a disclosure and supporting a student in crisis

How to support a survivor

- ▶ Believe
- ▶ Listen
- ▶ Respect
- ▶ Inform
- ▶ Choices/Referral
- ▶ Reassure
- ▶ Follow Up
- ▶ Self-Care

Do's and Don'ts

What to say...

I can see that this has made you feel upset/angry/scared.
 You are brave/strong to share this with me.
 Thank you for doing this.
 I will do my best to help get you support.
 Let me tell you about resources available
 (HU-CARES: Can I contact them for you?)

What NOT to say...

What were you wearing?
 What did you say to make him/her mad?
 How much did you have to drink?
 Did you just say "No" or Did you fight back?
 Why didn't you just leave?
 He or she should be expelled, punished etc.
 I promise not to tell anyone.

Do's and Don'ts

What to do...

Listen
 Be mindful of non-verbal communication
 Express empathy and compassion
 Be patient
 Seek guidance and support when needed

What NOT to do...

Express judgment
 Express outrage
 Make assumptions
 Push for details
 Make promises
 Take on the role of "Investigator"

How would you handle this report...

Scenario #1

Your graduate assistant asks to meet with you in your office. You agree and welcome the student into your office. You settle in and ask the student how you can help her. She states that she thinks she was raped. What do you do next?

Answer

► Type in summary of answer

How would you handle this report...

Scenario #2

During a university sponsored trip in which you are a club advisor, a student blurts out to you that he was sexually assaulted in his residence hall by someone he knows. He is crying as he begins to share more details about what took place. What do you do?

Answer

▶ Type in summary of answer

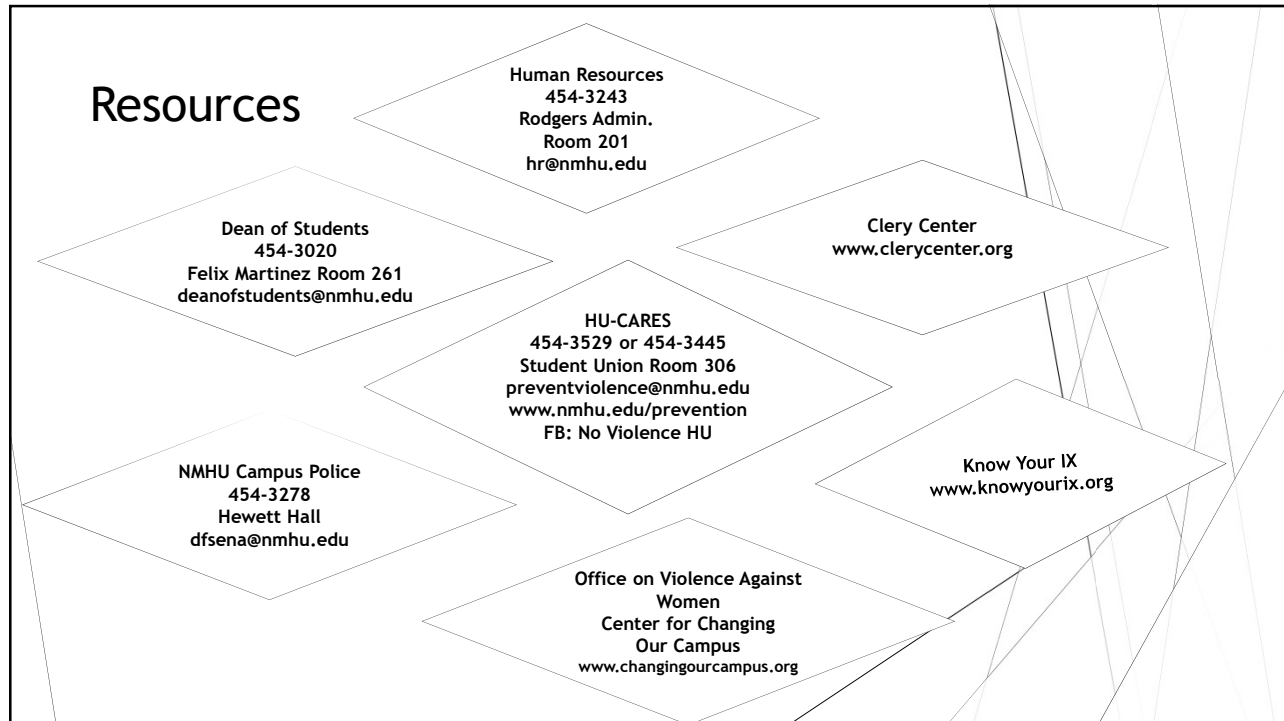
How would you handle this report...

Scenario #3

One of your coworkers tells you that she is uncomfortable around another coworker because sexually suggestive comments and advances are being made towards her. What do you do?

Answer

► Type in summary of answer



Test Questions?

- ▶ Where do reports involving a student go?
 - ▶ Dean of Students Office
- ▶ Where do reports involving an employee go?
 - ▶ Human Resources
- ▶ Where are the Confidential reporting places on campus?
 - ▶ HU-CARES
 - ▶ Student Health Center
 - ▶ Counseling Center
 - ▶ Faculty member serving as counselor
- ▶ What are some things to do when supporting a survivor? List at least 3