



RESPONSIBLE EMPLOYEE AND TITLE IX

*A Campus Resource Guide
for Faculty and Staff*

SOUTHERN UNIVERSITY AND A&M COLLEGE

is committed to maintaining an academic and working environment where all individuals feel safe and are free to develop intellectually, professionally, and socially. In accordance with Title IX, Southern University and A&M College strictly prohibits any acts of sexual misconduct by students, faculty, or staff.

WHAT IS A RESPONSIBLE EMPLOYEE?

The Department of Education's Office of Civil Rights defines a responsible employee as an individual,

1. who has the authority to take action to redress sexual harassment/misconduct,
2. who has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX coordinator or other appropriate designee; or
3. who a student reasonably believes has this authority or duty.

A Responsible Employee must promptly notify the Title IX Coordinator of any report of sexual misconduct brought to their attention, including campus law enforcement. It is not up to the Responsible Employee to decide with a report or allegation is valid or "serious enough" to be reported. If an incident is observed or you hear about an incident, it must be reported. The Title IX Coordinator works corroboratively with the reporting entity, making every effort to operate with discretion and maintain privacy of the individual involved.

DUTIES OF A RESPONSIBLE EMPLOYEE

- **Know** all relevant Southern University policies pertaining to sexual misconduct.
- **Report** ALL incidents of sexual misconduct to the Title IX Coordinator.
- **Preemptively** disclose your reporting obligations to the individual reporting the incident of sexual misconduct before they give confidential information, and make sure they are aware of the option to keep the report confidential by going to a Confidential Advisor.
- Inform the individual of their right to file a Title IX Formal Complaint with the University, report the incident as a crime to law enforcement, or do neither.
- Inform the individual that on-campus support resources are available.
- Fully complete a Responsible Employee Report with all information known to you.
- Submit a completed report to the Title IX Coordinator, noting any confidentiality concerns or requests.

WHO ARE RESPONSIBLE EMPLOYEES ON CAMPUS?

- Members of the Board of Supervisors
- President-Chancellor
- Vice Presidents and Vice Chancellors
- Assistant/Associate Vice Presidents
- Assistant/Associate Vice Chancellors
- Title IX Coordinators/Deputy Coordinators
- Campus Police
- Human Resources Directors and Staff
- Residential Life and Housing Directors and Staff (including Residential Assistants)
- Deans and Assistant/Associate Deans
- Departmental Directors
- Assistant/Associate Directors, and Coordinators
- Athletics Administrators, Staff, Coaches, Assistant Coaches
- Academic Department Chairs
- Assistant/Associate Department Chairs
- Academic Faculty (full and part time)
- Faculty/Staff Leading to Chaperoning Travel
- Faculty/Staff Advisors to Student Organizations
- **All Employees, Regardless of Full or Part Time Status**

WHAT IS SEXUAL MISCONDUCT?

Is the broad term encompassing sexual assault, sexual exploitation, non-consensual sexual contact," and sexual harassment. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

WHAT IS CONSENT?

Consent must be clear, unambiguous, and a voluntary agreement between participants to engage in specific sexual activity. Consent is active, not passive, and is given by a clear and sober "YES". Consent may not be inferred from silence, passivity, or lack of active resistance alone. A current or previous dating or sexual relationship is not sufficient to constitute, and consent to one form of sexual activity. It does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent. In some situations, an individual may be deemed incapable of consenting to sexual activity because of circumstances or the behavior of another, or due to their age.

Who are the parties involved in an incident?

- **Complainant (Victim):** A person who believes they experienced sexual misconduct.
- **Reporter:** A person who has information that sexual misconduct may have been committed by a university student, employee or participant in a university program.
- **Respondent (The Accused):** The person whose actions are alleged to have violated the Gender-Based Sexual Misconduct Policy.

When should you make a report?

- When a student, parent, friend, employee, or anonymous person tells you via written, electronic, or oral communication or when you have direct knowledge about an incident of sexual violence, harassment or misconduct.
- When the responsible employee actually witnesses the sexual violence, harassment or misconduct.
- When you see or learn of retaliatory conduct.

What type of incident should you report?

- Sexual Harassment
- Sexual, Domestic, & Dating Violence
- Stalking
- Sexual Assault
- Rape
- Non-Consensual Sexual Contact and Intercourse
- Sexual Exploitation
- Power-Based Violence (Quid Pro Quo)

Who do you reports to?

- All incidents of sexual misconduct must be reported directly to the Title IX Coordinator.
- Do you have to report incidents to your direct supervisor or follow your normal chain of command protocol? **NO.** The only individual you're required to report incidents of sexual misconduct to is the Title IX Coordinator.

UNIVERSITY CONSEQUENCES FOR NON-COMPLIANCE

- Loss of federal funding
- Lengthy state and/or federal investigations
- Loss of due process for the accused
- Negative media exposure
- Penalties for University violations; and
- Private lawsuits that may result in substantial damages and attorney's fees

CONSEQUENCES FOR EMPLOYEES/STUDENTS

- Potential suspension/expulsion or termination
- Private lawsuits that may result in substantial damages and attorney's fees

HOW IS CONFIDENTIALITY AND PRIVACY CONSIDERED?

An individual may make a request for confidentiality/privacy at any point during the investigation process. If at any point an individual requests privacy, the University will make all reasonable attempts to comply with this request, but such requests limit the University's ability to investigate and properly adjudicate any allegations.

In all investigations, the identities of all involved parties will only be revealed to University officials who need to know as an official part of the investigation. When a report or formal complaint is filed, all parties who are named in the investigation will be notified of the University's expectation of confidentiality. The University will make all reasonable efforts to maintain the confidentiality of parties involved during the investigation and adjudication process. Breaches of confidentiality and privacy against involved parties may warrant a separate misconduct hearing.

In the event that a Complainant requests confidentiality or asks that a formal complaint of sexual misconduct not be pursued, Title IX Coordinator will generally before taking any further investigative steps, forward any available information to the Sexual Assault Response Team (SART) for review. The SART represents the interests of the University, law enforcement, survivors of sexual misconduct, persons accused of sexual misconduct, and/or other offices as deemed necessary and appropriate under the circumstances.

INFORMATION

For information and resources on Responsible Employee, visit www.subr.edu/titleix