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Introduction and summary of recommendations

In early 2018, as part of an ongoing strategic planning process, the University of Washington’s (UW) Title IX Steering Committee (hereafter “steering committee”) selected three priorities to advance the institution’s Title IX mission and vision: education and outreach, campus climate, and employee responsibilities. Work groups – comprised of students, staff, and faculty and academic personnel from the three UW campuses – were tasked with furthering these priorities. Each work group was provided with a detailed charge statement, and asked to submit recommendations and a report to the steering committee.

The Employee Responsibilities Work Group (hereafter “work group”) was specifically charged with developing recommendations to the steering committee that will lead to the implementation of a “responsible employee” policy at UW. In doing so, the steering committee asked the work group to “contemplate the importance of victim-centered and trauma-informed practices, equitable and broad access to support and services, compliance requirements, strategies for increasing the rate of reporting to the University, and practicality of application and implementation.” See Appendix A: Employee Responsibilities Work Group charge statement.

The work group convened in May 2018, and created a set of principles to guide its work, but paused its discussions in anticipation of new Title IX regulations then being developed by the Department of Education. See Appendix B: Employee Responsibilities Work Group guiding principles. In October, the Title IX Coordinator provided the work group with an amended charge, which addressed a number of the new regulations’ implications. The work group reconvened to complete its task shortly thereafter.

The recommendations articulated below are the product of the Employee Responsibilities Work Group’s deliberations.

Recommendation 1: Define “responsible employees” as those required to contact the designated “central office” when they receive disclosures or learn of information relative to incidents of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct. Designate “responsible employees” as either all UW employees [Approach A] or a limited number of individuals based on leadership, supervisory, or mentor roles [Approach B]. Provide guidance to “responsible employees” and all members of the University community on best practices for receiving disclosures and responding to impacted individuals.

Recommendation 2: Affirm and promote SafeCampus as the central office for “responsible employees” to contact. Publicize SafeCampus as the University's central resource for consultation, assessment, and support when an employee receives a
disclosure or is otherwise made aware of information related to incidents of sexual violence, sexual harassment, and other forms of sexual misconduct. Emphasize the option to contact SafeCampus anonymously or to share limited, non-identifying information to protect against concerns of retaliation and to prioritize survivor-driven choices.

**Recommendation 3:** Update relevant University policies with respect to the recommended definitions and designation of “responsible employees.” Create a harmonized set of policies that comprehensively address discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct.

**Recommendation 4:** Develop protocols to ensure the Title IX Coordinator is informed of formal allegations that employees may be involved in incidents of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct. Protocols should be developed for UW human resources offices, investigation offices, and police and campus safety offices at all UW campuses and locations.

**Recommendation 5:** Prioritize and provide resource and support options to impacted individuals, as well as education on and awareness of those resources and support options to the UW’s campus communities and other locations. Implement the recommendations contained in the December 2018 report of the Education & Outreach Work Group, including tailored information for individuals designated as “responsible employees.”

**Background, current state, context**

The term “responsible employee” is employed in the Title IX context to designate school officials who, when they learn of alleged sexual misconduct, are obligated to further report it within their institutions. Current federal laws and regulations do not specify which employees are encompassed by this term. The proposed new Title IX regulations would grant institutions broad discretion to create their own “responsible employee” directives.

Applicable guidance on Title IX-related practices published by the Department of Education’s Office for Civil Rights provides that “[a] responsible employee would include any employee who has the authority to take action to redress the harassment, who has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees, or an individual who a student could reasonably believe has this authority or responsibility [italics added].”¹ The last portion of this definition tends to receive the most attention from the general public, and from some federal courts. In short, if a

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¹ “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,” accessed 4/9/19: [https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html](https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html)
student tells someone who they reasonably believe can do something to help, many maintain that the school has some responsibility to assist the student.

Since the 2001 Title IX guidance was published, thousands of U.S. colleges and universities have implemented or enhanced policies on responsible employees. Most institutions adopt one of two models:

Model 1: All employees, including faculty and other academic personnel, staff, and student employees are considered “responsible employees” and are directed to notify the Title IX Coordinator or a designated office. Exceptions are made for those employees formally designated as confidential resources. (examples: UC Berkeley, UCLA, Ohio State University, University of Illinois)

Model 2: Only designated employees are considered “responsible employees” and are directed to notify the Title IX Coordinator or a designated office. The designated employees often include regents/trustees, chancellors, presidents and vice presidents, provosts and vice provosts, deans and chairs, directors, supervisors, athletic coaches, academic advisors, student services staff, and campus security officers. Faculty and other academic personnel are sometimes included in this group (examples: Universities of Michigan, Minnesota, Texas and North Carolina - Chapel Hill)

See Appendix C: Review of higher education policies and practices for “responsible employees,” for additional information on how such directives function at selected institutions; also see Appendix D: Links to additional information on “responsible employee” practices.

The work group also examined relevant training and education, trauma-informed and survivor-centered practices, and other campus resources and services at UW and elsewhere. This review demonstrated significant variation in the way that institutions 1) construe the role of the responsible employee, 2) provide relevant training and education designed to support individuals impacted by sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct (hereafter “impacted individual(s)”), and 3) foster a climate that does not tolerate such behaviors. It also demonstrated the importance of clear policy directives, accompanied by frequent and consistent messaging from college and university leaders, and a comprehensive framework for training, education and awareness resources and staff to implement and support them.

Unlike many peer institutions, the University of Washington has not adopted a policy officially defining the University’s “responsible employees,” nor has it established a mandatory reporting framework that is overseen by the University's Title IX Coordinator. Instead, UW policy requires “[a]ll University employees, including academic personnel, staff, temporary staff, academic student employees, and student employees [to report] to their
supervisors or the administrative heads of their organizations any complaints of discrimination, harassment, or sexual harassment. Supervisors and administrative heads who receive such reports are then delegated with the responsibility to initiate a response. This policy, however, does not fully address the intent of the Department of Education’s “responsible employee” directive, including the mandate for central coordination of the institution’s response to potential Title IX violations.

To address this gap, in the spring of 2016 SafeCampus was identified as the “central reporting office” for employees to contact when they became aware of sexual violence, sexual harassment, or other forms of sexual misconduct that impact students and/or employees. When SafeCampus is contacted they 1) assess for any immediate safety concerns; 2) provide the impacted individual with a Title IX rights and resources guide; 3) connect the impacted individual with a confidential advocate; and 4) summarize the information received and provide it to the Title IX Coordinator to address the need for centralized coordination of response. This is informally known as the SafeCampus Title IX protocol. SafeCampus also provides support and follow-up training for employees and students who receive disclosures. See Appendix E: SafeCampus Title IX protocol and related practices.

The philosophy behind the protocol is threefold: a) to ensure that members of the UW community who are impacted by sexual violence, sexual harassment, or other forms of sexual misconduct are made aware of their rights and available resources (including the right to make a formal report to the University and/or the police); b) to prioritize the individual’s choice in what, if any, next steps they might take; and c) to allow the Title IX Coordinator, and relevant process partners, to assess and address potential harm to the larger University community and monitor for systemic issues and/or patterns of behavior.

When the SafeCampus Title IX protocol was implemented, it was not widely communicated nor was it codified in University policy. Over the past two years, it has been promoted in training and resource materials and generally supported by senior leadership. Title IX-related notifications to SafeCampus have increased significantly each year since the protocol was implemented. While awareness of the SafeCampus resource, and its Title-IX related services, has increased there remain a significant number of students and employees who are either unaware of the protocol or are confused by other University practices and procedures that are not aligned with the SafeCampus Title IX protocol. It is in this context that the work group was charged.

Six months after the work group was charged, a Notice of Proposed Rulemaking (NPRM) for Title IX was published in the Federal Register on November 29, 2018. Among other
significant changes, the proposed regulations as currently drafted present a significant change to previous guidance on the issue of “responsible employees”. As such, this report endeavors to take this uncertainty into account. These recommendations are in keeping with the work group’s understanding of the evolving federal mandates. Further, the recommended practices embrace the notion of an accountable workforce and put the authority of policy behind the University’s commitment to creating the kind of learning and work environments that best support students, faculty and academic personnel, staff, and visitors on the three UW campuses and around the world.

Detailed recommendations

Recommendation 1: Define “responsible employees” as those required to contact the designated “central office” when they receive disclosures or learn of information relative to incidents of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct. Designate “responsible employees” as either all UW employees [Approach A] or a limited number of individuals based on leadership, supervisory, or mentor roles [Approach B]. Provide guidance to “responsible employees” and all members of the University community on best practices for receiving disclosures and responding to impacted individuals.

The work group discussed the importance of treating any member of the University community impacted by these behaviors with compassion, dignity and respect – within the context of a legal framework, as opposed to creating an institutional “responsible employee” policy designed solely to meet legal or compliance mandates. By adopting either Approach A or Approach B, the University’s response to impacted individuals will be more equitable and consistent, and effectively broadens access to support and services. Each approach, however, has its advantages and drawbacks.

Approach A: Designate all UW employees as “responsible employees for Title IX purposes.

Advantages:
- **Increased equity and broadened access to support and services.** Given an educated workforce that is aware of the requirement to notify a central University office, more employees are likely to follow through on the required action when they receive a disclosure. As a result, more impacted individuals can be made aware of the support measures and resources available to them as well as their rights and options, including the right to file a formal complaint.
- **Increased rate of notifications.** While disclosures reported to SafeCampus would not automatically trigger an official investigation, the University should expect to see an increase in the rate of incident notifications, and thereby it can more accurately assess the scope of relevant discrimination and harassment at the University. (It is
important to note that an increase in access to information about resources and reporting options will not necessarily lead to an increase in the rate of official complaints.

Drawbacks:

- **A reduced sense of self-determination for impacted individuals.** Victim-centered and trauma-informed practices prioritize self-determination for impacted individuals. When a trusted colleague or supervisor shares an individual's information without that person's consent – even with the best of intentions with respect to providing access to resources and options – this can lead to feelings of re-victimization. For this reason, the protocol should continue to allow for the limited sharing of information and for anonymous calls (as it does now).

**Approach B:** Designate a limited number of individuals as “responsible employees” based on leadership, supervisory or mentor roles – with all other employees strongly encouraged to contact SafeCampus when they receive disclosures or learn of other information related to incidents of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct.

Advantages:

- **Increased trust in University practices, services and resources.** Some employees and impacted individuals may be more willing to trust a process that does not include what amounts to a mandatory reporting policy, regardless of that mandate's positive intent. They may therefore be more willing to engage with services and resources instead of avoiding or refusing them.

Drawbacks:

- **Reduced equity and access to support and services.** Even with a dramatic increase in education and training around resources (see Recommendation 5), it is unlikely that all University employees will have a complete and current understanding of the rights and resources available to impacted individuals. As a result, not all impacted individuals will have equal access to the University's resources or a clear understanding of their rights if a third party, who is aware of an incident of misconduct, does not notify SafeCampus.

- **A smaller increase in the rate of notifications.** With an increase in education and training around resources and strong encouragement to involve SafeCampus, there is likely to be an increase in the rate of notifications as compared to the current state. However, it will likely not produce as significant an increase were all employees designated as “responsible employees,” and informed of their obligations under University policy.

- **Possible confusion for students and employees.** University community members may wonder who is required to contact the central office, and who is not. This approach could result in fewer contacts with the central office, and the significant
possibility that impacted individuals are not made aware of resources and reporting options.

The two approaches above are presented for the steering committee’s consideration, though the decision on which approach best meets the University’s needs and goals may have to wait until the new Title IX regulations are finalized and their implications made clearer. Regardless of which approach is selected, the work group recommends that all training for employees include information on trauma-informed and survivor-centered practices. See Appendix F: Review of trauma-informed and survivor-centered practices; related practices.

In acknowledging the work already being done by faculty and academic personnel, and staff to support individuals who have experienced sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct, the University may want to consider allowing a small group of employees who wish to work more closely and formally with SafeCampus to do so – once they have completed initial training and commit to ongoing education and engagement. Employees would be provided with specialized training and could act in support of SafeCampus to direct impacted individuals to relevant support and resources (confidential advocates, Title IX Coordinator, Counseling Center, and SafeCampus itself). The group should commit to notifying SafeCampus of contact with impacted individuals, and sharing information on the support or referrals they provide. See information on high-disclosure individuals in Appendix F.

**Recommendation 2: Affirm and promote SafeCampus as the central office for “responsible employees” to contact.** Publicize SafeCampus as the University's official resource for consultation, assessment, and support when an employee receives a disclosure or is otherwise made aware of information related to incidents of sexual violence, sexual harassment, and other forms of sexual misconduct. Emphasize the option to contact SafeCampus anonymously or to share limited, non-identifying information to protect against concerns of retaliation and to prioritize survivor-driven choices.

This “official” designation should be codified in policy for clarity and consistency. This practice will help create an effective transfer of information – received through disclosures by impacted individuals, or from other sources – from the responsible employee to SafeCampus. SafeCampus will follow up as appropriate, exercising due care and trauma-informed practices, when communicating with impacted individuals. See Appendix E for a detailed overview of the SafeCampus Title IX protocol.

For this protocol to be most effective, the work group further recommends that the University:

- Align and standardize practices and protocols for reporting of and response to sex and gender-based discrimination, sexual violence, sexual harassment, and other
forms of sexual misconduct on all three UW campuses and anywhere University programs or activities take place.

- Centralize coordination of University-wide and local messages through standardized information on web pages/websites, printed collateral materials, and through ongoing training and education module.
- Prioritize full documentation of responsible employee disclosures involving alleged perpetrators who are current University employees or students. Recognize that all individuals who have experienced incidents of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct, as well as retaliation, have the right to University resources that enable them to remain valued members of the University community; in addition, recognize that disclosures involving incidents that took place prior to the individual's enrollment or employment at the University or that do not involve other University community members should be treated differently with respect to the collection of detailed incident-specific information.

**Recommendation 3: Update relevant University policies with respect to the recommended definition and designation of “responsible employees.”** Create a harmonized set of policies that comprehensively address sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct.

Existing policies should be updated and/or revised to comport with a new “responsible employee” policy. This includes:

- EO 31: Nondiscrimination and Affirmative Action
- EO 32: Employee Responsibilities and Employee Conflict of Interest
- EO 51: Sexual Violence Elimination Policy
- EO 54: Employee-student Romantic Relationships and Conflicts of Interest
- EO 56: Reporting Suspected Child Abuse or Neglect
- APS 11.7: Policy on Domestic Violence in the Workplace and Leave Related to Domestic Violence, Sexual Assault, or Stalking
- APS 46.3: Resolution of Complaints Against University Employees
- Relevant provisions of the Student Conduct Code and Faculty Code

Information on UWHR's “Workplace violence” webpage should also be updated to include information on responsible employees.

A “responsible employee” policy will also need to align with mandates from the federal Departments of Education and Justice, as well as agencies with specific directives on reporting and addressing allegations of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct, such as the National Science Foundation.
In consultation with the Title IX Coordinator, the University should direct any group charged with implementation of the recommendations contained here to examine relevant peer practices for creating clear and comprehensive policy directives for the University community. Further, regular evaluation of policies and protocols should be built into University practices, including benchmarking against selected peers. Such evaluations should include students, staff, faculty and academic personnel, and impacted individuals.

The work group notes that some of the policies referenced above may not be well-aligned with the practices currently maintained by local human resources units, UWHR, the medical centers, SafeCampus and other offices across the University. This should be addressed by those who plan the implementation of a new “responsible employee” policy, and be included in ongoing evaluation of relevant University practices.

Recommendation 4: Develop protocols to ensure the Title IX Coordinator is informed of formal allegations that employees may be involved in incidents of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct. Protocols should be developed for all UW human resources offices, investigation offices, and police and campus safety/security offices at all UW campuses and locations.

While the work group focused primarily on informal disclosures made by impacted individuals to third parties, it became apparent in the evaluation and analysis of the University's current policies and practices that the Title IX Coordinator is not informed of all formal complaints of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct by UW employees. For this reason, the work group recommends that current protocols within both local human resources units (e.g., Facilities Services, Housing & Food Services, the professional schools and medical centers, and units on the Tacoma and Bothell campuses) and UWHR, as well as investigation offices, and police and campus safety offices, should be evaluated and revised to ensure that the Title IX Coordinator is notified of all formal complaints and other information relative to alleged incidents of discrimination and harassment, even when a formal complaint is resolved at the local level. This will help ensure that the University has an accurate understanding of the scope and nature of Title IX-related misconduct and can identify patterns and systemic issues on its campuses and in its programs and activities.

Recommendation 5: Prioritize and provide resource and support options to impacted individuals, as well as education on and awareness of those resources and support options to the UW's campus communities and other locations. Implement the recommendations contained in the December 2018 report of the Education & Outreach
Work Group, including tailored information for individuals designated as “responsible employees.”

The work group notes that the current state at UW is one where policies and expectations for student and employee behavior are not broadly understood, and suffer from a lack of vertically-integrated messages that begin with senior leaders and end with those who hold supervisory and mentor roles or positions – whether faculty and academic personnel, or staff.

The work group strongly endorses the recommendations of the Education and Outreach Work Group and further recommends that Level 1 training include:

- Detailed information on the role and purpose of confidential advocates; what UW community members can expect from a meeting with a confidential advocate
- Clear directives on the expectations of all employees when they receive a disclosure of sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct, or have reason to believe a student or colleague is experiencing conduct that violates University policy
- Detailed information on the role and purpose of SafeCampus, as it pertains to reporting incidents of sexual and gender-based discrimination and harassment; what UW community members can expect when speaking with a member of the SafeCampus staff as well as what not to expect.

If Approach B in Recommendation 1 is adopted – where the University designates a limited number of “responsible employees” – those employees should be required to complete Level 4 training that includes information on trauma-informed response practices.
Appendix A

Title IX Strategic Planning
Employee Responsibilities Work Group
March 30, 2018

Summary Statement
The University of Washington has a responsibility to provide support, resources, and reporting rights and options to students and employees who disclose that they have been impacted by sexual assault, sexual harassment, or other forms of sexual misconduct.

Charge Statement
The Employee Responsibilities Work Group is charged with developing recommendations to the Title IX Steering Committee that will lead to the implementation of a “responsible employee” policy at UW. The recommendations should contemplate the importance of victim-centered and trauma-informed practices, equitable and broad access to support and services, compliance requirements, strategies for increasing the rate of reporting to the University, and practicality of application and implementation.

The work group’s report to the Steering Committee should:
1. Propose a UW definition—or alternative definitions for consideration—of “responsible employee” (see Department of Education 2001 guidance). Include concise rationale for inclusion or exclusion of employees in proposed definition(s).
2. Depending upon definition(s) offered, assess current protocol for responding to individuals impacted by sexual misconduct and either confirm that protocol, or propose new protocol for employees identified as “responsible employees.” Protocol should be applicable to all campuses and locations, responsive to Title IX compliance requirements, and allow for minor adjustments as deemed necessary by the Title IX Coordinator.
3. Review existing University-wide policies and protocols and identify areas that may need revision or expansion to be inclusive of “responsible employee” expectations while also acknowledging intersections with Clery and other regulatory requirements.
4. Recommend a training/education framework to ensure “responsible employees” are aware of their designation and what actions to take when they receive a disclosure.

Process and Timeline
Meeting times and frequency will be determined by the work group. Assistance in scheduling is available from Compliance Services if requested.

The work group is asked to identify and consult with key stakeholder groups—including students—and consider a range of perspectives and approaches as identified in best-practice literature and peer institutions. The work group will be asked to share updates with the Title IX Working Committee at one or more of the Working Committee’s monthly meetings.

A written report to the Title IX Steering Committee is requested by November 15, 2018 with an update (verbal report) provided at the August 2018 Steering Committee meeting.
The Title IX Steering Committee will review the work group report, consider the proposals, approve or make recommendations for approval, and identify appropriate next steps, including the charging of implementation teams if/as appropriate.

**Work Group Membership**

Chair: Stephanie Harrington, Associate Dean for College of the Environment (Seattle)

Members:
- Katie Gallagher, Violence Prevention & Response Specialist, SafeCampus (Tri-Campus)
- Gale Gray, Director of Human Resources Policy, School of Medicine (Seattle)
- Shelly Kostrinsky, Assistant Vice Provost, Academic Personnel (Tri-Campus)
- Lauren Lichty, Assistant Professor of Interdisciplinary Arts & Sciences (Bothell)
- Ian Messerle, UCIRO and Title IX Investigation Office (Tri-Campus)
- Sarah Schulte, Assistant Attorney General (Tri-Campus)
- Richard Wilkinson, Associate Vice Chancellor, Finance & Administration (Tacoma)
- TBD – Representative from GPSS (Graduate and Professional Student Senate)

Staff Support – Joel Tobin, Compliance Services

Steering Committee Liaison – Jill Lee, Executive Director of Compliance Services

Consultation:
- Kyra Laughlin, graduate student and President of Sexual Assault and Violence Education (Bothell)

**Amended Charge Statement, provided October 2018**

1. A specific definition of “responsible employee” may or may not be required under the revised guidance. Knowing that, please summarize the work group’s discussion to date on the topic of who should be included as a “responsible employee” in the event that such a designation continues to be relevant or useful.

2. Understanding that “responsible employee” guidance could change, assess current UW protocol from a “best practice” lens and propose adjustments as addressed in the original charge. Include alternative approaches if a clear consensus was not achieved. Protocol should continue to prioritize: trauma-informed practices, mechanisms to provide equitable access to support resources and reporting options, consistency across campuses/UW locations, and information sharing with the Title IX Coordinator to allow for the identification of patterns and risk of harm assessments for the greater community.

3. Per the original charge, identify policies or protocols that may need to be updated with revised information regarding employee responsibilities.

4. Per the original charge, recommend a training/education framework to best communicate protocols and expectations once they are finalized.
Appendix B
Employee Responsibilities Work Group guiding principles

At the outset of its discussions, the work group adopted the principles stated below. Debating them served as an important foundation for subsequent discussions, guiding and informing the recommendations articulated here.

- Promote the well-being and healing of those affected by sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct, with the goal of making them feel welcome and included as members of the UW community;
- Treat those alleged to have engaged in prohibited discrimination or harassment (i.e., respondents in Title-IX related investigations) with dignity and respect, with the aim of retaining them as valued members of the University community, until and unless they are found responsible for alleged misconduct;
- Prioritize the self-determination of those affected by misconduct, including the decision as to whether to file a formal complaint, the pace of process steps (i.e., investigation and resolution of alleged misconduct), and the privacy of incident details, to the extent possible;
- Recognize that University policies and Title IX regulations may not adequately or completely address the specifics of each and every misconduct allegation, and work diligently to ensure that impacted individuals receive the care and support they want or need;
- Acknowledge that University employees need and want training and education that outline their responsibilities regarding sex and gender-based discrimination, sexual violence, sexual harassment, and other forms of sexual misconduct;
- Encourage a culture where individuals who disclose incidents of sexual and gender-based discrimination and harassment feel supported, and assist those who report alleged misconduct to feel safe and supported;
- Promote the University’s commitment to providing an inclusive environment on its campuses and in its programs by assuring that Title IX-related services and resources are accessible to all UW community members regardless of sex and gender, race and ethnicity, gender or sexual identity, ability, religious affiliation, and age;
- Respond to all misconduct complaints in a timely and transparent manner; and,
- Commit to continuous improvement of Title IX-related policies and practices, and measures that enhance employee awareness of reporting responsibilities.
Appendix C
Review of higher education policies and practices for “responsible employees”

As part of its deliberations, the work group examined “responsible employee” and other relevant policies and practices at prominent institutions; the information below – on the University of Oregon, Marquette University, and the University of California System, including UC Berkeley and UCLA – provides useful context for the recommendations articulated in this report.

University of Oregon
Oregon maintains two relevant policies: Student Sexual and Gender-based Harassment and Violence Complaint and Response Policy and Discrimination Complaint and Response.

Noteworthy features of these policies include:
- All employees are “responsible employees,” with the exception of confidential, student, and exempt employees.
- An “exempt employees” classification. Such employees “are certified as such by the Title IX Coordinator and … (1) pass annual training requirements approved by the Title IX Coordinator; (2) provide students who they interact with a notice approved by the Title IX Coordinator relating to their status as an exempt employee and their privacy practices. The Title IX Coordinator may decline to certify as exempt those employees whose duties or other reporting obligations make exemption inappropriate due to their role as supervisors or others deemed campus security authorities or individuals with a role in investigation or responding to incidents of sexual misconduct. Exempt employees are not required to report instances of prohibited discrimination relating to students; however, exempt employees are encouraged to report all instances of prohibited discrimination in the manner described in [the] policy. If a student shares information regarding prohibited discrimination with an exempt employee, the employee is required to provide that individual with information regarding available resources, reporting options, including confidential reporting options, the university’s complaint process and the university’s policy regarding retaliation. Such information will be provided to exempt employees during their annual training. Exempt employees are also required to consult confidentially with the Crisis Intervention and Sexual Violence Support Services Program after receiving a report. Exempt employees who fail to comply with these requirements may be subject to discipline up to and including a letter for reprimand.”
- Clear reporting requirements for all employees: those “who receive credible evidence of prohibited discrimination, harassment, or sexual harassment involving an employee, student or campus community member are required to promptly report that information[,]” If the credible evidence relates to a student, the information is to be reported to the Title IX Coordinator or to the Office of Crisis
Intervention and Sexual Violence Support Services. In all other instances, information is to be reported to the Office of Affirmative Action and Equal Opportunity.

- A clear directive to employees who experience prohibited discrimination, harassment or sexual harassment, as follows: “Rather than reporting to other employees who are Responsible Employees, and who may have conflicts of interest based on existing relationships within [departments, institutes, or programs], we encourage employees experiencing prohibited discrimination, harassment or sexual harassment to utilize the confidential resources available to them in order to explore forms of support and protection and to fully understand their options relating to filing a complaint.”

- A list of “designated reporters” – essentially “responsible employees” regarding student complaints and reports of misconduct – including all senior leaders (president, provost, vice presidents and vice provosts), athletic department staff, deans, department heads, resident assistants and orientation leaders, and dozens of others. Notably, information that accompanies this designation parrots language included in current Title IX guidance.

- Detailed statements on the obligations of designated reporters, student-directed employees, confidential employees, supervisors, and the university administration.

- Notes on the limits to legal privilege and clear information on how privacy protections and confidentiality do and don’t work.

- A clear statement affirming that the Title IX Coordinator and other key service providers share non-personally identifiable information with one another to keep the coordinator “informed of the general extent and nature of reported misconduct on and off campus”.

- A clear statement on the obligations of all employees to students (e.g., “respond with respect and with kindness,” “be sensitive to the needs of the survivor, without being judgmental, paternalistic, discriminatory, or retaliatory,” and special protocols for disclosures from individuals who may be under the age of 18, etc.)

- Suggested information on resources and help for affected students to be included on syllabi.

- Directives on relevant training.

- A directive that the Office of the Title IX Coordinator prepare annual reports “to identify patterns or systematic problems.”

- A statement on consequences for failure to comply with established policies.

See Appendix D: Links to additional information on “responsible employee” practices for citations and links to additional information.
Marquette University

A Catholic, Jesuit institution located in Milwaukee, Wisconsin, Marquette has a student population of approximately 11,500.

Marquette’s Sexual Misconduct and Title IX webpage is well-organized with clear buttons under a “Get Help” banner:

- What should I do if I am sexually assaulted?
- What should I do if I am sexually harassed, abused or stalked?
- What should I do if someone tells me they have been sexually assaulted, harassed, abused or stalked [for faculty and staff]?
- What should I do if someone tells me they have been sexually assaulted, harassed, abused or stalked [for students and non-Marquette employees]?

The webpage also provides a useful summary of the University’s Title IX complaint process, with information on an investigation's initial meeting, the investigation itself, findings, sanctions, and the right of appeal.

All Marquette employees have been designated “responsible employees,” with the exception of ordained ministers providing pastoral care and Counseling Center staff. Responsible employees “have a duty to report actual or suspected harassment, discrimination or sexual misconduct to appropriate officials.” That reporting duty dictates that they “must share all details of the reports or information they receive.” This includes:

- The name of the person who is reporting
- The name of the alleged respondent (if known/disclosed)
- The name(s) of other individual(s) involved (if known/disclosed)
- The relevant facts such as the date, time and location

“Though faculty and employees have mentoring and other close relationships with colleagues and students, as a responsible employee you may not promise confidentiality.”

Marquette provides the following additional information and guidance to its campus community:

What should a responsible employee tell a student who discloses an incident of sexual harassment, discrimination or sexual misconduct?

- The student should carefully consider whether they wish to share personally identifiable details.
- The student has the right to decide whether or not to file a Title IX complaint with the university, file a criminal complaint with MUPD or other law enforcement agency, pursue both the Title IX complaint and criminal complaint, or choose not to pursue any of the above options.
• The student has the right to expect to have their complaint taken seriously by the university when reported, and to have those incidents investigated thoroughly and properly resolved pursuant to the policy.
• Emphasize to the student that although you may not keep the information confidential, only those individuals with a need to know the information will be informed.
• Advocacy is available. You may even call the advocate with the student.

How should I respond when a student discloses that they have been a victim of harassment or sexual misconduct?
• Listen and believe them. It takes a lot of courage to share what has happened.
• Don't press for details about the incident or pressure them into taking action.
• Encourage and assist the student in finding support through the university, friends and family.
• Be non-judgmental. Asking questions about the incident can result in the student feeling responsible for what happened.

What happens after a responsible employee reports to the Title IX coordinator, MUPD or other university official?
• The student will be contacted by one of the victim advocates. The victim advocate will:
  o Provide information about and assistance with criminal and university reporting processes
  o Provide support for victims of harassment and sexual misconduct
  o Answer any questions about the university's Title IX Policy
  o Assist with housing, academic and other related matters and concerns
  o Assist in creating a safety plan

Why am I required to report details of reported harassment or sexual misconduct?
• Assures appropriate services to victims of harassment and sexual misconduct
• Assures students have access to all services and resources the university is able to provide
• Fosters transparency about campus crimes
• Allows the university to appropriately remedy discrimination and harassment
How do I avoid discrimination in the classroom?

- When class assignments require group projects, it is best practice to randomly create the groups rather than allowing students to self-select or group by gender.
- Create a classroom climate that does not tolerate:
  - Offensive or degrading comments
  - Dirty or offensive jokes
  - Obscene gestures
- Always respect personal boundaries including but not limited to:
  - Physical contact
  - Initiating discussions about sexual orientation, gender identification or gender expression
  - Comments about physical appearance.
- Institute a policy of blind grading (no personally identifiable information) if applicable

See Appendix D: Links to additional information on “responsible employee” practices for citations and links to additional information.

University of California

The University of California (hereafter “UC”) designates every employee not identified as a confidential resource as a “responsible employee.” Responsible employees are “required to report sexual violence, sexual harassment or other conduct prohibited by [the UC Policy on Sexual Violence and Sexual Harassment] to the Title IX officer or designee.” Reporting responsibilities differ depending on whether an incident involves students or non-students. All UC employees, including student employees, must contact the Title IX officer when they become aware that a student has experienced relevant misconduct. Faculty, managers and supervisors, Human Resources staff, Academic Personnel, and campus police must inform the Title IX officer of a report of prohibited behavior received from “anyone affiliated with the university.” All reported incidents, concerns, and information are directed to the Title IX officer.

UC provides a clear directive to all responsible employees:

Before the individual tells you about an incident of sexual violence or sexual harassment, you should inform the person that you are a Responsible Employee and that you are required to report incidents of sexual violence, sexual harassment or other conduct prohibited by university policy to the Title IX officer. You should tell the person that you cannot keep reports of sexual harassment or sexual violence confidential, but that the Title IX officer will consider requests for confidentiality.
You should also inform the person telling you about sexual violence or sexual harassment that there are confidential resources available to them, including the CARE Advocate Office, which serves survivors of sexual violence and sexual harassment. Providing this information upfront allows the individual to decide whether to talk to you or go to a confidential resource.

Notably, UC provides detailed information to those accused of sexual violence, i.e., respondents. Each campus maintains a campus respondent service coordinator; coordinators can help respondents understand their rights, explain the investigation and adjudication process, and provide referrals to campus and community resources when needed.

The UC system – which encompasses ten institutions – maintains investigation and adjudication models for students, faculty and academic personnel, and staff. These models, together with the UC’s Standards of Ethical Conduct, Statement of Ethical Values, and Principles of Community (each institution has established its own set of principles) articulate clear statements of expected behavior for members of the UC’s campus communities. UC requires and provides sexual violence prevention education and training for all students, faculty and staff.

UC institutions are bound by the mandates of SB 967, a statute requiring California colleges and universities to adopt certain policies on sexual violence, domestic violence, dating violence and stalking. Policies must include an affirmative definition of consent and a preponderance of the evidence standard for adjudicating cases of Title-IX related misconduct.

See Appendix D: Links to additional information on “responsible employee” practices for citations and links to additional information.
Appendix D
Links to additional information on “responsible employee” practices

University of Oregon
Employee responsibilities
https://investigations.uoregon.edu/employee-responsibilities

Discrimination Complaint and Response Policy
https://policies.uoregon.edu/vol-5-human-resources/ch-11-human-resources-other/discrimination-complaint-and-response

Student Sexual and Gender-based Harassment and Violence Complaint and Response Policy
https://policies.uoregon.edu/vol-5-human-resources/ch-11-human-resources-other/student-sexual-and-gender-based-harassment-and

Marquette University
Sexual Misconduct and Title IX
https://www.marquette.edu/sexual-misconduct/index.php

FAQs Regarding Title IX Best Practices and Compliance
https://www.marquette.edu/sexual-misconduct/title-ix-faq.php

University of California System, UC Berkeley, and UCLA
FAQ: Important facts about professors, supervisors and other “responsible employees” who are required to report (UC)
https://sexualviolence.universityofcalifornia.edu/faq/responsible-employee.html

FAQ: If you’ve been accused (UC)
https://sexualviolence.universityofcalifornia.edu/faq/accused.html

FAQ: Education and training (UC)
https://sexualviolence.universityofcalifornia.edu/faq/education-training.html#1_1

How to be a responsible employee (UC Berkeley)
https://svshadvisor.berkeley.edu/how-be-responsible-employee

FAQ: Important facts about professors, supervisors and other “responsible employees” who are required to report (UCLA)
https://www.sexualviolence.ucla.edu/FAQS/Responsible-Employees
Appendix E
Safe Campus Title IX protocol and related practices

SafeCampus is the central office for coordination of violence prevention and response activities, and prevention education at the University of Washington.

The team is currently comprised of three full-time staff members: a Program Manager, a Threat Assessment & Management Specialist, and a Prevention, Education & Communications Coordinator. Trauma-informed, intersectional and victim-centered principles guide all aspects of the team's work. SafeCampus offers multiple services including: threat assessment and management, crisis intervention, tailored consultation with individuals and departments, connections to resources, prevention education, community outreach and awareness, consultation on policy development and implementation, and support for University partners engaged in similar work.

SafeCampus operates a 24/7 helpline for UW community members who have safety concerns for themselves or others. Callers may consult with SafeCampus about any of the following: physical or verbal threats, suicide concerns, self-harm behaviors, harassment, workplace violence, and Title IX-related sexual misconduct (sexual assault, domestic or intimate partner violence, sexual harassment, and stalking). This resource is available to students, faculty and staff on all three campuses, UW Medical Center, Harborview Medical Center, and anywhere University activities take place.

The following describes the process by which SafeCampus receives and responds to information regarding sexual violence, sexual harassment, and other Title IX-related issues experienced by a UW student or employee. SafeCampus’s primary goal is ensuring that impacted individuals are provided with equitable access to support and resources, and made aware of the University services available to them.

- An individual becomes aware of sexual violence, sexual harassment or other Title IX-related issue experienced by or perpetrated by a member of the UW community.
- That individual calls the SafeCampus helpline and provides the staff member answering the call (hereafter referred to as “response specialist”) with information they have received or an explanation of conduct they have observed. The individual may choose to remain anonymous when speaking with the response specialist or elect to share only limited information about their identity, or about the circumstances that prompted the call.
- Based on the information received, the response specialist will:
  - Assess for any immediate safety concerns and provide consultation on next steps if needed
  - Ask the caller additional assessment questions
    - Does the impacted individual know that you are calling SafeCampus?
    - Has the impacted individual expressed interest in engaging with resources?
Did you ask the impacted individual if email is a safe form of communication through which to receive information on available resources?

What do you think is the best way for the individual to receive resources?

- Determine the best way to provide outreach information
  - The outreach includes an electronic copy of the University's *Know Your Rights & Resources* booklet and a direct connection to a UW confidential advocate. It is the impacted individual's choice whether they engage with any of these resources.
  - Potential ways of providing resources
    - The response specialist will share the resources with the impacted individual directly.
    - The response specialist will send the *Know Your Rights & Resources* booklet and contact info for a UW confidential advocate to the caller to share with the impacted individual.
    - The response specialist will collaborate with the caller to come up with other approaches depending on the situation.
  - If the best method is unknown, the response specialist will coach the caller on how to ask the impacted individual – in a trauma-informed manner – what is preferred. The response specialist will proceed according to the individual's wishes.

- The response specialist will then consult with the employee on what next steps, if any, they or the department should take to support the impacted individual in a trauma-informed and survivor-centered way.
- The response specialist will provide emotional support to responding employees and referral to additional support resources as needed. SafeCampus understands that many employees have not received training on handling disclosures of sensitive or difficult information, and may experience emotional impacts themselves following such disclosures.
- SafeCampus provides a summary of the information received from the student or employee to the Title IX Coordinator. This allows for an assessment of risk to the broader University community, as well of monitoring of patterns or systemic issues.

Important details relevant to SafeCampus practices include:
- Sharing a received disclosure with SafeCampus does not mean that a student or employee has made a formal report of alleged misconduct to the University.
- SafeCampus does not perform investigations. Notification or outreach to SafeCampus does not automatically trigger an investigation.
- SafeCampus does not inform the subject, or individual alleged to have engaged in prohibited conduct, that information has been received regarding the individual's conduct. If and when an investigation into alleged discrimination or harassment is initiated by the University Complaint Investigation and Resolution Office (UCIRO),
the Title IX Investigation Office, or other unit, the respondent will be notified of the allegations.

- SafeCampus also accepts calls from any member of the public with concerns about a student or employee, or incidents that may have occurred on a UW campus, or in one of its programs or activities.
Appendix F
Review of trauma-informed and survivor-centered best practices; related considerations

To support “responsible employees” – however they are defined – and to assist 1) any member of the University community impacted by sex and gender-based violence, sexual harassment, or other forms of sexual misconduct, and 2) any student or employee who receives a disclosure or other relevant information as a third party, the work group provides the following information on best practices for trauma-informed and survivor-centered practices. The work group recommends that these practices be considered when and where they are relevant to institutional policies and procedures, and to the services and resources made available to the University community.

1. Compassionate response

Any response to disclosure should affirm and value the person disclosing, avoid victim blaming or unnecessary questions, offer accommodations and other kinds of support, provide referral to relevant University and community services and resources, and prioritize the privacy of the person disclosing. Relevant training and education for students and employees will help ensure consistent and appropriate responses when disclosures are made.

2. Protection of privacy; self-determination for impacted individuals

When responsible employees receive disclosures or other information as third parties, they should be encouraged to contact the designated central office to discuss their response to disclosure, and identify a follow-up strategy with the impacted individual as needed.

Trauma-informed and survivor-centered practices prioritize self-determination for impacted individuals. If a trusted colleague or supervisor shares an individual’s information without their consent – even with the best of intentions and a desire to facilitate access to resources and options – it can lead to feelings of re-victimization. For this reason, all members of the University community, including “responsible employees,” should seek affirmative consent from impacted individuals before disclosing any identifying information in a formal or informal manner.

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This includes formal accommodations provided through the Disability Resources for Students (DRS) unit, the Disability Services Office (DSO – which provides services to employees), and similar offices on the Bothell and Tacoma campuses, as well as informal support or other arrangements provided by faculty or staff supervisors or managers when they are consulted by impacted individuals.
3. Access and equity in the provision of services and resources

All University services and resources made available to impacted individuals should be provided in a manner that ensures equity and choice. This requires consideration of the “whole person,” including:

- Intersectional identities (i.e., protected classes: LGBTQ; race, color and national origin; disability; religion, immigration and citizenship status, etc.)
- Non-native speakers of English, and those with limited fluency
- Diverse cultural practices, expectations and norms
- Power dynamics among and between faculty and academic personnel, supervisors, students, and others

4. Building a culture that encourages and supports reporting

With more visible and consistent communication from responsible employees about rights and resources, the University can begin to build a culture where anyone wishing to report allegations of misconduct to the University will be supported in doing so. It is important to note, however, that an increase in access to information about resources and reporting options will not necessarily lead to an increase in the rate of official reports or complaints.

5. Provision of support to those receiving third-party disclosures and other information

University employees who receive disclosures or other information about sex and gender-based violence, sexual harassment, or other forms of sexual misconduct may need supportive feedback and coaching on effective response to disclosures from trained staff, such as SafeCampus response specialists. Receiving such disclosures or information can be upsetting and difficult to process, both personally and professionally. Such coaching and emotional support is currently available from SafeCampus.

In addition to consideration of the above practices, the University should recognize and support the expertise and service of faculty and staff who teach, conduct research, and engage in applied practice regarding sex and gender-based violence, sexual harassment, and other forms of sexual misconduct.

Some University employees (e.g., academic advisors, faculty teaching courses in gender and sexuality studies, courses on human rights, and other social justice-related curricula) receive disproportionate numbers of disclosures, particularly from students. In some cases, these individuals do not have advanced disclosure response training. An investment in
advanced training for these high-disclosure employees could have significant value for the University community.

Other high-disclosure employees are trained experts in sexual and relationship violence. Student-survivors seek out learning opportunities from them through courses, internships, and research experiences. In addition, colleagues often solicit their recommendations and support in identifying resources, crafting syllabus language, or addressing existing sexual misconduct. Their expertise and role should be recognized and connected to a larger system of response designed to support survivors who wish to access relevant services and continue their educational programs. These high-disclosure individuals serve as critical resources in University efforts to build a culture that follows trauma-informed practices while connecting survivors to rights and resources information.

The work group believes that consideration of a special designation for high-disclosure individuals who are committed to these issues would be valuable. These individuals should be identified across each UW campus and should receive specialized training and support. They could assist in developing communication strategies, in partnership with SafeCampus and other University offices and units, and offer insight into campus disclosure rates and community needs.