



# Mandatory Reporters: A Policy for Faculty & Staff

This document is intended to outline Southeastern University's policy regarding mandated reporting of child abuse, discrimination, harassment, retaliation, Sexual Misconduct, and crimes. It explains briefly the meaning and purpose of mandatory reporters, outlines the legal context, and articulates the straightforward set of guidelines for all employees to follow.

## **Mandatory Reporters: What and Why?**

There are federal laws, including the Clery Act, Title VII and Title IX, which establish responsibilities for employees of colleges and universities to report certain types of crimes and incidents, especially Sexual Misconduct. In addition, many state laws and regulations require university administrators to report known or reasonably suspected abuse, abandonment, or neglect of a child committed on the property of the university, or during an event or function sponsored by the university. In accord with the spirit and intent of the laws, Southeastern University (the "University") has established this Mandatory Reporter policy to protect members of the SEU community, visitors and guests and to assist the CARE Team in early identification and detection of at-risk situations.

## **The Legal Context**

The Clery Act creates a duty for universities to report crimes in multiple categories and has the broadest scope. It is the University that has the duty to report these crimes and failure to do so can result in substantial fines being imposed by the Department of Education. Guided by the language of the Clery Act and subsequent amendments, the University is required to define which employees must report crime information they receive.

Title VII focuses on discrimination and harassment in the workplace. The University is committed to promptly investigating and taking remedial action, when appropriate, to eliminate such conduct. Thus, all employees, including student employees, are encouraged to report any conduct that might be considered discrimination, harassment, or retaliation.

Title IX focuses on of gender discrimination and Sexual Misconduct. The University is committed to promptly investigating and taking remedial action, when appropriate, to eliminate such conduct. For purposes of Title IX, if a student is a victim of Sexual Misconduct, the University must make efforts to provide a safe environment that does not interfere with the victim's right to pursue an education. The University's responsibility to take such action arises when a victim or witness has given notice to a responsible employee.

Florida Statute 39.205(3)-(5) and similar laws in other states require college administrators to report known or suspected child abuse, abandonment, or neglect committed on University property or at University events or functions. Fines of up to \$1,000,000.00 can be imposed on the University for failure to report. Because children under the age of 18 are in and around the University regularly as a result of University-sponsored camps, dual enrollment, and other

programs, the University is committed to protecting children and vulnerable persons on its campus and at its functions and events.

## **University Policy**

The University has adopted a policy that defines all employees as “mandatory reporters,” also referred to as “responsible employees.” If you learn about any child abuse, discrimination, harassment, retaliation, or Sexual Misconduct, you are expected to promptly contact the Title IX Coordinator, Stephanie Powell (for student related reports) and/or the Title IX Deputy Coordinator, Betty Kelly (for employee/third-party related reports). The Title IX Coordinator or Deputy Coordinator will take responsibility for prompt notification of the Safety & Security Department and other appropriate University officials. Other serious crimes covered by the Clery Act (defined in Section 5, below) must be reported to the Safety & Security Department. All concerning and disruptive behaviors must be timely reported to the CARE Team by e-mailing [care@seu.edu](mailto:care@seu.edu).

To the extent that such conduct is required to be reported by state law, any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, shall report such knowledge or suspicion to their supervisor and the Title IX Coordinator or Deputy Coordinator. When reporting suspected child abuse, the Title IX Coordinator or Deputy Coordinator will assist you in making a report in accord with the applicable state guidelines. In Florida, reports can be made to the Florida Abuse Hotline at 1-800-962-2873 or online at <https://reportabuse.dcf.state.fl.us/>.

When reporting Sexual Misconduct, the Title IX Coordinator or Deputy Coordinator will guide you with regard to how much detail is needed. Although the initial report may omit personally identifiable information, additional information may be needed for the University to complete an appropriate investigation. No employee (other than Campus Counseling Center Counselors, Health Services Health professionals, and the Campus Pastor) can or should promise confidentiality to a victim or witness. Campus Counseling Center Counselors, Health Services Health Professionals, and the Campus Pastor are confidential reporting resources and are voluntary reporters. However, the University does expect even confidential reporting resources to report non-personally identifiable information, unless the reporter believes doing so would cause harm to the victim.

Employees are expected to report crimes covered by the Clery Act to the Safety & Security Department without delay. Employees may choose – but are not required – to provide personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, specific location, etc.) unless a clear threat to health or safety is present, as determined by the Department of Safety & Security.

The Clery Act does not require Safety & Security to conduct an investigation of the reported crime, only to report the crime as a statistic following Clery Act guidelines. In some cases, the Department of Safety & Security may also be required to release a timely warning to the

University community. In such cases, an initial investigation or determination of the nature of the threat may be conducted, after which a warning will be issued immediately.

**Mandatory Reporting Under the Clery Act, Title VII, and Title IX and State Laws  
Regarding Child Abuse:  
Guidelines for Employees of Southeastern University**

1. With the exception of Campus Counseling Center counselors, Health Services health professionals, and the Campus Pastor, Southeastern University has defined all employees, both faculty and staff, as mandatory reporters.
2. When an employee becomes aware of a potential instance of child abuse, abandonment, or neglect, the employee must promptly contact the Title IX Coordinator or Deputy Coordinator. For purposes of this policy: “child” means any person under the age of 18 who has not been emancipated by court order; “abuse” means any willful or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired; “abandoned” means the child’s parent, caregiver, or guardian, while being able to do so, makes no provision for the child’s support and fails to establish or maintain a substantial and positive relationship with the child; and “neglect” means when a child is deprived of food, clothing, shelter, or medical treatment or permitted to live in an environment in which deprivation or environmental factors cause the child’s physical, mental, or emotional health to be significantly impaired or in danger of being significantly impaired.
3. When an employee becomes aware of an alleged act of Sexual Misconduct, the employee must promptly contact the Title IX Coordinator or Deputy Coordinator. The employee may use the online reporting form, which can be found on the University’s website at <http://www.seu.edu/about/title-ix>. Alternatively, the employee may call the appropriate Title IX Coordinator or Deputy Coordinator and then follow-up by filing the form.
4. The Title IX Coordinator or Deputy Coordinator will inform the Safety & Security Department about reports of Sexual Misconduct for Clery Act reporting purposes. All employees are responsible for directly reporting all other types of reportable crimes to the Safety & Security Department.
5. When an employee believes that a student may be considering disclosing an incident of Sexual Misconduct, the employee should, if at all possible, tell the student that the University will maintain the privacy of the information, but the employee cannot maintain complete confidentiality and is required to report the incident and may be required to reveal the names of the parties involved in order to allow for a prompt and fair investigation and resolution. If a student is concerned about confidentiality, then:
  - a. after explaining to the student about employees’ roles as mandatory reporters and about their options for their own confidential information, the employee may refer or accompany the student to Counseling Services during the hours that they are open: Monday-Friday, 8:00AM – 4:30PM; or

- b. the student may be referred to the off campus resources located at <http://www.seu.edu/titleix/> .
6. Under the Clery Act, University employees are mandatory reporters for a broader array of serious crimes, including the following:
- a. Murder & Non-Negligent Manslaughter – The willful killing of one human being by another.
  - b. Manslaughter by Negligence – The killing of another person through gross negligence.
  - c. Sexual Assault (Sex Offenses) –
    - i. Rape – The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - ii. Fondling- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
    - iii. Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - iv. Statutory rape – Sexual intercourse with a person who is under the statutory age of consent.
  - d. Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
  - e. Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
  - f. Burglary – The unlawful entry of a structure to commit a felony or a theft.
  - g. Motor Vehicle Theft – The theft or attempted theft of a motor vehicle.
  - h. Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
  - i. Hate crimes – A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim due to the victim’s race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability. Hate crimes include any of the following offenses that are motivated by bias:
    - i. Murder and non-negligent manslaughter
    - ii. Sexual assault

- iii. Robbery
- iv. Aggravated assault
- v. Burglary
- vi. Motor vehicle theft
- vii. Arson
- viii. Larceny-theft – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- ix. Simple assault – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- x. Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conducts, but without displaying a weapon or subjecting the victim to actual physical attack.
- xi. Destruction, damage, vandalism of property – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- j. Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- k. Domestic Violence – A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence law of the jurisdiction in which the crime of violence occurred.
- l. Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress.
- m. Weapon Law Violations – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

- n. Drug Abuse Violations – The violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.
- o. Liquor Law Violations – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.