



<b>MANDATORY REPORTER POLICY</b>	
<b>Approved By:</b>	Executive Council
<b>Responsible Officer:</b>	Title IX Coordinator / Director, Risk Management & Compliance
<b>Contact Number for Questions / Interpretations:</b>	765-677-2175
<b>Responsible Office:</b>	Office of Risk Management & Compliance
<b>History:</b>	<b>Originally Issued:</b> 8/24/15
	<b>Revision Date(s):</b>
<b>Policy Search Terms / Alternate Names:</b>	Title IX; Clery Act; Title VII; Harassment; Discrimination; Sexual Misconduct; Assault; Rape; Battery; Crime
<b>Related Policies:</b>	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
<b>References:</b>	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.
<b>Who Should Know This Policy:</b>	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”** is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating e-mails or Web sites of a sexual nature.

**“Sexual Violence”** is a form of sexual harassment. Sexual 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 the influence of drugs and/or alcohol on the victim. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

## 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.

<b>DESIGNATED REPORTING OFFICES</b>	
<b>For Incidents Involving:</b>	<b>Contact:</b>
<b>RESIDENTIAL</b> Students	Andrew Parker, Deputy Title IX Coordinator, Residential Dean for Developmental Learning Life Calling and Integrative Learning Barnes Student Center, Suite 282 765.677.1989 <a href="mailto:andrew.parker@indwes.edu">andrew.parker@indwes.edu</a>
<b>NON-RESIDENTIAL</b> Students	Dr. Carson Castleman, Deputy Title IX Coordinator, Non-Residential Associate Vice President, Regional Education Cincinnati Education Center 9286 Schulze Drive, West Chester, OH 45069 800-621-8667 x3600 <a href="mailto:carson.castleman@indwes.edu">carson.castleman@indwes.edu</a>
<b>EMPLOYEES</b> (including student employees)	Mark Pederson, Deputy Title IX Coordinator, Employees Executive Director for Human Resources Maxwell Center for Business & Leadership, Suite 130 765.677.3412 <a href="mailto:mark.pederson@indwes.edu">mark.pederson@indwes.edu</a>
<ul style="list-style-type: none"><li>• <b>ANY STUDENT</b></li><li>• <b>EMPLOYEES</b></li><li>• <b>VISITORS</b></li><li>• <b>CONTRACTORS / VENDORS</b></li></ul>	Neil Rush, Title IX Coordinator Director of Risk Management and Compliance Maxwell Center for Business & Leadership, Suite 212 765.677.2175 <a href="mailto:neil.rush@indwes.edu">neil.rush@indwes.edu</a>
<b>CRIMES</b> (involving all IWU community members)	Campus Police (or if Non-Residential, nearest law enforcement jurisdiction) 765-677-4911
<b>OTHER REPORTING OPTIONS</b>	
<b>University Incident Reporting System</b>	<a href="https://www.indwes.edu/incidentreport">https://www.indwes.edu/incidentreport</a>
<b>Ethics Hotline</b>	Online: <a href="http://www.indwes.edu.ethicspoint.com/">http://www.indwes.edu.ethicspoint.com/</a> 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.*