



UNL EMPLOYEES TITLE IX RESPONSIBILITY GUIDE

INSTITUTIONAL EQUITY AND COMPLIANCE
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TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”



TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Title IX prohibits discrimination based on sex in education programs and activities in federally-funded schools. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination. All students, faculty and staff at UNL are protected by Title IX (regardless of gender, sexual orientation, or gender identity) in all aspects of UNL's educational programs and activities.



UNL'S COMMITMENT TO ADDRESSING SEXUAL MISCONDUCT

The University of Nebraska–Lincoln (UNL) is committed to creating a diverse and inclusive work and learning environment free from discrimination and harassment. UNL is dedicated to creating an environment where everyone feels valued, respected and included. UNL does not discriminate on the basis of race, ethnicity, color, national origin, sex (including pregnancy), religion, age, disability, sexual orientation, gender identity, genetic information, veteran's status, marital status, and/or political affiliation in its programs, activities and employment. UNL complies with all local, state and federal laws prohibiting discrimination, including Title IX, which prohibits discrimination on the basis of sex.



CONDUCT WHICH CONSTITUTES SEXUAL MISCONDUCT

Allegations asserting the following conduct may constitute sexual misconduct and violate University policy:

- Sexual Harassment
- Domestic or Dating Violence
- Stalking
- Sexual Assault

Definitions for these violations may be found at IEC's Title IX webpage, <http://go.unl.edu/title-ix>.



TITLE IX – SHARED RESPONSIBILITY

The University has a Title IX Coordinator who is responsible for coordination of compliance and safety efforts, and processing of discrimination and harassment complaints. However, Title IX compliance is a shared responsibility of everyone on campus, from top-level administration to individual staff members. All employees, regardless of title, have some responsibility to ensure campus safety. This Guide is intended to assist all employees in understanding the role they are expected to play in addressing sexual misconduct on campus.



THREE CATEGORIES OF UNL EMPLOYEES UNDER TITLE IX:

1. Responsible Employees
2. Confidential Employees
3. “Other” Employees

All UNL employees fit into one of these three categories. It is vital you understand the category in which you fit, and the role you are expected to play with regard to reporting and addressing sexual misconduct on campus.



CATEGORY ONE: RESPONSIBLE EMPLOYEES

The term “Responsible Employees” comes from the Office of Civil Rights guidance issued to universities. According to that guidance, each school must designate “Responsible Employees,” who are required to report suspected and known incidents of sexual misconduct, including sexual harassment, dating and domestic violence, stalking and sexual assault.



CATEGORY ONE: RESPONSIBLE EMPLOYEES

Once a Responsible Employee knows or reasonably should know of possible sexual misconduct, the University is deemed to have notice of it. The University has an obligation to investigate and take appropriate action as soon as a Responsible Employee has received the complaint.

As such, if a Responsible Employee becomes aware of any situation implicating sex discrimination or sexual misconduct, the Responsible Employee is **required to immediately report** the situation to the Title IX Coordinator, and the University has an obligation to conduct an investigation into the situation.



UNL RESPONSIBLE EMPLOYEES

Generally speaking, all individuals with the following in their titles will be Responsible Employees for the purposes of Title IX:

- Dean
- Associate Dean
- Director
- Associate Director
- Assistant Director
- Manager
- Department Chair
- Department Head

For a complete list of UNL Responsible Employees identified by title, see:
<http://www.unl.edu/equity/unl-title-ix-responsible-employees>.



GUIDELINES FOR RESPONSIBLE EMPLOYEE REPORTING

What is the scope of sexual misconduct that must be reported?

- Conduct that occurred on or off campus must be reported.
- Conduct that was directed at or impacted a University employee, student or other campus community member must be reported.
- No matter how a Responsible Employee learns about sexual misconduct, it must be reported.

GENERAL RULE: If a Responsible Employee suspects or learns about sexual misconduct that impacts a campus community member or UNL's campus climate, you should report it. The Title IX Coordinator will determine whether an investigation should be conducted under the circumstances.



RESPONSIBLE EMPLOYEE OBLIGATIONS

A Responsible Employee must do several things when the Responsible Employee becomes aware of a situation involving sexual misconduct, including:

1. Before an individual reveals information the individual may wish to keep confidential, make sure the individual understands:
 - The Responsible Employee's obligation to report the names of the parties and relevant facts to the Title IX Coordinator; and
 - The individual's option to share the information confidentially with counseling, advocacy, health, legal, pastors, or sexual-assault related services. Such information, would then remain confidential to the extent allowed by law. Provide a list of confidential resources.



RESPONSIBLE EMPLOYEE OBLIGATIONS

2. Make sure the individual is safe. If the person needs immediate safety or health measures, encourage them to call campus police and/or the Title IX Coordinator and to seek medical care.
3. Inform individual of the right to report a crime to the police, if he/she wishes.
4. Provide the individual with a list of available campus resources, including confidential resources.



RESPONSIBLE EMPLOYEE OBLIGATIONS

5. Try to gather information about the parties involved and the basic facts of the situation, but do not conduct your own investigation. Immediately report the information to the Title IX Coordinator.
6. Inform the individual of the option to request the school maintain the individual's confidentiality while conducting an investigation, which the school will consider. However, such request may inhibit the University's ability to investigate and take remedial action. Do not promise confidentiality as the Title IX Coordinator needs to determine if the request can be honored under the circumstances.



RESPONSIBLE EMPLOYEE OBLIGATIONS

7. Inform the individual of the right to be free from retaliation for filing a complaint.
8. Inform the individual of the importance of preserving evidence, even if the person may not be considering reporting at the present time.
9. Report the situation to campus police if you are identified as a Campus Security Authority, and if the situation is a reportable crime under the Clery Act.



CATEGORY TWO: CONFIDENTIAL RESOURCES

Some employees are required to maintain near complete confidentiality of communications concerning acts of sexual misconduct. Talking to them is sometimes called a legally “privileged communication.” These individuals do not have an obligation to report allegations to the University for investigation purposes. However, they may: have an obligation to report statistical information for annual Clery crime reporting purposes; have an obligation to report child abuse to local authorities as required by state law; or have an obligation to report non-identifying information to the Title IX Coordinator. Employees who may provide near complete confidentiality on the UNL campus include mental health professionals, medical providers, victim advocate services, and lawyers.



UNL CONFIDENTIAL RESOURCES

The following are UNL Confidential Resources:

- UNL Victim Advocate
- University Health Center, Medical Clinic
- Student Legal Services
- Psychological Consultation Center (PCC)
- University Health Center, CAPS
- Women's Center Counseling Services
- UNL Employee Assistance Program (*for UNL employees only*)
- Athletics – sports psychologists, team doctors (*for athletes*)



CONFIDENTIAL RESOURCES OBLIGATIONS

A Confidential Resource must do several things when the Confidential Resource becomes aware of a situation involving sexual misconduct, including:

1. Inform the individual of the right to file a Title IX complaint with the Title IX Coordinator or the Office of Civil Rights.
2. Inform the individual of the right to report a crime to campus or local law enforcement.
3. Provide other campus resources, i.e. counseling, medical, academic support, Title IX Coordinator, etc.
4. Offer assistance in obtaining safety or other interim measures.
5. Inform the individual of the right to be free from retaliation for filing a complaint.



CONFIDENTIAL RESOURCES OBLIGATIONS

6. Inform the individual of UNL's limited ability to respond to a complaint where the person only speaks to a confidential resource.
7. Inform the individual of the importance of preserving evidence, even if the person may not be considering reporting at the present time.
8. Provide statistical information to the extent allowable to the Title IX Coordinator for consideration of campus climate concerns.
9. Report the situation to campus police if you are identified as a Campus Security Authority, and if the situation is a reportable crime under the Clery Act.



CATEGORY 3: ALL OTHER UNL EMPLOYEES

Most faculty members and other UNL staff employees do not fall under the categories of Confidential Resources or Responsible Employees. While these employees do not have any obligation to keep shared concerns confidential and are not required to report those concerns, the University encourages them to assist an individual who shares a concern.



ALL OTHER UNL EMPLOYEES OBLIGATIONS

UNL encourages, but does not require employees who are not designated as Responsible Employees to take the following action upon learning of a situation:

1. Inform the individual of the option of reporting to the Title IX Coordinator and/or local law enforcement.
2. Assist the individual by directing him/her to campus resource options.
3. Inform the individual that you are not required to report the matter. If the matter is not reported, it will not be investigated. Ask them if they want you to report it.
4. Report the situation to your supervisor or Title IX Coordinator if you feel reporting is necessary. If you decide to report, inform the individual that you will be reporting.
5. Report child abuse to proper law enforcement authorities pursuant to state law.



QUESTIONS?

If you have any questions about the role you play, reporting options or resource options, please direct them to:

- Your supervisor, or
- The Office of Institutional Equity and Compliance, 128 Canfield Administration, (402) 472-3417 or campus extension 2-3417.

More information is also available at UNL's Title IX webpage at <http://go.unl.edu/title-ix>.

