MANDATORY REPORTERS: MUHLENBERG COLLEGE POLICY for COLLEGE EMPLOYEES

In order to help provide a safe, secure, and welcoming learning and working environment for all, Muhlenberg College has adopted a Mandated Reporters Policy. This document is intended to outline Muhlenberg College policy regarding mandated reporting by employees of certain behaviors, discrimination, harassment, and crimes. It explains briefly the meaning and purpose of mandatory reporters, outlines the legal context, and articulates a set of guidelines for all employees to follow.

Mandatory Reporters: What and Why?

There are federal laws that establish responsibilities for employees of colleges to report certain types of crimes and incidents, especially sexual misconduct, including the Clery Act in tandem with the Violence Against Women Reauthorization Act of 2013 (VAWA) 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 campus community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “mandatory reporter.” Additionally, state law imposes mandates with respect to the reporting of child abuse and sexual abuse.

Legal Context

The Clery Act (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act) in tandem with VAWA creates a duty for institutions to report crimes in 15 categories and has the broadest scope. It is the College that has the duty to report these crimes and failure to do so can result in the imposition of substantial fines by the Department of Education. Guided by the language of the Clery Act and subsequent amendments, the College must determine which employees qualify as “Campus Security Authorities” who are required to report crime information they receive. The Clery Act requires statistical reporting only; names of victims, alleged perpetrators, witnesses and other identifying details about the incidents are not reported. It is a real-time reporting requirement where one shares information on incidents with Campus Safety as soon as one knows of the incident. Campus Safety then compiles and reports these statistics in its Annual Security Report. Employees who are designated “Campus Security Authorities” and thus are mandatory reporters for Clery Act/VAWA offenses are listed at the end of this document.

Federal Timely Warning. Parties reporting sexual misconduct should be aware that under the Clery Act, College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or dangers to members of the campus community. The College will ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

education program or activity receiving Federal financial assistance. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. If the College knows or reasonably should know about sexual harassment that creates a hostile environment, Title IX requires the College to take immediate and appropriate steps to investigate or otherwise determine what occurred, and, if the College determines that a hostile environment exists, it must then take appropriate steps to eliminate the harassment, prevent its recurrence, and address its effects. The College incurs this obligation when a “responsible employee” has been given notice, or when the College, in the exercise of reasonable care, should have known about the assault or harassment.

At Muhlenberg College, all faculty members, staff members, and administrators, with the exception of those working in a confidential capacity (e.g., campus mental health counselors, health center employees, College Chaplain and Jewish Chaplain, Sexual Assault Resource Team) who learn of suspected instances of discrimination, harassment or gender-based misconduct, directly or indirectly, have a duty to report the information immediately to the Title IX Coordinator. Resident Advisors are included in this classification, but other student workers are not. Note that the failure of a non-confidential employee to report an incident or incidents of sex/gender harassment of which they become aware is a violation of College policy and such employee can be subject to disciplinary action for failure to comply.

In all cases, the Title IX Coordinator will make every effort to respect a student’s request for confidentiality or their wishes to not move forward with a formal resolution process. All such requests will be weighed against the institution’s obligation to address the discrimination. The College will respect their wishes unless it believes there is a threat to the community based upon, among other things, the use of weapons, violence, pattern, predation, or threatening conduct by the person accused. 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 to the Title IX Coordinator by employees, unless the student clearly indicates that they want a report to be made.

Remedial actions may result from such disclosures without formal College action. A reporting party has the right, and can expect, to have allegations taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved. To review Sexual and Gender-Based Misconduct Policy: http://www.muhlenberg.edu/media/contentassets/pdf/about/deanst/services/sexual-misconduct.pdf

Information for Mandatory Reporters Under Title IX

- When an employee (other than those working in a confidential capacity) becomes aware of an alleged act of sexual harassment, discrimination, or assault, the employee must promptly contact the Title IX Coordinator.
- If the reported conduct also constitutes a possible crime, the Title IX Coordinator will promptly contact Campus Safety about the report.
- When an employee thinks that a student may be about to report an act of sexual harassment, discrimination or assault, the employees should, if at all possible, tell the
student that the College will maintain the privacy of the information, but the employee cannot maintain complete confidentiality, as he or she is required to report the incident, and may be required to reveal the names of the parties involved. Maintaining privacy means that only a small group of campus officials will be told, including, but not limited to, the Title IX Coordinator, the Director of Campus Safety and the Student Conduct Officer. Information will be shared only as necessary with investigators, witnesses, and the responding party. If the student wishes to proceed, the employee should inform the student of the implications of sharing the names of involved parties, which puts the College on notice.

- Rather than speaking with the student about confidential information, the employee should offer to refer or accompany the student to Counseling Services, Health Services, College Chaplain, or Jewish Chaplain during regular office hours. Campus Safety can be contacted to reach a counselor on-call after office hours and you will not be required to reveal information to Campus Safety in order for them to make the call.
- The student can be referred to the Sexual Assault Resource Team (SART) as well. SART is also available to provide guidance to faculty and staff on how to handle a situation, as they are another confidential resource.

**Confidential Resources**

- **Counseling Services** 484-664-3178  M-F 8:30 AM-4:30 PM
- **Student Health Services** 484-664-3199  M-F 8:00 AM-4:30 PM
- **Chaplain Callista Isabelle** 484-664-3120  M-F 8:30 AM-4:30 PM
- **Jewish Chaplain Rabbi Melissa Simon** 484-664-3244  M-F 8:30 AM-4:30 PM

**SART**

- **Cynthia Amaya-Santiago** 484-664-3248
- **Francesca Coppa** 484-664-3275
- **Lanethea Matthews-Schultz** 484-664-3737
- **Lindsay Porembo** 484-664-3063
- **Kimberly Stolarik** 484-664-3202
- **Jeremy Teissere** 484-664-3617

**Mandatory Reporting Under Clery and VAWA**

The College has designated the following employees as “Campus Security Authorities.” As such, these individuals are required to report certain criminal incidents to Campus Safety as the individual learns of them. The reporting party is not required to provide identifying information as Campus Safety collects and reports aggregate statistical data.

**Advisors** to Student Organizations

**All Faculty**

**Adjunct Faculty** with responsibilities for advising, student activities and campus activities outside the classroom

**Campus Safety Personnel**  Life Sports Center Building Monitors

**Title IX Coordinator**  Office of Multicultural Life

**Coaches/Athletic Directors**  Office of Admission
Dean of Students Office  Academic Resource Center
Greek Life/Leadership Staff  Career Center
Office of Civic Engagement  Alumni Relations (Cardinal Key advisors)*
Residence Life Staff  Trexler Library Staff
Student Activities Staff  Provost’s Office
Hillel Staff (w/ exception of confidential employees)

The following employees are specifically exempted from the reporting requirements of the Clery Act and are not required to divulge information reported to them.

Chaplains
Counseling Services Staff
Health Center Staff
Sexual Assault Resource Team (SART)

The following employees are neither Campus Security Authorities (mandatory reporters) nor specifically exempted from Clery reporting requirements. While these employees are not required to report statistical data, they may choose to do so voluntarily.

Office of Advancement *(with exception noted above)*
Treasurer’s/Controllers Office
Plant Operations
President’s Office
Public Relations Office
Staff Associates (other than staff listed under mandatory reporters)
Human Resources

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