TO: University Faculty and Staff
FR: Shirley Willihnganz
Executive Vice President and University Provost
RE: Title IX & Clery Act Mandatory Reporting Guidelines -- All Faculty are “Responsible Employees”

Dear Colleagues:

There are two federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct -- Title IX and the Clery Act. 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 “responsible employee.”

- Title IX and Clery Act responsible employees include any employees who have the authority to take action to redress the harassment, who have the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees, or an individual whom a student could reasonably believe has this authority or responsibility which include, but are not limited to:
  - Vice Presidents, Deans, Department Chairs, Directors and Coaches
  - Assistant or Associate Vice Presidents, Deans, and Provosts
  - Any employee in a supervisory or management role
  - All Faculty
  - University of Louisville Police Officers and any contracted security personnel

Note: Effective January 1, 2015, all faculty will be responsible employees.

As has been reported, this designation of all faculty as “responsible parties” is raising a lot of questions and a certain amount of critique. But we have received confirmation from OCR that this is how we are to interpret the laws, so unless either the interpretation or the laws themselves change, we must comply.

We will be sending further information in early 2015 including information sessions and training protocols for senior administrators, chairs and faculty, but need to notify you of this requirement now.

- Under Title IX, “responsible employees” have a mandatory responsibility to report allegations of sexual misconduct and/or gender discrimination to one of three individuals -- Michael Mardis, Dean of Students, as Deputy Title IX Coordinator (for complaints against students); Mary Elizabeth Miles, Director of Staff Development & Employee Relations, as Deputy Title IX Coordinator (for complaints against employees) or Wayne Hall, Chief of Police, as Deputy Title IX Coordinator (for complaints against non-University University Community Members.

- The Clery Act is broader in scope and requires “responsible employees” who witness or become aware of specific enumerated crimes against persons or property to report crimes to University Police in a timely manner, but such reports may be anonymous.

- Kentucky law further requires that any person who suspects that a minor child (under 18) is the victim of abuse or neglect must immediately contact a local law enforcement agency or other agency authorized by statute. KRS 620.030. The University Police Department (852-6111) constitutes a local law enforcement agency for this purpose.

Updated Mandatory Reporting Guidelines are posted to HR’s website under HR Items of Interest at http://louisville.edu/hr/itemsofinterest/title-ix-and-clery-act-mandatory-reporting-guidelines-1.

If you have questions, contact Mary Elizabeth Miles at 502-852-6688 or maryelizabeth.miles@louisville.edu.

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