

Mandatory Reporting

Information for Faculty/Staff

The University of Memphis is required to comply with Title IX regulations for addressing sexual misconduct. In order to do so, the University adopted its Sexual Misconduct and Domestic Violence Policy (GE 2031). Sexual misconduct is not tolerated at the University, and reports of sexual misconduct are taken very seriously. In order to be compliant with Title IX, any incident of sexual misconduct that is reported, observed, or suspected by a faculty/staff member must be reported to the University. The following guidelines outline the responsibilities and obligations of the University's Mandatory Reporters.

MANDATORY REPORTING POLICY

As a part of the University's sexual misconduct policy, it is mandated that faculty and staff report any instance of sexual misconduct that is observed, suspected, or disclosed to them by a member of the University community. The policy states that a Mandatory Reporter is: **(1)** any University employee who has the authority to redress sexual misconduct; **(2)** who has the duty to report incidents of sexual misconduct; or, **(3)** whom a student could reasonably believe has this authority or duty.

WHO IS A MANDATORY REPORTER?

Title IX identifies mandated reporters as *Responsible Employees*, the University identifies these members as Mandatory Reporters. For purposes of the Sexual Misconduct and Domestic Violence Policy, the following individuals are identified as Mandatory Reporters for the University of Memphis:

(1) President, Senior Vice President, Provost, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents; **(2)** Deans, Associate Deans, Assistant Deans, Directors, Associate Directors, Assistant Directors, Department Chairs/Heads; **(3)** Faculty and Graduate Teaching Assistants; **(4)** Academic Advisors; **(5)** Advisors for student organizations, including volunteers; **(6)** Residence Hall/Housing Staff, including Resident Assistants; **(7)** Athletic Coaches and Trainers; **(8)** Employees who occupy a supervisory or management position (i.e. an employee who has the authority to hire, transfer, suspend, discharge or discipline employees or will have their recommendations given significant import); **(9)** Title IX Coordinator, Title IX Deputy Coordinators, and designees; **(10)** University Police; **(11)** Campus Security Authorities.

WHAT MUST BE REPORTED

Sexual misconduct is a form of sex discrimination prohibited by Title IX and the University. The University is committed to eliminating any and all acts of sexual misconduct and discrimination on its campus. In order to be compliant with mandatory reporting obligations, it is important to first understand the definition of sexual misconduct. The following are defined as reportable incidents of sexual misconduct:

- ❖ **Sexual Assault** - Non-consensual, forced, or coerced sexual contact/sexual acts with a person
- ❖ **Domestic Violence** - Physical violence/intentionally causing fear of violence or harm to a person or their property, committed by a current/former spouse, live-in significant other, or a person related by blood or marriage.
- ❖ **Dating Violence** - Physical violence/intentionally causing fear of violence or harm to a person or their property, committed when two people are dating/have dated or have/had a sexual relationship
- ❖ **Stalking** - Repeated or continued harassment or non-consensual contact that causes a person to feel terrorized, frightened, threatened, intimidated, harassed, or molested

HOW TO REPORT

As soon as you know or reasonably should know of a reportable incident, it is important to make a report immediately. Reports may be made in-person, via telephone, via email, or online. The University is committed to providing a variety of accessible means for reporting incidents of sexual misconduct. Reports may be made to the following departments:

- ❖ Title IX Coordinator/Director
- ❖ Office for Institutional Equity
- ❖ University of Memphis Police Services
- ❖ Vice President for Student Affairs
- ❖ Office of Student Accountability, Outreach & Support

When a report of sexual misconduct is disclosed, observed, or suspected, confidentiality cannot be guaranteed to the complainant due to the requirements for reporting these instances, but will be handled in as private a manner as possible. The only exceptions to the mandatory reporting guidelines are; if the report is made to a professional licensed counselor at the University's Counseling Center or to professional medical healthcare providers at the University's Student Health Center.

FAILURE TO REPORT

Failure to report an incident of Sexual Misconduct could result in negative consequences for the involved parties, the University, and the Mandatory Reporter. This may include:

For the Involved Parties:

- ❖ Further risk of harm to a Complainant
- ❖ Delayed accountability and, if behavior continues, risk of additional discipline for a Respondent

For the Mandatory Reporter:

- ❖ Disciplinary actions, probation, or demotion
- ❖ Loss of employment
- ❖ Possible personal liability
- ❖ Attorney's fees for a personal attorney
- ❖ Time, efforts, and stress of defending a lawsuit
- ❖ Loss of professional reputation

REPORTING TIPS

- ❖ It is not required to inform a student that you have to make a report to the University, but it is recommended to notify the student of your duty to do so.
- ❖ Consider using the Mandatory Reporter ID card to advise of your reporting obligations and to inform of confidential reporting options so that students can make an informed decision.
- ❖ After reporting, do not expect any form of follow-up/disclosure pertaining to the matter. Reporting does not equal involvement.

GE 2031 POLICY INFORMATION

For reference or further information regarding the University's Sexual Misconduct and Domestic Violence Policy, details can be located at:

<https://umwa.memphis.edu/umpolicies/UM1786.htm>

REPORTING RESOURCES

Reports may be made in-person, via email or phone or online to any of the following:

- ❖ **Title IX Coordinator**
Mr. Kenneth Anderson
156 Administration Building
(901) 678-2713
- ❖ **Office for Institutional Equity**
156 Administration Building
(901) 678-2713
oie@memphis.edu
<http://www.memphis.edu/oie/>
(website has online complaint form)
- ❖ **Office of Student Accountability, Outreach & Support**
359 University Center
(901) 678-2298
studentconduct@memphis.edu
- ❖ **Vice President for Student Affairs**
Dr. Darrell Ray
235 Administration Building
(901) 678-2114
- ❖ **University of Memphis Police Services**
100 Zach Curlin Parking Garage
(901) 678-3848
police@memphis.edu

