

# Sexual Misconduct and Gender Discrimination Mandated Reporters Training

## Overview

This document is intended to outline the College's guidelines regarding mandated reporting by Responsible Employees (henceforth referred to as a "Mandated Reporter") of sexual misconduct and gender discrimination by students, employees and all campus visitors. It explains briefly the meaning and purpose of Mandated Reporters, outlines the legal context, and articulates a straightforward set of guidelines for all Mandated Reporters to follow.

Title IX regulations established responsibilities for employees of colleges to report certain types of crimes and incidents, especially sexual misconduct. Title IX focuses on the adverse consequences faced by victims of gender discrimination and sexual harassment and creates obligations for the College to investigate and to provide a "prompt and effective remedy." Title IX obligates the College to provide a safe environment that does not interfere with the victim's right to pursue an education or employment opportunities, benefits or privileges. The College incurs this obligation when a victim (henceforth referred to as the complainant) has given notice to a "Mandated Reporter," or when the College, in the exercise of reasonable care, should have known, about the assault or harassment.

## Making a Report to a Mandated Reporter

A Mandated Reporter is a College employee who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. The Title IX Coordinator is also a Mandated Reporter who also has the responsibility to investigate and address sexual misconduct.

The following categories of employees are designated as the College's Mandated Reporters:

- Administrators (including, Executive staff)
- Admissions Office/Career Planning Staff
- Student Success Advisors & Office Staff
- Athletic Director and staff (to include coaches, assistant coaches, athletic trainer, and volunteer staff)
- Coordinators and other employees at all off location sites, including in Saginaw, Bay City and Midland
- Counselors (however, if confidentiality is requested to Licensed Professional Counselors (LPC), they are not required to report to the Title IX Coordinator)
- Disability Resources Staff
- Ellucian Staff
- Faculty (including faculty teaching on-line and at off location dual enrollment sites and service learning sites)
- Faculty and Staff Advisors to students and /or student organizations
- Financial Aid Staff
- Finance Staff

- Human Resources Staff
- Judicial/Conduct Officer
- Law Enforcement unit employees, including student employees and Public Safety Staff
- Registrar Office Staff
- Student and Civic Engagement department staff
- Study Abroad Coordinators and all College sponsored trip leaders (to include travel within the State of Michigan and the USA)
- Supervisors (all those who are in a supervisory role)
- Title IX Advisors
- Title IX Coordinator
- Tutors and Structured Learning Assistants (SLA)

Before a complainant reveals any information to a Mandated Reporter, the Mandated Reporter must ensure that the complainant understands the employee's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources. Mandated Reporters will not pressure a complainant to pursue any reporting options.

If the complainant still wants to tell the Mandated Reporter what happened but also maintain confidentiality, the employee must tell the complainant that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Mandated Reporter will also inform the Title IX Coordinator of the complainant's request for confidentiality. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the complainant and the community, but will not otherwise pursue formal action. Regardless if a complainant does or does not request confidentiality, a Mandated Reporter must not share any reported information with anyone outside the Title IX Coordinator or designee.

When a complainant tells a Mandated Reporter about an incident of sexual misconduct, the complainant has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Within 24 hours of seeing, knowing of or being told of any behavior prohibited by these procedures, a Mandated Reporter must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the complainant, including:

- the name(s) of the complainant
  - if the person has not experienced a sexual assault, ask them for their telephone number, address and email address
- alleged respondent(s)
- any witnesses
- plus any other relevant facts, including the date, time and specific location of the alleged incident.

Before ending the conversation, please inform the complainant that the Title IX Coordinator will be the person assigned by the College to conduct an equitable investigation and that the Title IX Coordinator will be contacting him/her within 24 hours.

The Title IX Coordinator and the Public Safety Department contact information is listed below:

<p><b>Title IX Coordinator</b></p>	<p><b><u>Loyce Brown</u></b>  <b>Phone:</b> (989) 686-9547 <b>Office:</b> A-093  <b>Email:</b> <a href="mailto:equityoffice@delta.edu">equityoffice@delta.edu</a>  <b>Fall/Winter Hours:</b> Monday – Thursday: 8a.m. – 4:30p.m.,  Friday: 8a.m. – 4p.m., Saturday – Sunday: CLOSED  <b>Spring/Summer Hours:</b> Monday – Thursday: 8 a.m. – 6 p.m.,  Friday – Sunday: CLOSED</p>
<p><b>Delta College Department of Public Safety (DCDPS)</b></p>	<p>1961 Delta Road, University Center, MI 48710  <b>Emergency Phone:</b> (989) 686-9111 (Extension 9111 from any College phone)  <b>Non-Emergency Phone:</b> (989) 686-9113  <b>Office:</b> N-102 <b>Email:</b> <a href="mailto:cops@delta.edu">cops@delta.edu</a>  <b>Fall/Winter Hours:</b> Monday – Saturday: 7a.m. – 11p.m.,  Sunday: 11a.m. – 7p.m.  <b>Spring/Summer Hours:</b> Monday – Saturday: 7a.m. – 11p.m.,  Sunday: CLOSED</p>

Mandated Reporters may also inform the Title IX Coordinator of any incident of sexual misconduct by completing the Sexual Misconduct Form listed on our website. Please do not complete the form anonymously as the Title IX Coordinator may need to contact you for additional information.

To the extent possible, information reported to a Mandated Reporter will be shared only with people responsible for handling the College’s response to the report. A Mandated Reporter should not share information with law enforcement without the complainant’s consent or unless the complainant has also reported the incident to law enforcement.

Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported by a Mandated Reporter, unless the complainant clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal College action.

## Reporting to the Title IX Coordinator

A person should contact the Title IX Coordinator in order to:

- file a complaint or make a report of sex discrimination, and/or sexual misconduct,
- seek information or training about personal rights and courses of action available to resolve reports or complaints that involve potential sexual misconduct,
- notify the College of an incident, policy or procedure that may raise potential Title IX concerns,
- provide ongoing support during the disciplinary or criminal process,
- get information about available resources (including confidential resources) and support services relating to sexual misconduct, and
- ask questions about the College’s policies and procedures related to sexual misconduct.

## How to Make a Report

Reports can be made from the Equity page on the public website using the “Report an Incident” button on the left side of the screen. A report can also be made from the employee portal on the Title IX page using the “Make a Report” button on the right side of the screen.

## Mandated Reporters Dos and Don'ts:

### **Do:**

- Inform the complainant of your reporting responsibility.
- Inform the complainant that the Title IX Coordinator will be following up with them on their complaint.
- Keep the conversation open by using empathy.
- Ask the complainant if they would like to talk with Public Safety.
- If the complainant is sexually assaulted, ask them if they would like to seek medical attention.
- Maintain privacy of all parties involved.
- Report all information given by a complainant.
- Within 24 hours of knowing of or being told of a complaint, report the complaint to the Title IX Coordinator.

### **Do Not:**

- Do not interview or interrogate the accused person or any witnesses.
- Do not reprimand, judge or scold the complainant, accused or witnesses.
- Do not challenge the victim on the account they provided to you.
- Do not have the victim retell their account multiple times and/or to multiple people.
- Do not share the complaint with anyone.
- Do not offer, suggest or share remedies or possible sanctions to any of the parties involved.
- Do not pressure a complainant into any reporting option.
- Do not guarantee confidentiality on behalf of the College.

Failure for Mandated Reporters or a LPC where the complainant has not requested confidentiality, to report an incident of sexual misconduct of which they become aware or informed of is in violation of Federal regulations and the following Senate policies and can be subject to disciplinary action for failure to comply:

- 2.005 – Equal Opportunity
- 2.075 – Regulations and Rules of Conduct
- 2.095 – Harassment
- Board Approved Sexual Misconduct and Gender Discrimination Policy and Procedures

All Mandated Reporters, including the Licensed Professional Counselors, Human Resources staff and the Delta College Public Safety Department will receive adequate and ongoing training on how to report incidences of sexual misconduct. The Title IX Coordinator will also receive adequate and ongoing training on how to respond to and investigate sexual misconduct cases.

# Privileged and Confidential Disclosures

## 1. Professional Counselors

Michigan Licensed Professional Counselors (LPC) who provide mental-health counseling to members of the College community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a complainant's permission. Please note that this only applies to an LPC employed in that capacity by Delta College. With the complainant's permission, the LPC becomes a Mandatory Reporter (see failure to comply notice page 4).

Following is the contact information for Delta College's Michigan Licensed Professional Counselors:

Name	Contact Information
<b>Delta College Counseling</b>	<b>Personal Counseling:</b> Walk-in or by appointment <b>Fall/Winter Hours:</b> Mon – Thurs: 8a.m. – 6p.m., Friday: 8a.m. – 4p.m., Saturday – Sunday: CLOSED <b>Spring/Summer Hours:</b> Mon – Thurs: 8a.m. – 6p.m., Friday – Sunday: CLOSED <b>Phone:</b> 989-686-9330 <b>Email:</b> <a href="mailto:confidentialcounsel@delta.edu">confidentialcounsel@delta.edu</a> (Email address is a confidential reporting option) <b>Office Location:</b> D-102

## 2. On Campus Non-Professional Counselors and Advocates

At this time, Delta College does not have non-professional counselors and advocates on staff. Complainants may be referred to outside agencies.

For a listing of off-campus confidential counselors and advocates, please see the Assistance Options listed in the Sexual Misconduct and Gender Discrimination Policy and Procedures.

## 3. Confidential Disclosures

A complainant who speaks to a Licensed Professional Counselor must understand that, if the complainant wants to maintain confidentiality, the College may be unable to conduct an investigation into the particular incident, provide immediate remedies or pursue disciplinary action against the respondent.

Even so, Delta College counselors will still assist the complainant in receiving other necessary protection and support, such as complainant advocacy, academic support or accommodations, disability, health or mental health services, and changes to working or course schedules.

A complainant who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the

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incident fully investigated. Delta College Licensed Professional Counselors will provide the complainant with assistance if the complainant requests to do so.

In certain circumstances, confidentiality may not be able to be maintained. If the College determines it cannot honor the request for confidentiality because of the severity of the misconduct, the complainant will be notified of the decision to move forward in the investigation and the rationale for doing so.

NOTE: While Licensed Professional Counselors may maintain a complainant's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law, such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others and requirement to testify if subpoenaed in a criminal case.