

**Year 3 Public Description of Work for  
Action Collaborative on Preventing Sexual Harassment in Higher Education**

**Utah State University**

**Non-Mandatory Reporting Resources: Non-Designated Employees and  
Reporting Exceptions for Responsible Employees**

**Relevant Rubric Area(s):**

- Providing Anonymous and Non-mandatory Reporting Resources and Tools: Enabling some faculty and staff to serve as target-led responsible employees
- Improved Policies: Describe options for reporting/handling an experience of harassment
- Trauma-Informed Response and Education Programs: How individuals at an organization respond when someone discloses information
- Evaluating Policies and Procedures: Mandatory reporting requirements

**Description of Work:**

Like all colleges and universities that receive federal funding in the United States, Utah State University had to revise its sexual harassment policies and procedures in response to the updated Title IX regulations that were effective in August 2020. As part of that process, USU's Office of Equity and key campus stakeholders (including legal affairs and victim advocates) explored the possibility of not having a universal responsible employee (RE) designation for employees, as well as having reporting exceptions for individuals designated as REs. After reviewing various potential models for implementing employee sexual harassment reporting obligations, USU decided to create a category of employees who were not REs and to implement some explicit reporting exceptions for REs.

The purpose of providing non-mandatory reporting resources beyond confidential services like therapy and advocacy is to give targets more control over who they share their story with when they experience sexual harassment. Universal RE policies (i.e., those with no reporting exceptions for REs and those where all employees are REs) can decrease the likelihood of a target coming forward and connecting with campus resources. The micro-goal of creating a distinct category of non-REs and adding reporting exceptions for REs was to create opportunities for targets to interact with employees who could provide support, information, reporting options, and resources and respect the person's wishes related to reporting their experience to USU, when possible. The macro-goal of this approach is to create a culture that empowers targets to have control over when and how they share their experience(s) of sexual harassment.

USU's "Required Reporting of Sexual Misconduct" policy 340 was first implemented in summer/fall 2020 as an interim policy. Since 2020, it has remained an interim policy to allow for

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easier updating. The interim policy has been revised multiple times to incorporate student and employee feedback and better meet the needs of the university community.

USU's non-REs are referred to as "non-designated employees" (NDEs) in university policy (previously, they were called Resource Connection Employees). They are defined as employees who are not designated as REs or those that provide confidential services. Examples of these employees include most staff assistants, facilities staff members, undergraduate teaching assistants, and peer mentors/advisors. These employees are trained to provide information to a target about reporting options, supportive measures, and confidential and advocacy resources available to them. They do not have an obligation to report sexual harassment to the USU Title IX Coordinator, but they can help targets file a report.

The RE reporting exceptions include situations that are protected by other laws (such as privileged conversations between spouses and people with their religious leaders). Exceptions also apply to situations where the university is creating a space for individuals to share their experience without expecting or wanting the university to act (such as public health awareness events). Some of the reporting exceptions always apply and others apply only when the accused person is identified and is currently affiliated with USU (e.g., a student or employee).

The annual training requirement for REs and NDEs for the updated sexual harassment policies and procedures "officially" began in fall 2021. A soft pilot for training REs about the new reporting exceptions was launched in spring 2021 to gather feedback from individuals about the exceptions and changes to USU's sexual harassment policies. As part of the trainings, REs and NDEs are taught about how USU defines sexual harassment behaviors and their obligations for responding to sexual harassment disclosures. The portion of the training related to responding to disclosures incorporates trauma-informed strategies and principles, such as expressing empathy, demonstrating care and concern, avoiding comments and questions that imply blame, and providing information about options for support.

The trainings for REs and NDEs are evaluated with a post-survey distributed immediately after the training session and a post-survey distributed one week after the session. Data from the 2021-2022 training post-surveys and RE reporting patterns indicated that the reporting exceptions are valued by those employees, but navigating the exceptions is still confusing for REs. This survey finding has been used to revise the wording of the reporting exceptions and how they are discussed during the required RE training. The impact of NDEs has not been formally evaluated yet and USU is still considering how to evaluate the efficacy of the category. However, starting in fall 2022, USU will be participating in a National Science Foundation study about mandatory reporting policies conducted by a faculty member at the University of Nebraska-Lincoln, which will be an opportunity for formal evaluation of the reporting exceptions for REs and the NDEs category.

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Immediate next steps for the reporting exceptions for REs and the NDEs category include using the 2021-2022 training post-survey data to enhance USU's sexual harassment policy language and improve the annual training content for both groups. Long-term next steps will include participating in the NSF study and could also include finding ways to gather data from REs and NDEs about their experiences implementing their respective responsibilities after receiving sexual harassment disclosures.

The reporting exceptions for REs and NDEs category are consistent with the recommendations found in the "response" and "evaluation" sections of the 2022 Rubric on Areas of Work for Preventing Sexual Harassment in Higher Education because they are approaches that move beyond universal RE obligations/mandatory reporting requirements and were created through informally evaluating USU's existing policies. In particular, the NDE category results in interactions that enable the target to access support services without requiring a formal report to USU, while allowing the person to understand the options available to them. These avenues for providing non-mandatory reporting resources represent a positive step in how USU responds to sexual harassment incidents and supports targets.

**Website for further information (if applicable):** <https://www.usu.edu/equity/sexual-misconduct/employees>; <https://www.usu.edu/policies/340/>

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