Title IX - Employee Mandatory Reporting Requirements:
Frequently Asked Questions

For purposes of this document, the following definitions apply:

**Complainant**: the alleged victim of sexual misconduct (even if the individual chooses not to file a complaint or participate in an investigation)

**Respondent**: the individual accused of sexual misconduct

**Sexual Misconduct Policy**: Prohibited Discrimination and Sexual Harassment Sexual Misconduct Policy - UTDBP3102, the UT System policy adopted by UT Dallas that incorporates requirements of Title IX, Title VII, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination (SaVE) Act, Texas Education Code § 51.9363, and other applicable law

**Sexual Misconduct**: Conduct prohibited by the Sexual Misconduct Policy, including sexual harassment, sexual violence, sexual assault, sexual exploitation, stalking, domestic violence, dating violence, or other inappropriate sexual conduct

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**1. What is a “Responsible Employee” under UTD Policy?**

A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty.
See Section 3.2 of the Sexual Misconduct Policy (‘‘Responsible Employees’’).

2. Who are the Responsible Employees at UTD?

Responsible employees at UTD include all:

- Administrators
- Faculty
- Supervisory staff
- Resident life directors and advisors
- Graduate teaching assistants
- Any UTD employee whom an individual could reasonably believe has the duty to report incidents of sexual misconduct

*Exception:* Physical and mental health care professionals and pastoral counselors are NOT Responsible Employees and are prohibited by confidentiality laws from reporting any information about an incident to anyone, in any way that identifies the complainant, without the complainant's permission. Examples of such employees at UTD include: counselors at the Student Counseling Center, the Galerstein Women’s Center, and Employee Assistance Program (EAP), and healthcare professionals at the Student Health Center.

Although only Responsible Employees are *required* to report sexual misconduct to the Title IX Coordinator or designee, all employees, students, and third parties without confidentiality obligations are strongly encouraged to immediately report any incidents of sexual misconduct to the Title IX Coordinator or Deputy Coordinator.

See Section 3.2 of the Sexual Misconduct Policy (‘‘Responsible Employees’’).

3. Why are Responsible Employees required to report incidents of sexual misconduct?

First and foremost, UTD is committed to maintaining a learning and working environment that is free from sex-based discrimination and harassment, including sexual violence. Reporting incidents of sexual misconduct helps us fulfill this commitment.

Second, Title IX of the Education Amendments of 1972, a federal law, prohibits discrimination on the basis of sex in education programs or activities. Accordingly, a school is required to take action whenever it has notice that sexual misconduct may have occurred. A school is deemed to have notice of sexual misconduct if a Responsible Employee knows, or in the exercise of reasonable care should know, about the misconduct. In addition to possibly jeopardizing student safety, the failure to comply with Title IX requirements can result in a school’s loss of federal funds as well as costly lawsuits.

Finally, the Title IX Coordinator and Deputy Coordinator at UTD are highly trained and knowledgeable regarding communicating and working with victims of sexual misconduct and individuals accused of misconduct, investigating allegations of misconduct, and ensuring that
UTD complies with all applicable laws and policies. Therefore, by reporting to the Title IX Coordinator or Deputy Coordinator, employees can ensure that the information is received by the University officials best qualified to respond to reports of sexual misconduct.

4. **What must Responsible Employees include in their reports?**

Responsible Employees are required by law and University policy to report *all relevant information* that is known to the employee regarding possible sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator, including the names of the complainant, respondent, and any witnesses; contact information for those individuals; the time, date and location of the incident(s); the nature of the misconduct; and any other relevant information.

5. **Do Responsible Employees have to let the complainant or other reporting party know that they are required to report?**

Though not specifically required in the Sexual Misconduct Policy, the Department of Education has advised that Responsible Employees should make every effort to ensure that the complainant understands: (i) the employee’s obligation to report the names of the complainant and respondent, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator or Deputy Title IX Coordinator; (ii) the complainant’s option to request that the school maintain his or her confidentiality; and (iii) the complainant’s ability to share the information confidentially with confidential resources such as a counselor or healthcare professional.

*See the Department of Education Office of Civil Rights, “Questions and Answers On Title IX and Sexual Violence” at D-4 (April 29, 2014).*

6. **How soon must Responsible Employees report alleged sexual misconduct once they receive information about an incident?**

Responsible Employees must report the alleged sexual misconduct to the Title IX Coordinator or Deputy Coordinator as soon as possible.

7. **If an incident happened a long time ago or happened off campus, does it still have to be reported?**

There are no time period limitations under the Sexual Misconduct Policy, so the date of the alleged sexual misconduct is not relevant. Even if significant time has passed and the respondent is no longer on campus, a Responsible Employee must report the incident to the Title IX Coordinator or Deputy Coordinator to comply with University policy and the law.

Certain off-campus conduct must be reported. As stated in the Sexual Misconduct Policy: “This Policy applies to all University administrators, faculty, staff, students, and third parties within the University’s control, including visitors and applicants for employment. It applies to conduct
regardless of where it occurs, including off University property, if it potentially affects the complainant's education or employment with the University.” (emphasis added)

Sexual misconduct alleged to have occurred off campus but at a UTD-sponsored or affiliated event or activity must always be reported. Examples of off-campus UTD-sponsored events and activities include, but are not limited to, study abroad programs, UTD-sanctioned student or employee travel, and athletic events. If the incident occurred at a location that is off campus and not a UTD-sponsored event or activity, it may still be required to be reported.

8. What happens after a Responsible Employee makes a report to the Title IX Coordinator or Deputy Coordinator?

The Title IX Coordinator or Deputy Coordinator will contact the complainant to:

- Offer information regarding campus and community resources,
- Explain the complainant’s rights under University policy and the law,
- Describe the complaint and investigation process, and
- Determine whether any immediate and interim measures are necessary in order to assure the safety and well-being of the complainant, maintain an environment free from harassment, discrimination or retaliation, and to protect the safety and well-being of community members.

If interim measures are determined to be appropriate, they will be taken immediately. For example, if the respondent is an employee, interim action may include reassignment or administrative leave for that employee. If the respondent is a student, interim action may include suspension, no contact orders, changing living arrangements, modifying the course schedule, or modifying other aspects of the educational environment. Interim action may also include allowing the complainant to move to a new residence hall, change work schedules, alter academic schedules, and withdraw from or retake a class without penalty. Moreover, the University may be able to provide additional accommodations for a complainant while an investigation is pending.

See Section 5.2 of the Sexual Assault Policy (“Interim Measures and Ongoing Assistance”).

9. What if the complainant does not want the University to take any action regarding a report?

The complainant may respond to the Title IX Coordinator or Deputy Coordinator by stating that no assistance is needed and the complainant does not want the incident to be investigated. In most cases, the matter will be immediately closed, and all information regarding the complaint, including the reporting party’s identity, will be kept confidential.

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1 If a student does not respond to the Title IX Coordinator's efforts to contact him or her regarding a report received, the Title IX Coordinator will typically presume that the student does not need or assistance and does not wish to pursue complaint regarding the alleged misconduct.
In rare circumstances, the Title IX Coordinator may determine that, based on information provided in a report, the respondent may pose a threat to the safety of the campus community. In such cases, the Title IX Coordinator must investigate the matter in order to ensure campus safety, regardless of the complainant’s wishes. The complainant will be notified of the investigation. The complainant may choose not to share additional information or otherwise participate.

In all investigations, information will be shared only as necessary with people who need to know to fulfill the purposes of University policy and applicable law, such as investigators, witnesses, and the respondent. The University will take all reasonable steps to ensure there is no retaliation against a complainant.

See Section 4 of the Sexual Misconduct Policy (“Parties’ Rights Regarding Confidentiality”).

10. **Is the information included in a Responsible Employee’s report shared with the campus police?**

Identifying information regarding a complainant will not be shared with the police without the consent of the complainant. However, if the misconduct also constitutes a crime, such as sexual assault, then basic information regarding that crime will be provided to the police, including the nature of the alleged crime, the date and time it took place, and the general location where it occurred (for example, “in a residence hall”). This information must be provided to the police to comply with the Clery Act, a federal law that requires universities to collect and report statistical information regarding certain crimes committed on or around campus, including sexual assaults.

If a complainant reports an incident to the police that is also being investigated by the Title IX investigator, the Title IX investigator and police will work cooperatively to ensure that the University’s investigation does not interfere with the criminal investigation. Furthermore, information obtained by police will be shared with the Title IX investigator as long as doing so does not compromise any criminal investigation. It is important to remember that the police are investigating a crime, while the Title IX investigator is investigating a policy violation; therefore, they are two separate and distinct investigations. Depending on the factual circumstances and the complainant’s wishes, it is possible for an incident to be investigated by the Title IX investigator but not the police, by the police but not the Title IX investigator, or by both the police and the Title IX investigator.

See Section 3.3 of the Sexual Misconduct Policy (“Reporting to Law Enforcement”).

11. **What if someone wants to discuss an incident of sexual misconduct without the information being reported to the Title IX Coordinator or Deputy Title IX Coordinator?**

Individuals may share information with University employees who are subject to confidentiality laws, such as counselors, or with non-UTD affiliated individuals and organizations, without the information being reported to the Title IX Coordinator or Deputy Coordinator. Examples of confidential resources include:
Counselors at the Student Counseling Center, the Galerstein Women’s Center, and Employee Assistance Program (EAP),
Healthcare professionals at the Student Health Center,
Off-campus resources such as an individual’s personal health care provider or counselor, clergyperson, a rape crisis resource center, or domestic violence shelter

See Section 3.5 of the Sexual Misconduct Policy (“Confidential Support and Resources”).

The Office of Institutional Equity and Compliance’s Title IX webpage maintains an updated list of campus and community resources.

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