

MEMORANDUM

To: University Faculty

From: Dr. Vilas A. Prabhu
Provost and Vice President
for Academic Affairs

Date: January 14, 2019

Subject: **TITLE IX RESPONSIBILITIES FOR FACULTY**

Please carefully review the information below, which outlines your responsibilities and specifies language to be included in your course syllabi.

Under Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.* ("Title IX"), a responsible employee is required to report incidents of sexual violence to the University's Title IX Coordinator or other appropriate University designee. As a general rule, faculty members, like all members of the university community, are responsible employees and are expected to report incidents of sexual violence that they witness or are advised to have occurred. This reporting requirement helps to assure that the University takes immediate and appropriate steps to address and investigate incidents of sexual violence in accordance with its policies and Title IX mandates. However, over the last several months questions have been raised about whether faculty members are required to report alleged incidents of sexual violence that are shared within the context of a course assignment, during classroom discussion, or within the context of a research project.

After reviewing guidance and opinions issued by the federal Department of Education's Office for Civil Rights ("OCR") regarding a student's disclosure of sexual violence in context of a class or research assignment, the PASSHE Office of the Chancellor found the OCR's position is that students would not expect their disclosure of an incident of sexual violence in this type of context as prompting any reporting obligations under Title IX, and such disclosure does not trigger a reporting obligation by a faculty member. Therefore, faculty members within the State System universities may not be required to report student disclosure of sexual violence when disclosure is made during a classroom discussion, a written course assignment, or as part of a University-approved research project.

We have been advised to instruct faculty members that you are not required under Title IX to report incidents of sexual violence in these discrete circumstances.

Importantly, the disclosure of sexual violence by students during other interactions with faculty members, such as student advising, is not encompassed within this reporting exception.

Consequently, we are directing all faculty members to incorporate the following statements into your course syllabi:

Millersville University and its faculty are committed to assuring a safe and productive educational environment for all students. In order to meet this commitment, comply with Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq., and act in accordance with guidance from the Office for Civil Rights, the University requires faculty members to report to the University's Title IX Coordinator incidents of sexual violence shared by students. The only exceptions to the faculty member's reporting obligation are when incidents of sexual violence are communicated by a student during a classroom discussion, in a writing assignment for a class, or as part of a University-approved research project. Faculty members are obligated to report to the person designated in the University Protection of Minors policy incidents of sexual violence or any other abuse of a student who was, or is, a child (a person under 18 years of age) when the abuse allegedly occurred.

Information regarding the reporting of sexual violence, and the resources that are available to victims of sexual violence, is available at www.millersville.edu/titleix

University officials and faculty members must continue to ensure that victims of sexual violence know where and with whom complaints of sexual violence may be filed and notified of the counseling and health care services that the University makes available to them so that such matters can be addressed confidentially. Additionally, disclosure of sexual violence against a child (a person under 18 years of age when the incident(s) occurred) is not exempt from the faculty member's Title IX reporting obligations.

For questions about Title IX, please contact Elizabeth Swantek, Title IX Coordinator, at Elizabeth.Swantek@millersville.edu or 717-871-4100, or the Deputy Title IX Coordinator responsible for complaints involving employees, Ms. Diane Copenhaver, at Diane.Copenhaver@millersville.edu or 717-871-4950.