



MANDATORY REPORTING POLICY

PURPOSE: This document outlines the University's policy regarding mandated reporting of suspected discrimination, including harassment, based on membership in a protected class. This policy is in place to make the University community aware of one's mandatory duty to report possible discrimination and the process for doing so. Sexual harassment, which includes acts of sexual violence, is a type of sex discrimination.

SCOPE: This policy applies to the entire Marian University community including faculty, staff, students, volunteers and contractors.

DEFINITIONS: For purposes of this policy, the following definitions apply:

"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, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, disability, genetic information, military status, veteran status, familial status or any other protected category under applicable local, state or federal law, ordinance or regulation.

"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 victim's use of drugs or alcohol. 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:

A. Applicable Laws

There are three federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct—the Clery Act, Title VII, 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."

B. Reporting Obligation

To make it easier to know what you need to do, **the University has adopted a policy that defines ALL EMPLOYEES as mandatory reporters EXCEPT doctors, nurse practitioners, psychologists, counselors, or ordained members**

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of the clergy acting in that capacity. As a mandatory reporter, if you become aware of possible discrimination, including harassment, you MUST inform the University by contacting the Title IX Coordinator or the deputy coordinator listed in the table that follows. Reporting is required regardless of whether the discrimination involves students, faculty, staff, or visitors to the University.

C. How to Report

You may report in person, by email, by phone, or by using the Harassment and Discrimination Incident Report Form found on the Title IX webpage <http://wwwwork.marian.edu/dev/title-ix>.

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.

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, 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 university's confidential resources: Counseling and Consultation Services, Health Services, University Chaplain. Above all, know that the University takes this matter seriously and wants to help.

Designated Reporting Offices:

1. Complaints Against Students and/or About Gender Equity in MU Athletics

Ruth Rodgers, Title IX Coordinator,
Vice President for Student Success and Engagement & Dean of Students
Marian University
3200 Cold Spring Rd
Indianapolis, IN 46222
317-955-6318
rrodgers@marian.edu

2. Complaints Against Faculty, Staff, or Visitors

Anita Herbertz, Deputy Title IX Coordinator,
Director of Human Resources
3200 Cold Spring Rd
Indianapolis, IN 46222
317-955-6021
aherbertz@marian.edu

If you have a complaint relating to gender equity in athletics or against a student, a staff member, or a faculty member and for any reason feel uncomfortable about initiating a complaint with the designated Coordinator/ Deputy Coordinator, please feel free to contact either Coordinator directly.