

WILLISTON STATE COLLEGE
RESPONSIBLE EMPLOYEE (MANDATORY
REPORTER) TRAINING FOR EMPLOYEES

Reporting Sex/Gender Discrimination,
Harassment, and Campus Crime



COURSE OUTCOMES

Upon completion of this training, participants will:

- Be aware of the WSC's Title IX policy.
- Be apprised of relevant laws prohibiting Title IX sexual misconduct violations.
- Recognize what constitutes Title IX violations.
- Understand procedures for reporting Title IX violations.



WSC'S COMMITMENT

WSC is committed to:

- a campus environment free from sexual misconduct, harassment and crime.
- providing the tools to report and prevent sexual misconduct, harassment and crime.
- ensuring that you know what you can do if you have been harassed.
- taking measures to protect members of the campus community who have been unlawfully treated.



WSC TITLE IX POLICY

WSC's full Title IX Policy is found on its website.

[Title IX Policy](#)



RELEVANT LAWS

Three Federal Laws create reporting responsibilities for campus employees, faculty, and professional staff to:

- Assure appropriate services are provided to reporting and responding parties of sexual violence
- Foster transparency with regards to campus crimes, and
- Permit the institution to appropriately remedy discrimination and harassment



RELEVANT LAWS

Title IX

- Title IX of the Education Amendments of 1972
- Applies to educational institutions receiving federal financial assistance
- Prohibits discrimination based on gender

The Clery Act

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Title VII

- The VII of the Civil Rights Act of 1964
- Applies to Employers
- Prohibits Discrimination based on Race, National Origin, Color, Religion, Gender/Sex, Retaliation, and Pregnancy

Each of these laws imposes differing responsibilities on different employees, creating a confusing and inconsistent set of overlapping standards and expectations.

[Additional Mandated Reporter Information](#)



THE LAW – MANDATED REPORTING

Title IX Dear Colleague Letter

- In April of 2011, the Department of Education issued a Dear Colleague Letter regarding the Title IX implications of campus sexual violence.
- In September of 2017, the Department of Education issued a Dear Colleague Letter withdrawing the statements of policy and guidance reflected in OCR's 2011 Dear Colleague Letter on Sexual Violence and Questions and Answers on Title IX and Sexual Violence (April 29, 2014).

VAWA 2013: Section 304

- In October 2014, the Department of Education also released final regulations significantly amending the Clery Act pertaining to a number of issues, including sexual violence



THE LAW – MANDATED REPORTING

- As a result, colleges and universities across the country have made efforts to comply with the expectations of the law by modifying policies and procedures and by providing trainings like this one to employees.
- To create uniformity of expectations, Williston State College has created a clear and consistent reporting policy similar to that of other college campuses across the university system and the country.



POLICY – THE DUTY TO REPORT ACTS OF SEX/GENDER DISCRIMINATION AND SEXUAL VIOLENCE

All faculty, professional staff, and employees are expected to report acts of sex and/or gender discrimination – including sexual violence – involving any members of the campus community, guests, or visitors to the Title IX Coordinator or Deputy Coordinator.

Rape and
Attempted Rape

Sexual Assault

Intimate Partner
Violence and
Relationship
Violence

Stalking on the
Basis of Sex

Sexual
Harassment

And more...



THE TITLE IX COORDINATOR

Each college and university has a 'Title IX Coordinator,' whose role is to oversee efforts to investigate, remedy, stop, and prevent all forms of sex harassment and sex discrimination on the Williston State College campus.

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THE DEPUTY TITLE IX COORDINATOR

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REPORTING RESPONSIBILITIES

Group 1	Group 2	Group 3
Mandated Reporters: Full Reporting	“Jane Doe/John Doe” Anonymous Reporting	Confidential Reporting
Must report all known information on incident to the Title IX Coordinator or Deputy Title IX Coordinator without delay.	Report all information known about an incident except any personally identifying information about those involved.	Report only non-identifiable, aggregate information regarding incidents disclosed to them.
All employees except those in groups 2 and 3	Specifically designated employees (such as advocates)	Only professional Counselors, Medical Providers, and Clergy



GROUP ONE: MANDATORY REPORTERS

- All employees are Mandatory Reporters, meaning they must report **all** known information regarding incidents of sex/gender discrimination, sexual violence, or crime to the Title IX Coordinator (with the exception of those in Groups 2 and 3).
- Though many employees have mentoring and close relationships with students and other employees, it is not appropriate to promise someone that you will not report what they tell you.
- Thus, if it appears that a reporting party is about to disclose information regarding a crime, sex/gender discrimination, or sexual violence, employees should make sure the reporting party understands that you will have to share the information of his/her report with a small circle of administrators who may be obligated to act on the information.



GROUP TWO: ANONYMOUS REPORTERS

- Are allowed to preserve the privacy of the reporting party by making ‘anonymous’ reports, meaning reports do not include personally identifiable information about those involved (filed as Jane/John Doe reports), **but** they must report all other known information regarding incidents of sex/gender discrimination, sexual violence, or sex crimes to the Title IX coordinator or Deputy Title IX Coordinator.
- Are specifically designated by the institution and can include:
 - Non-medical Health Service employees, non-licensed Counseling Center staff, Services Coordinators, Advocates, etc.



GROUP THREE: CONFIDENTIAL REPORTERS

- **Only** professional counselors, pastoral counselors and health service medical staff whose official responsibilities include providing medical services or mental-health counseling to members of the school community may provide “complete” confidentiality for reported incidents.
 - Will only report information with the consent if there is a legal “duty to warn.”
 - For a professional counselor, medical provider, or member of clergy to maintain confidentiality, they must have received the notice while working within the scope of their licensure, certification, and job description.



GROUP THREE: CONFIDENTIAL REPORTERS

- Should a reporting party wish to make a confidential report, employees should facilitate a meeting with the Campus Counselor, medical staff, or clergy member who is able to maintain confidentiality.
- Community resources, such as local advocacy centers and domestic violence shelters are additional confidential reporting resources.
- Reporting aggregate data is still expected of this group as long as the information can be provided without personally identifiable information.
- Unless the client/patient consents to the sharing of more detail.



GUIDING REPORTING

Privacy	Confidentiality	Full Report to Title IX Coordinator	Full Report to Law Enforcement
<p>Reporting party should seek out advocacy of WSC employee(s) designated by policy;</p> <p>Employee may maintain privacy but is required to make Jane/John Doe reports</p>	<p>Reporting party should seek out counselors, medical providers, or members of clergy</p> <p>May also seek off-campus confidential resources</p>	<p>Any employee should guide the reporting party with this request to the Title IX Coordinator who will notify campus security to the extent mandated by law.</p>	<p>Any employee should guide the reporting party with this request to Campus Security or to the Title IX Coordinator who will assist the reporting party with their request.</p>



THE DUTY TO REPORT CRIMES

- All employees (faculty and staff) are expected to report all general crimes involving any member(s) of the campus community to campus security without delay.
- If a sex crime reporting party does not wish to report the incident to campus security, a report must be made to the Title IX Coordinator or Deputy Title IX Coordinator.
 - Exception: With regards to general crime and sexual/gender-based crime which involves minor(s), the incident must be reported to campus security and the Title IX Coordinator or Deputy Title IX Coordinator.
 - Exception: Emergencies that impact the health or safety of the campus community should be reported to law enforcement even if a reporting party does not want to report it.



THE DUTY TO REPORT CRIMES

- Anonymous reports (those that withhold personally identifiable details about the incident) are permitted, but full reports should be made when a reporting party wishes an employee to do so.
- When in doubt about whether to report a crime, seek advice on the nature of the incident from campus security.



ADDITIONAL DETAILS ON REPORTING RESPONSIBILITIES

- Campus officials who receive reports of crimes, sex/gender discrimination, or sexual violence have a legal duty to act.
- When a reporting party does not wish to move forward with an institutional investigation, the Title IX Coordinator has an obligation to honor that choice.
- However, the Title IX Coordinator may choose to proceed with an investigation if a safety concern is present. Otherwise, the College can respect the reporting party's wishes for no formal action to be taken.



ADDITIONAL DETAILS ON REPORTING RESPONSIBILITIES

- Any employee who is uncertain how much information about an act of sex/gender discrimination or sexual violence must be shared with the Title IX Coordinator or Deputy Title IX Coordinator should seek their advice.
- When behaviors are both crimes and acts of discrimination (e.g. sexual violence), they must be reported to the Title IX Coordinator.
- They can also be reported to local law enforcement if a reporting party chooses, in an emergency, or when health/safety is at risk. Otherwise, the Title IX Coordinator will share details with campus security as necessary. Your only duty would be to initially report to him/her.



ADDITIONAL DETAILS ON REPORTING RESPONSIBILITIES

- Nothing in the institutional policy would mandate an employee to report their own victimization.
- While many reports come to employees first-hand from reporting parties, the policy imposing a duty to report extends to information received second-hand, online, and even potentially through rumors and gossip, which can often be detailed enough to create circumstances that necessitate further investigation.
- If an incident occurs off campus between members of the campus community and you are unsure of whether you need to report, seek advice from the Title IX Coordinator.



ADDITIONAL DETAILS ON REPORTING RESPONSIBILITIES

- Student Staff are considered mandated reporters for information they learn while they are working. When off-duty, student staff are not mandated to report.
- RAs are always on duty.
- Off-campus incidents can be within the duty to report under Title IX and the Clery Act, so report them even if you are unsure whether you have to.
- Timely warnings must be issued immediately by campus security for crimes that represent a threat to the campus, so do not delay your report as mandated.



ADDITIONAL DETAILS ON REPORTING RESPONSIBILITIES

- Where a health or safety threat is posed to the campus, the Title IX Coordinator can ask an Anonymous Reporter to divulge the personally identifiable information they have about an incident.
- This will not be a matter of common practice, but is essential to the protection of the community in cases that represent a risk to the community.
- The request to divulge more information will be based on the presence of five criteria: violence, threat, pattern, a predatory offender, and/or use of a weapon.



SCENARIOS



SCENARIO ONE - QUESTION

You observe a group of male students on campus directing sexual harassment towards a female student. You approach the female student afterward, but she does not wish to report it or take action. You should:

- a. Honor her request
- b. Honor her request, but document the incident to the Title IX Coordinator without identifying anyone involved
- c. Share full details of the incident with the Title IX Coordinator as soon as possible



SCENARIO ONE - ANSWER

c. Share full details of the incident with the Title IX Coordinator as soon as possible

As a Mandated Reporter, you must share full details of any incident regarding sexual harassment, sexual assault, etc. with the Title IX Coordinator. The Title IX Coordinator will follow up on the incident with the reporting party.



SCENARIO TWO - QUESTION

You are an instructor who has a very close relationship with a student. After class, the student approaches you and asks for an extension on a paper that is due next week. When you ask him why he needs an extension, he explains that he has recently been sexually assaulted and is struggling emotionally as a result. He asks you to keep the sexual assault confidential, as he is just seeking an extension, and does not otherwise wish for anyone to know. You should:

- a. Promise to honor his request for confidentiality and grant the extension
- b. Connect him with the Title IX Coordinator for all needed academic support options



SCENARIO TWO - ANSWER

b. Connect him with the Title IX Coordinator for all needed academic support options

As previously mentioned, as a Mandated Reporter, you must report all known incidents of sexual harassment, sexual assault, rape, attempted rape, etc.

The Title IX Coordinator will help the student with his/her academic support needs.



Thank
you!

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