

FREQUENTLY ASKED QUESTIONS

Employees' Obligation to Report Sexual Misconduct to the Campus Title IX Office

Related Policy: Sexual Misconduct Policy

What is the scope of employees' reporting obligation?

1. Do I have a reporting obligation if a student or employee disclosed to me that they experienced sexual harassment, sexual assault, stalking, relationship violence or related retaliation (collectively, "sexual misconduct") and I know they

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11. A student informed me about being in a past abusive relationship with another University student but assured me that there is no continuing abuse. The last incident of violence occurred six months ago, while both were students at the University. Am I required to report this?

Yes. Employees are required to report allegations of relationship violence to the campus Title IX office when the respondent and/or complainant was a University member at the time the relationship violence incident occurred.

12. At a public demonstration, in front of a big crowd, a student announced that they have experienced stalking. Am I required to report this?

No. When a student discloses prohibited conduct at a public awareness or activism event or in other public forums where people are disclosing their experiences with prohibited conduct, you do not need to report to the campus Title IX office. However, there is no policy prohibiting a report. There may be some supportive measures or additional training Tech could offer.

In contrast, a disclosure made by a complainant in class, electronically, during office hours, meetings, or in other conversations must be reported.

13. I am a graduate teaching assistant. What are my reporting obligations?

Graduate teaching assistants are employees pursuant to this policy. Therefore, you are considered a Mandatory Reporter. You are required to report prohibited conduct that you learn about in the course of your teaching assistantship. If you have questions about whether you learned about prohibited conduct in the course of your teaching assistantship, please contact the campus Title IX office for guidance.

In most cases of alleged prohibited conduct involving a student respondent, the campus Title IX office will not conduct an investigation if the complainant does not want to initiate one. In limited circumstances, the campus Title IX office may need to conduct an investigation despite a complainant's desire not to initiate one. For example, the campus Title IX office may need to conduct an investigation if it has sufficient information about the alleged prohibited conduct and if the respondent engaged in the alleged misconduct in the course of University employment or the allegation indicates that the respondent may present a danger or threat to the health or safety of University members.

The campus Title IX office will consider the following factors, in order to determine whether an allegation indicates that the respondent may present a danger or threat among others: whether the respondent is alleged to have used a weapon while committing prohibited conduct; whether the respondent is alleged to have used force while committing prohibited conduct; or whether the respondent has been alleged to have committed sexual assault, relationship violence or stalking against multiple complainants.

In cases of alleged prohibited conduct involving an employee respondent, the campus Title IX office will consult with the impacted unit and Human Resources to decide how best to respond to the report.

In some cases, the impacted unit or Human Resources will ultimately address the matter(f)-13.2 (i)3.1 bias2 o4H (t)-1

requirements, although disciplinary action may be appropriate in cases where an employee deliberately fails to fulfill this reporting requirement. Federal regulations also require employees designated as Mandatory Reporters to report and receive annual training on these obligations.

24. Does the University offer training for departments or colleges related to employee reporting obligations?

Yes, the University offers related training to all new employees and annual train for all employees. Both of these training types are required as well as are offered in-person and through online training modules. Please contact the campus Title IX office for more information about training option (titleixcoordinator@nmt.edu).