REPORTING EMPLOYEES
Interim Reporting Obligations for Sexual Misconduct Disclosures

When individuals experience sexual misconduct (sexual harassment, sexual assault, relationship violence, and sex-based stalking), they may talk to a university employee about their experience. More information is available in interim USU policies and procedures \(339, 339A, \) and \(339B\).

Under interim USU policy \(340\), some university employees are “Reporting Employees,” which means they must report sexual misconduct incidents to the USU Title IX Coordinator. As a Reporting Employee, if someone discloses an experience of sexual misconduct to you, you must inform them of your reporting obligations, refer them to designated confidential resources, and report the disclosure to the USU Title IX Coordinator at equity.usu.edu/report.

IMMEDIATE THREATS

If you think there is an immediate threat to an individual, dial 911.

IF YOU RECEIVE A SEXUAL MISCONDUCT DISCLOSURE

1. **INFORM** the individual as soon as possible that if they share information about sexual misconduct with you, you must submit a report about it to the USU Title IX Coordinator. Tell them that they will be contacted with information about support services and various additional reporting options.

   If the individual isn’t comfortable disclosing given your reporting obligations, be sure to refer them to the designated confidential resources listed on sexualrespect.usu.edu and inform them about how to file a report with the USU Title IX Coordinator at equity.usu.edu/report.

   For example, you could say: “It sounds like you’re about to share something very important about sexual misconduct. Before you continue, I would like to let you know that I am a Reporting Employee, which means that I must relay all information I learn about sexual misconduct to the USU Title IX Coordinator. This does not mean that you have to go through a formal investigation with USU, but the USU Title IX Coordinator will explain support and other options available to you. Now that you know that I cannot keep this information between us, what would you like to have happen next?”

2. **LISTEN** without judgment if the individual would still like to discuss their experience with you. Respond with compassion, express your support, and avoid questioning their experience or asking questions to learn more about what happened.

3. **REVIEW** the support services and various additional reporting options listed at sexualrespect.usu.edu.

4. **REPORT** all the information related to the disclosure at equity.usu.edu/report within 24 hours.

If you have questions, please refer to the FAQs on page 2 or at equity.usu.edu/sexual-misconduct/employees. You can also contact the USU Title IX Coordinator by calling 435-797-1266, visiting Distance Education 404 in Logan, or by emailing titleix@usu.edu.
# FREQUENTLY ASKED QUESTIONS

## WHO - Who is considered a Reporting Employee?

Reporting Employees include, but are not limited to, those employees who have the authority to institute corrective measures concerning allegations of sexual misconduct, such as, Campus Security Authorities, university police, supervisors, faculty, campus administrators, employees in the Athletics department, and resident assistants.

Designated Confidential Resources are NOT Reporting Employees.

The full list of employee job titles for the Reporting Employee designation can be accessed through interim [USU policy 340](#).

## WHEN - When are Reporting Employees Required to Report?

Reporting Employees are required to report all information they receive about incidents of sexual misconduct to the USU Title IX Coordinator, even if the information is not directly disclosed by the individual who had the experience.

Reporting Employees are NOT required to report to the USU Title IX Coordinator when the disclosure of information about sexual misconduct is made in the following circumstances:

- The Reporting Employee is the claimant;
- Human subject research, subject to the review of the university's Institutional Review Board;
- A Pastoral Counselor who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a Pastoral Counselor;
- Privileged requests for legal advice;
- A person who receives a disclosure while employed by or volunteers at a rape crisis center who has a minimum of 40 hours of training in counseling and assisting victims of sexual assault and who is under the supervision of the director or designee of a rape crisis center;
- Protected Health Information (PHI) generated by clinical care teams who are providing services subject to HIPAA that are designated as “Healthcare Provider Covered Components” in the university’s Hybrid Entity Declaration, except where such PHI may be evidence of sexual misconduct between a client or patient and a member of a clinical care team;
- A spouse, domestic partner, individuals living like domestic partners, dating partner, or immediate family member by their spouse, domestic partner, individuals living like domestic partners, or immediate family member.

In addition, there is no reporting obligation when the disclosure is made through or in the following circumstances unless the respondent is identified as a current student or employee:

- A process advisor and/or support person serving in that role in an Office of Equity formal investigation or alternative resolution process;
- Applications to the university or a specific program offered by the university;
- Certain designated teams that routinely review health information and/or records pursuant to a limited ROI agreement;
- Job applications and interviews;
- University-led focus groups related to sexual misconduct;
- Sexual Misconduct prevention trainings provided by designated prevention specialists;
- The claimant was not a student or employee when the sexual misconduct occurred;
- Public awareness events; or,
- Work submitted in course assignments and discussions related to course materials.

## WHAT - What are Reporting Employees Required to Report?

Reporting Employees must report the following via the online reporting form at [equity.usu.edu/report](#):

- The name of the person who experienced the sexual misconduct;
- The name of the person who reported the sexual misconduct to the Reporting Employee, if different from the person who experienced it;
- The name of the person(s) alleged to have engaged in sexual misconduct;
- The name of any witnesses or individuals who have information about the incident(s);
- The date, time, and location of the alleged incident(s);
- The nature of the incident(s);
- All documentation the Reporting Employee has received related to the incident (including all written notes);
- The date the incident was reported to the Reporting Employee; and,
- All other relevant information known to the Reporting Employee.

## WHY - Why are Reporting Employees Required to Report?

USU recognizes that individuals who have experienced sexual misconduct are more likely to tell people who they trust first before seeking support from other resources, including before making a report to the USU Title IX Coordinator. The Reporting Employee reporting obligation allows USU to both meet its legal obligations to stop, prevent, and remedy incidents of sexual misconduct and to ensure that members of the USU community who have experienced sexual misconduct are connected to reporting and support resources quickly.

Reporting Employees who fail to report may be subject to corrective action, up to and including termination of employment.