REPORTING EMPLOYEES
Interim Reporting Obligations for Sexual Misconduct Disclosures

When individuals experience sexual misconduct, they may talk to a university employee about their experience.

Under interim USU policies and procedures 339, 339A, and 339B, some university employees are “Reporting Employees,” which means they must report sexual misconduct incidents to the USU Title IX Coordinator. Sexual misconduct includes sexual harassment, sexual assault, relationship violence, and sex-based stalking.

As a reporting employee, if a student, staff, or faculty member 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 supportive measures, reporting options, and the investigation process.

   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, avoid questioning their experience or asking questions to learn more about what happened, and express your support.

3. **REVIEW** the resources listed at sexualrespect.usu.edu. Share that the website provides information about university designated confidential resources, supportive measures, and how to report sexual misconduct to community and campus law enforcement and to the USU Title IX Coordinator.

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 contact the USU Title IX Coordinator by calling 435-797-1266, visiting Old Main 161 in Logan, or by emailing titleix@usu.edu.

Utah State University
OFFICE OF EQUITY

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# Frequently Asked Questions

## Who - Who is considered a Reporting Employee?

In general, employees who have the authority to institute corrective action related to sexual misconduct behaviors, Campus Security Authorities, resident assistants, faculty members, and supervisors have been designated as reporting employees.

Designated Confidential Resources and Resource Connection Employees are NOT reporting employees.

The full list of employee job titles for each designation is available at equity.usu.edu/sexual-misconduct/employee.

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

Reporting employees must report information about 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 information about sexual misconduct is disclosed in the following ways.

### Through:
- Applications to the university or a specific program offered by the university;
- Human subject research, subject to the review of the university's Institutional Review Board;
- Job applications and interviews;
- Office of Equity resolution meetings;
- University-led focus groups related to Sexual Misconduct;
- Sexual Misconduct prevention trainings provided by designated prevention specialists;
- Public awareness events;
- Protected Health Information (PHI) generated by clinical care teams who are providing services subject to HIPAA that are designated as Healthcare Provider Covered Components; or,
- Work submitted in course assignments and discussions related to course materials.

### To:
- 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;
- A Process Advisor serving in that role in an Office of Equity formal investigation or informal resolution process;
- A spouse, domestic partner, or immediate family member by their spouse, domestic partner, or immediate family member; or,
- Certain designated care teams that routinely review health information and/or records pursuant to a limited ROI agreement.

### Concerning:
- Privileged requests for legal advice; or,
- Sexual misconduct that occurred outside an employment or education program or activity and: (1) the claimant was not a student, program participant, or employee at the time of the incident; and, (2) the respondent was not a student, program participant, or employee at the time of the incident; and, (3) the respondent is not a current student, program participant, or employee.

## 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;
- 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 do not report may be subject to disciplinary action, up to and including termination.