A new complaint and reporting policy for student sexual and gender based harassment was implemented in September of 2017 at the University of Oregon.

This policy applies to student disclosures of discrimination and harassment and changed reporting responsibilities for many employees.
Purpose:

✓ Understand reporting obligations.

✓ How to handle a disclosure of sex or gender based harassment or discrimination.
As we discuss this policy, we understand there will be many questions.

If you have questions after viewing this presentation please feel free to contact the Title IX Coordinator’s Office or review the Title IX website. You can also contact a number of confidential resources on campus including:

The Office of Affirmative Action and Equal Opportunity and the Crisis Intervention and Sexual Violence Support Services team.
Let’s start by addressing the broader framework of reporting by exploring what types of things you may have to report.

There are overlapping reporting obligations for employees at the university. All employees are obligated to report discrimination, harassment, and child abuse or neglect. Some employees, designated as Campus Security Authorities are obligated to report about crimes committee on or near UO campuses.

Let’s review these obligations before discussing in more detail the student response policy.
First, all employees of the university, are Mandatory Reporters of Child Abuse and Neglect. This type of report should be made to the Oregon Dept. of Human Services or local law enforcement including UOPD.

We have students on campus who are under the age of 18, and therefore meet the definition of a “child.” Please keep in mind that reports of physical abuse, emotional abuse, sexual abuse and negligence involving a student under the age of 18 require reporting under the State mandatory reporting of child abuse requirement.
Second, the Clery Act designates some employees as Campus Security Authorities and outlines their obligation to report crimes that occur on or near campus.

This reporting does not require personally identifying information, and reports are made to the university police department.

Campus Security Authority are notified about their responsibility. If you are unsure whether you are a CSA or not, please check with your department HR representative.
Third, all employees must report incidents of discrimination including different treatment and harassment.

The reporting obligation of UO employees for discrimination and harassment remains the same with the one exception.

The new policy creates an exception regarding an employee’s obligation to report student disclosures of sex or gender related discrimination to the Title IX Office or the Office of Affirmative Action.

We will discuss this exception in detail later in this presentation.
You have reporting obligations for any kind of prohibited discrimination. Discrimination can take the form of the different treatment of people based on a protected status, or it can take the form of harassing behaviors that are so unreasonable that they have the effect of creating a hostile work environment for that person.
Different Treatment or Harassment based on:
- race, color, ancestry, national or ethnic origin,
- age, religion, disability, genetic information,
- service in the uniformed services (as defined in state and federal law), veteran status,
- sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, gender, perceived gender, gender identity, gender expression,
- The use of leave protected by state or federal law.

To be prohibited discrimination, the different treatment or harassment must be based on one of these protected statuses. For example, if someone is treated differently and less favorably because of their race or ancestry, that would be discrimination. Or, if someone is subjected to taunts, bullying and threats because of how they express their gender, that would be harassment.

These are the types of incidents that you, as an employee, have certain obligation to report.
If someone is subjected to bullying behaviors for reasons that are not protected – for example because they wear a lot of green and yellow – that may not be considered discrimination, but it still could be a violation of the respectful workplace policy. These behaviors should also be reported so that we can all work to promote a respectful and collegial learning and working environment.
This chart summarizes the overlapping reporting obligations for employees at the university. A quick link to the chart is provided alongside this presentation. Feel free to refer back to this chart if you have questions about your obligations.
To make a report contact these offices:

- Title IX Office: 541-346-8136
  NOT CONFIDENTIAL
- The Office of Affirmative Action and Equal Opportunity:
  541-346-3123
  NOT CONFIDENTIAL
- Office of Student Conduct and Community Standards:
  541-346-1140
  NOT CONFIDENTIAL

Or use the online form at

[titleix.uoregon.edu/make-official-report](titleix.uoregon.edu/make-official-report)

Report incidences of discrimination and harassment to:

1) Title IX Office
2) The Office of Affirmative Action and Equal Opportunity
3) Office of Student Conduct and Community Standards

Or use the online form available on the Title IX website.

Please keep in mind that all of these offices are not confidential. A link to the contact list is provided alongside this presentation for future reference.
In short, if you take away nothing else from this presentation, the message is that if you aren’t sure – consult! These offices are here to help you figure out whether to report something, how to handle a disclosure, and how to best support the person disclosing.

Crisis Intervention is a confidential resource and the licensed social workers there are professionals who handle these types of disclosures every day. The Ombuds is also a confidential resource to help employees figure out their full range of options.
As mentioned earlier, the exception that has been created by our new policy is for student disclosures.

If a STUDENT comes to you and discloses an incident of sex or gender related discrimination, harassment or violence, our new policy outlines the obligations of three different employee designations: Designated reporters, student-directed employees, and confidential employees.
The first employee designation is Designated reporters. If you are in this designation you have an obligation to report to the Title IX Office or the Office of Affirmative Action and Equal Opportunity. This designation aligns the closest with all other employee reporting obligations.
These employees are high level officials of the university who you would expect to have this obligation and the ability to take action when they receive a report. The Title IX website has a list of positions titles that are assigned to this designation, and a link to the designated reporter job title list is provided alongside this presentation.
The second and largest group is Student directed employees. A large majority of employees fall in this category. These employees have two major obligations under the policy.

The number 1 obligation for Student Directed Employees is to ask a student if they would like to make a report to the institution. If they do, then you are obligated to help the student make the report.
Regardless of the student’s desire to make a report, you are obligated to connect the student with resources. You must consult a confidential resource, which we will talk more about in a minute.

The Title IX website has extensive information and guidance for student directed employees to ensure that students are supported and connected to resources while also respecting their wishes regarding reporting to authorities.
These are big changes from our previous reporting policy that required employees to always report disclosures by both employees and students. Now, when a student discloses discrimination or harassment to a student directed employee, the employee is obligated to explicitly ask the student how they wish to proceed and take action accordingly.
The second major obligation for Student Directed Employees is get a “confidential consult.”
You must contact Crisis Intervention to consult confidentially with them, preferably while
the student is with you. If a crisis intervention staff member is unavailable in the moment,
leave a message, without identifying the student, and you will be contacted as soon as
possible.

You can let the student know that this is a confidential call and the student will not be
identified unless they wish to be.
The consultation call ensures that employees have support in navigating this conversation with students and helps employees assess if there is a risk of imminent harm.

Additionally, making this call helps protect you as an employee by assisting you in offering all the resources available to students.
It is important to remember that student directed employees are not confidential employees. You may be able to keep information private, but it does not make you a confidential employee because you don’t have the professional and legal privilege that Confidential employees have in their profession.

That means that information you obtain or keep in notes could be requested as part of a formal process or investigation.
The third designated employee group is Confidential employees – these are employees who have a legal privilege that aligns with the role or service they provide on campus, which allows them a much greater ability to protect information. This designation includes counseling and mental health professionals, lawyers, medical professionals, the Ombud’s Office to name a few.

These are all employees who have a privilege to help student’s protect information to the greatest possible degree.
Please keep in mind, that the confidential resources listed on the previous slide pertain to student disclosure specifically. The only confidential resources that are confidential for employees are the Ombuds program, or the Employee Assistance Program. Links for these resources are provided alongside this presentation.

Graduate employees are considered students, and therefore can use the full range of confidential resources on campus.
• If you are a Designated Reporter these are the offices you are going to report to on campus
• If you are Student Directed Employee these are the offices you will report to if a student tells you they want to make a report.

Simply contact the office and a representative will walk you through the process.

Please remember these offices are NOT Confidential.
Reporting is Not Starting a Formal Proceeding

- Reporting to the Title IX Office is NOT the same as instituting formal proceedings.
- The Title IX Office coordinates services for the reporting student.
- Except in limited circumstances, the Title IX Office works to maintain student confidentiality if requested.
- With some important exceptions, coordinating all reports empowers the Complainant to make choices of on which path, if any, to proceed.

It is important to understand that reporting to these offices is NOT the same as starting a formal conduct or grievance process. These offices serve to coordinate information to ensure that the university is able to respond to concerns and provide support and resources. The vast majority of student disclosures result in the university providing support, connection to resources and informal or alternative interventions.
The Title IX Coordinator will work to honor the wishes of disclosing students as much as possible, and will communicate with the student about any actions the university will take.

The university has less ability to defer in cases of workplace harassment with employees, but will still strive to honor the wishes of disclosing employees as much as it is able.
So the first step is to find out what your employee designation is.

To do this, go to the Title IX website to review the list of employee position titles in the Designated Reporter category. If your title is not there more than likely you are a student-directed employee. If you are still unsure, please check with your supervisor or call the Title IX Office or Human Resources and you will receive help to determine your status.

If you are a confidential employee, you should know that from your work and professional training.
Here are the actions you should take to understand your obligations

Review the policy which is on the Title IX website.

Included suggested language for your email to make it clear to students what your designation is.

Use suggested syllabus language for any other materials faculty may be distributing to students.

Be familiar with the Office of Crisis Intervention and Sexual Violence Support Services in the Dean of Students Office.

Bookmark these important websites for easy accessibility.
If you are a designated reporter, display your designation sticker that looks like this in your work area. You can print a designated reporter sign using the link provided alongside this presentation.

This sticker helps students and other employees easily identify designated reporters.
It is our hope and expectation that all employees will respond in generally the same way when a student or employee discloses a difficult experience. Broadly we are hoping that everyone responds similarly to any disclosures of sex or gender related discrimination, harassment or violence, regardless of your status.
Demonstrate Care by letting them know they will be supported. It is not your job to determine truth or to assess whether policies have been violated. Do not blame them or use judgmental language. Again, it is not your role to figure out what happened. Do not investigate. Thank them for reaching out and acknowledge that it is difficult to ask for help. There are resources for how to handle these disclosures and be a good listener at the link shown above. http://dynamic.uoregon.edu/jjf/disclosure/goodlistener.html

And by responding, we encourage you to use the ABCs of receiving a disclosure. Be a compassionate human being. This is a really difficult thing to disclose and students are reaching out for support. Be a resource to these students. Here are the ABCs:

**A** - Acknowledge and thank them for reaching out; inform them of your obligation

**B** - Do not blame; use non-judgmental language

**C** - Care, Connect and Consult – Let them know they will be supported and connect them with resources to help them stay in school.

**D** - Do not investigate: Connect them with resources instead

The goal of this new policy is to give our students the resources they need in the way that they would like them.
Connect them with resources – ask about putting them in touch with the Counseling center, or walking them over to the Dean of Students office.

And by responding, we encourage you to use the ABCs of receiving a disclosure. Be a compassionate human being. This is a really difficult thing to disclose and students are reaching out for support. Be a resource to these students. Here are the ABCs:

**A** - Acknowledge and thank them for reaching out; inform them of your obligation

**B** - Do not blame; use non-judgmental language

**C** - Care, Connect and Consult – Let them know they will be supported and connect them with resources to help them stay in school.

**D** – Do not investigate: Connect them with resources instead

The goal of this new policy is to give our students the resources they need in the way that they would like them.
Also discuss reporting options. Inform the student that unless information is shared with the University there will be limitations to what actions can be taken. Let the student know that the majority of the focus during the reporting process is supporting students and providing resources.

Follow the student’s wishes to either report or connect with resources, or both. If possible, connect the student with resources while they are with you. If that is not possible, connect the student with resources within 24 hours.

Ask the student if they would like to be connected with services and resources. Talk to them about reporting to the institution.

If they want resources for themselves this can be done without a formal process, but if they want to affect another person, for example, if they want a student expelled or removed from housing, anything they want to happen to someone else would require them to engage in the formal conduct or grievance process.

In many cases the disclosures the students ask for:
Academic accommodation
Rearranging of schedules
Help in the work place
Providing new or safe housing
Providing financial support for health services

And all of these things can be accomplished outside of the formal reporting process.
Regardless of a student’s decision to report or connect with resources, we want all students to know about a resource called Callisto. It is a data hosting site that allows a student to document their experience. For incidents of sexual harassment and violence, employees should refer the student to Callisto by sharing the web address highlighted in yellow. A link to Callisto is provided alongside this presentation.
Callisto helps a student document what happened in a way that can preserve the information if they later choose to do something with it, like go to law enforcement or make a complaint or report to the university. This application also allows students to upload photos, emails, text messages and walks them through preserving other kinds of evidence. It’s a very useful tool for students who may not know what they want to do now but want to preserve options for later.
A checklist is available to help you navigate this difficult conversation. We recommend that you have a copy of the checklist at your workspace and familiarize yourself with actions on the list. You can print out a copy of the checklist from the Title IX website in the employee reporting responsibilities section. The checklist provides documentation that you followed the required steps and met your obligations.
We would prefer that this be your only documentation as any documentation you keep could be requested for legal purposes since a student-directed employee is not a confidential employee
And please do not include any identifying information about the student unless they wish for you to do so.
At the close of the conversation it is fine for you to continue to be a resource for the student.

You can follow-up with an email if you would like.

We suggest that you check to make sure you have a “safe” email address or phone number. Students often have multiple email accounts and can let you know which one they prefer to communicate with.
Follow-up email to a “safe” address:

- Do not include specific information disclosed.
- Keep the message general:
  “Thank you for coming in to talk with me. I hope you know I will continue to be a resource for you and feel free to check-in with me at any time.”

If you choose to send a follow-up email to a safe email address, make sure you are not including specific information disclosed by the student. Please keep the email very general and basic. We have offered a sample for you to see here.
Finally, there are additional considerations for anyone who supervises STUDENT employees in the workplace.

First, you must determine if you are a supervisor according to the policy based on this specific definition:

Basically, you are a supervisor of a student if you make employment decisions, such as hiring and firing, that have significant impact on the student’s continued employment.
Overseeing a student employee's work or offering direction to a student on a task, does not meet the definition for the purposes of this policy.

Just because a person's title contains the word supervisor, that person may not necessarily be a supervisor for purposes of this policy.
If you are a Student Employee Supervisor, the second question is:

Is the disclosure about workplace harassment?

If the disclosure does not involve an incident that occurred in the workplace or related to the student’s work, than it may not trigger a report.
Third, it must be an incident that has occurred at work and with an employee that you directly supervise.

If you supervise a student employee who is being harassed in the workplace and reports this to you, YOU are obligated to report.

If an affected student employee reports workplace harassment by a student employee who reports to you, YOU are also obligated to report.

*Supervisors who directly witness any type of discrimination and harassment in the workplace are required to report.*
The UO Encourages Reports and Prohibits Retaliation

• Employees and students impacted by discrimination are encouraged to make reports to the university. 
  *For information regarding your reporting options, please visit the AAEO and the Title IX websites.*

Employees and students impacted by discrimination are encouraged to make reports to the university.

You don’t have to assess the level of violation, you make a report because you believe that the behavior is affecting a student’s learning or their work environment.

The sooner we learn of an issue, the sooner we can take action.
Retaliation against an individual in response to raising discrimination concerns or participating in the investigation of a discrimination complaint is prohibited by law and university policy.

- Retaliation includes actions by email, social media, phone and text, as well as action done on someone’s behalf.

- Retaliatory behavior is not limited to the accused party, but extends to acts of retaliation by associates and third parties.

Retaliation against an individual in response to raising discrimination concerns or participating in the investigation of a discrimination complaint is prohibited by law and university policy. Retaliation includes actions by email, social media, phone and text, as well as action done on someone’s behalf. Retaliatory behavior is not limited to the accused party, but extends to acts of retaliation by associates and third parties.
Retaliation should be reported immediately to the Office of the Dean of Students, the UOPD or the Office of Affirmative Action and Equal Opportunity and the Title IX Coordinator. The University will take steps to protect employees and students from retaliation.
This slide demonstrates the overlap of the different reporting obligations of employees and the three types of employee designations.

It is a helpful chart to determining when you are obligated to make a report and to which office.

A link to this chart is provided alongside this presentation for future reference.
We have reached the end of this presentation, and we have covered a lot of ground. In review, you should have a better understanding of employee reporting obligations and feel better prepared to handle a student’s
If you have questions, please feel free to contact the Title IX Office or visit the Title IX website, which covers this policy extensively. You can also contact the Office of Affirmative Action and Equal Opportunity and the Crisis Intervention and Sexual Violence Support Services team, which are well versed in this policy.
Thank you for taking the time to review this presentation and gain a better understanding of the student.....policy. Your involvement is key to taking care of our students. Meeting your responsibilities demonstrates strong commitment to campus safety and establishes confidence in university support and services.