



| MANDATORY REPORTER POLICY | |
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| Approved By: | Executive Council |
| Responsible Officer: | Title IX Coordinator / Director, Risk Management |
| Contact Number for Questions / Interpretations: | 765-677-2175 |
| Responsible Office: | Office of Risk Management & Legal Affairs |
| History: | Originally Issued: 8/24/15 |
| | Revision Date(s): 9/13/17; 8/13/20 |
| Policy Search Terms / Alternate Names: | Title IX; Clery Act; Title VII; Harassment; Discrimination; Sexual Misconduct; Assault; Rape; Battery; Crime |
| Related Policies: | Non-Discrimination Policy; Anti-Harassment Policy; Protection of Minors Policy; Consensual Relationships Policy; Sensitive Crimes Policy; Statement of Non-Discrimination in University Programs; Equity and Diversity Including Harassment |
| References: | Title IX of the U.S. Education Amendments of 1972 (20 U.S.C. §§ 1681–1688); Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (20 U.S.C. § 1092(f)); Title VII of the Civil Rights Act of 1964. |
| Who Should Know This Policy: | The entire IWU community, including all employees, volunteers, students, and contractors |

PURPOSE

This document outlines the University’s policy regarding mandated reporting of suspected discrimination, including harassment, based on protected class status, sexual misconduct, and crimes. It briefly explains the meaning and purpose of mandatory reporters, the legal context, and articulates a straightforward set of guidelines for all members of the campus community to follow.

DEFINITIONS

“Discriminatory Harassment” is harassment based upon an individual’s actual or perceived membership in a protected class. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating.

“Protected class” means age, race, color, national origin, sex, disability, genetic information, and veteran status.

“Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct (Quid Pro Quo);
- (2) Unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or,
- (3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.

POLICY

Applicable Laws

There are three federal laws that establish responsibilities for employees to report certain types of crimes and incidents, especially sexual misconduct—the Clery Act, Title VII of the Civil Rights Act, and Title IX. Each of these areas of federal law has a different purpose, but generally, the 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 “mandatory reporter.”

Additionally, state laws in Indiana, Ohio, Kentucky, and Illinois have mandatory reporting requirements for suspected child abuse and sexual abuse. See the [“Protection of Minors Policy”](#) for more details.

Your Duty

To make it easier to know what you need to do, the University defines ALL EMPLOYEES as mandatory reporters EXCEPT Health Center nurses and physicians, the Victim Advocate Liaison, Center for Student Success counselors, Graduate Clinic counselors and trainees, Spiritcare Chaplains, the Dean of the Chapel, and the Campus Pastor. As a mandatory reporter, if you become aware of possible discrimination, including harassment, sexual misconduct, or a crime, you MUST inform the University by contacting one of the Designated Reporting Offices below or utilizing either the University Incident Reporting System or the Ethics Hotline. Reporting is required regardless of whether the discrimination involves students, faculty, staff, or visitors to the University.

When you report, you may be able to *initially* withhold personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, location, etc.), in cases where the alleged victim is hesitant to have a formal report made. Subsequently, campus officials may need additional information from you. Your job is to cooperate fully with campus officials, providing any information/details requested.

| DESIGNATED REPORTING OFFICES | |
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| For Incidents Involving: | Contact: |
| IWU Marion (Residential) Students | Jason Stephens Deputy Title IX Coordinator, IWU Marion Students (765) 677-2061 jason.stephens@indwes.edu |
| National & Global (Non-Residential) Students | Carson Castleman Deputy Title IX Coordinator, National & Global Students (800) 621-8667 x3600 carson.castleman@indwes.edu |
| EMPLOYEES (including student employees) | Mark Pederson Deputy Title IX Coordinator, Employees (765) 677-3412 mark.pederson@indwes.edu |
| <ul style="list-style-type: none"> • ANY STUDENT • EMPLOYEES • VISITORS • CONTRACTORS / VENDORS | Neil Rush Title IX Coordinator (765) 677-2175 neil.rush@indwes.edu |
| CRIMES (involving all IWU community members) | Campus Police (or if Non-Residential, nearest law enforcement jurisdiction) 765-677-4911 |
| OTHER REPORTING OPTIONS | |
| University Incident Reporting System | https://www.indwes.edu/incidentreport |
| Ethics Hotline | Online: http://www.indwes.edu.ethicspoint.com/ Toll Free Phone: 844-286-6028 |

Speaking with Victims/Witnesses

In speaking with a victim or witness, you SHOULD NOT promise confidentiality. Faculty and staff members do not have a special privilege or ability to maintain the confidentiality of reports shared with them. If someone begins to discuss an incident of discrimination, harassment, and/or sexual misconduct, you might want to say something like the following:

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 Designated Reporting Office], so that it can begin investigating this matter.

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 following University's confidential resources:

- *Victim Advocate Liaison 765-677-3350*
- *Health Center x2206*
- *Center for Student Success x 2257*
- *Dean of the Chapel x 1771*
- *Campus Pastor x 3797*
- *Graduate Counseling Clinic x 2571 – Marion; 317-713-6154 – Indianapolis*
- *Spiritcare Chaplaincy x 1830*

Above all, please know that the University takes this matter seriously and wants to help.