



Mandatory Reporting Policy

Effective Date: January 1, 2013

Approval: August 19, 2015

Maintenance of Policy: Title IX /
504 Coordinator & Equity
Compliance Officer

PURPOSE: This document outlines the University's policy regarding mandated reporting of suspected discrimination, including harassment, based on membership in a protected class. This policy is in place to make the University community aware of one's mandatory duty to report possible discrimination and the process for doing so. Sexual harassment, which includes acts of sexual violence, is a type of sex discrimination.

SCOPE: This policy applies to the entire University of Dayton community including faculty, staff, students, volunteers, and contractors.

DEFINITIONS: For purposes of this policy, the following definitions apply:

"Discriminatory Harassment" is harassment based upon an individual's actual or perceived membership in a protected class. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating.

"Equity Compliance Officer" is the individual responsible for tracking and overseeing reports and complaints of discrimination and harassment and also serves as the University's Title IX/Section 504 Coordinator.

"Protected class" means age, race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, gender identity, sexual orientation, disability, genetic information, military status, veteran status, familial status or any other protected category under applicable local, state or federal law, ordinance or regulation.

"Responsible Employee" is any employee who meets at least one of the following criteria: (1) has the authority to take action to redress sexual violence or other misconduct; (2) has been given a duty of reporting incidents of sexual violence or other misconduct to the Title IX Coordinator or designee; or (3) is an employee whom an individual could reasonably believe has the above authority or duty.

REFERENCE DOCUMENTS:

1. University of Dayton Nondiscrimination and Anti-Harassment Policy
2. Equity Complaint Process for Resolving Complaints of Harassment, Sexual Misconduct and Other Forms of Discrimination

POLICY HISTORY:

Approved in its original form:
January 1, 2013

Approved as Amended:

December 10, 2013;
October 27, 2014;
May 5, 2015;
August 19, 2015

EQUITY COMPLIANCE OFFICE CONTACT INFORMATION:

Amy Zavadil, Ph.D.
Title IX/Section 504 Coordinator
and Equity Compliance Officer

University of Dayton
St. Mary's Hall Room 300
300 College Park
Dayton, OH 45469-1641
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DEFINITIONS (continued):

“**Sexual Harassment**” is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; stalking; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating e-mails or Web sites of a sexual nature.

“**Sexual Violence**” is a form of sexual harassment. Sexual violence for purposes of this policy refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including dating violence, domestic violence, rape, sexual assault, sexual battery and sexual coercion.

POLICY:**Applicable Laws**

There are three federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct—the Clery Act, Title VII, 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 University community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the terms “mandatory reporter” and “responsible employee.”

Your Duty

To make it easier to know what you need to do, the University has adopted a policy that defines ALL EMPLOYEES as mandatory reporters EXCEPT doctors, counselors, and ordained members of the clergy acting in that capacity. As a mandatory reporter, if you become aware of possible discrimination, including harassment, you MUST promptly inform the University within one (1) business day by contacting the Title IX/504 Coordinator and Equity Compliance Officer or one the deputy coordinators listed in the table that follows. Reporting is required regardless of whether the discrimination involves students, faculty, staff, or visitors to the University. Fulfilling the duty to report does not entitle the reporter to receive a notice of outcome unless the reporter is the alleged victim or respondent.

Reporting Guidelines**How to Report**

You may report in person, by email, by phone, or electronically by using the Harassment and Discrimination Incident Report Form found on the Nondiscrimination Resource Center webpage located at: go.udayton.edu/nondiscrimination under the “Complaint, Reporting and Appeal Forms” tab. This form is also accessible using the Nondiscrimination/Title IX link located in the footer of every University webpage. Mandatory reporters must identify themselves when reporting an incident to the Title IX Coordinator. Anonymous reporting does not satisfy an employee’s duty to report incidents under this policy.

What to Report

Responsible Employee reporting of Title IX (Sex/Gender) based misconduct

As defined above, any employee with a duty to report incidents to the Title IX Coordinator is considered a responsible employee. As a result, mandatory reporters under this policy are “responsible employees” for purposes of reporting Title IX (sex/gender) based misconduct. When reporting misconduct covered under Title IX (including claims of sexual harassment and sexual violence as defined above, as well as sex/gender discrimination or sexual orientation discrimination), responsible employees must provide full details of the incident, if known, including names of the victim(s), alleged perpetrator(s), witnesses and any other relevant facts, including the date, time and specific location of the incident (if known). If an individual requests confidentiality or requests that no further action be taken, please share that information with the Title IX Coordinator or Deputy Title IX Coordinator at the time you report the incident.

The only exception to the “responsible employee” reporting requirement is that *initially*, staff members who work for the *University Counseling Center, Health Center, Campus Ministry* or *Women’s Center* are not required to provide any names or personally identifiable information to the Title IX Coordinator unless the disclosing party gives them permission to do so. If, after the initial report is received, it is determined that more information is needed, the staff member will be contacted by the Title IX Coordinator. Your job is to cooperate fully with campus officials, providing any information/details requested.

Mandatory Reporting of all other Protected Class (NON-Title IX) misconduct

When reporting Non-Title IX related claims, including all other protected classes as defined above, all mandatory reporters *may* be able to *initially* withhold personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, location, etc.), in cases where the alleged victim is hesitant to have a formal report made. Your initial report should include the nature, date, time and general location of the incident. Subsequently, campus officials may need additional information from you. Your job is to cooperate fully with campus officials, providing any information/details requested.

Speaking with Victims/Witnesses

In speaking with a victim or witness, **you SHOULD NOT promise confidentiality**. Faculty and staff members do not have a special privilege or ability to maintain the confidentiality of reports shared with them. If someone begins to discuss an incident of harassment or discrimination, you might want to say something like the following:

I appreciate your willingness to share this information with me. Please know that I am here to help in any way that I can. If you would like to file a formal complaint with the University, I will help you connect with [the appropriate Designated Reporting Office], so that it can begin investigating this matter. It is important that you understand that I cannot promise to keep what you share confidential. If you are still comfortable speaking with me, I am here to listen. If not, please let me help you connect with one of the University’s confidential resources [Health Center (93131)/Counseling Center (93141)/Campus Ministry (93339)]. Above all, please know that the University takes this matter seriously and wants to help.

Where to Report: Designated Reporting Offices

<p>All Complaints and Complaints Against Visitors</p> <p>Amy Zavadil, Ph.D. Title IX/504 Coordinator and Equity Compliance Officer University of Dayton St. Mary's Hall, Room 300 300 College Park Dayton, OH 45469-1641 937-229-3615 azavadil1@udayton.edu</p>	<p>Complaints Against Faculty</p> <p>Carolyn Phelps, PhD, Deputy Title IX Coordinator, Associate Provost for Faculty and Administrative Affairs University of Dayton St. Mary's Hall Room 212 300 College Park Dayton, OH 45469-1634 937-229-2245 cphelps1@udayton.edu</p>
<p>Complaints Against Students</p> <p>Christine Schramm, Deputy Title IX Coordinator, Associate Vice President for Student Development & Dean of Students University of Dayton Gosiger Hall Room 202 300 College Park Dayton, OH 45469-0965 937-229-1212 cschramm1@udayton.edu</p>	<p>Complaints Against Staff</p> <p>Lee Jackson, Deputy Title IX Coordinator, Director of Employee and Labor Relations University of Dayton St. Mary's Hall Room 315 300 College Park Dayton, OH 45469-1614 937-229-1284 ljackson3@udayton.edu</p>
<p>Complaints About Gender Equity in UD Athletics</p> <p>Angie Petrovic, Deputy Title IX Coordinator, Associate Director of Compliance, Department of Athletics University of Dayton Frericks Convocation Center, Room 108 300 College Park Dayton, OH 45469-1230 937-229-1285 apetrovic1@udayton.edu</p>	<p>Special Note:</p> <p>If you have a complaint relating to gender equity in athletics or against a student, a staff member, or a faculty member and for any reason feel uncomfortable about initiating a complaint with the designated Deputy Coordinator, please feel free to contact the Title IX Coordinator directly at (937) 229-3615 or azavadil1@udayton.edu.</p>