You are an employee, third party contractor, or volunteer at an institution of higher education that receives federal financial assistance.

Have you received direct information from a victim, witness, or third party about a crime that has taken place? This does not include information overheard in a hallway or classroom discussion, information shared indirectly such as through a writing assignment or information shared at a public awareness event such as a Take Back the Night event or talk.

Are you a "CSA"?

*Yes*

Report information to campus crime collection body (campus safety, campus PD, HR, etc.) then ask yourself:

Are you a "Responsible Employee"?

*Yes*

You do not have to report the information, but could report it to campus safety or police or anyone else to whom your institution directs campus crime reports.

Does the information you were told concern sex/gender-based discrimination, harassment, or violence? Consider where the information came from and whether the information would require a Responsible Employee to report.

*Yes*

Report this information to your institution’s Title IX Coordinator. If you already reported the information to campus safety/police or to Title IX Coordinator under your obligation as a CSA, there is no need to report again unless institutional policy dictates to do so.

*No*

Do not have to report information under Title IX but individuals that are also CSAs would still report anything Clery-reportable to campus crime collection body. If you report, make sure you are still considering any state/local privilege law that may apply to the information.

*No*

Note: If you are covered by a state/local privilege law, any report made should be made in compliance with that law.

Also: If a student requests confidentiality with reporting, institution officials should weigh the request for confidentiality with the need for the institution to investigate.

Helpful Definitions for this Flowchart

* Campus Security Authority (CSA): A Clery-specific term that encompasses four groups of individuals and organizations associated with an institution.

  * A campus police department or a campus security department of an institution. If your institution has a campus police or security department, all individuals who work for that department are campus security authorities. A security department can be as small as one person.

  * Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

  * Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

  * An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

  * Responsible Employee: According to Office for Civil Rights’ 2001 Guidance, a responsible employee includes any employee:

    * who has the authority to take action to address sexual violence;
    * who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate institution designee;
    * OR whom a student could reasonably believe has this authority or duty.

    If an individual falls under one of these categories, the institution of higher education may designate them as a responsible employee. Institutions are responsible for identifying who is a responsible employee at the institution.

    Note: According to the Title IX Question and Answers, an institution must make clear to all of its employees and students which staff members are responsible employees so that students can make informed decisions about whether to disclose information to those employees. (See Question D-2 in the Title IX Question and Answers Document)
If you are an employee, third party contractor, or volunteer at an institution of higher education receiving federal financial assistance, do you fall into one or more of these categories?

- Are you an official of an institution who has significant responsibility for student and campus activities?
  - Yes
    - You are an official of an institution who has significant responsibility for student and campus activities.
  - No
    - Are you a member of a campus police or security department?
      - Yes
        - Are you an individual who has responsibility for campus security but isn’t a member of a campus police or security department?
          - Yes
            - Are you an individual or organization to whom students / employees are directed to report criminal offenses?
              - Yes
                - Are you someone who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty?
                  - Yes
                    - You are a CSA.
                  - No
                    - You are NOT a CSA.
              - No
                - You are NOT a CSA.
          - No
            - You are a CSA.
      - No
        - Are a member of a campus police or security department?
          - Yes
            - Are you an individual who has responsibility for campus security but isn’t a member of a campus police or security department?
              - Yes
                - Are you an individual or organization to whom students / employees are directed to report criminal offenses?
                  - Yes
                    - Are you someone who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty?
                      - Yes
                        - You are a CSA.
                      - No
                        - You are NOT a CSA.
              - No
                - You are NOT a CSA.
          - No
            - You are NOT a CSA.
      - No
        - You are a CSA.

Do you function as a pastoral or professional counselor on campus?
- Yes
  - You are a CSA, but follow state/local privilege guidelines when sharing anything more than non-identifiable information.
  - No
    - Exempt from being a CSA when functioning as a pastoral or professional counselor.
      - Yes, and you have state/local privilege.
        - You are a CSA and should follow institutional procedures for reporting.
      - No, and you do not have state/local privilege.
        - You may be a confidential resource. Check with your institution.

Has your institution identified you or your position as a Responsible Employee?
- Yes
  - You are a Responsible Employee.
- No
  - You are NOT a Responsible Employee.

Helpful Definitions for this Flowchart

**Campus Security Authority (CSA):** A Clery-specific term that encompasses four groups of individuals and organizations associated with an institution. 
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**Responsible Employee:** According to OCR’s 2001 Guidance, a responsible employee includes any employee:
- who has the authority to take action to redress sexual violence;
- who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee;
- or whom a student could reasonably believe has this authority or duty.

If an individual falls under one of these categories, the institution of higher education may designate them as a responsible employee. Institutions are responsible for identifying who is a responsible employee at the institution.

OCR does not require campus mental health counselors, pastoral counselors, social workers, psychologists, health center employees, or any other person with a professional license requiring confidentiality, or who is supervised by such a person, to report, without the student’s consent, incidents of sexual violence to the school in a way that identifies the student.

**Helpful Resources**

Handbook for Campus Safety & Security Reporting (2016), Department of Education
Dear Colleague Letter (2011), Office for Civil Rights, Department of Education
Questions & Answers Document (2014), Office for Civil Rights, Department of Education
Revised Sexual Harassment Guidance (2001), Office for Civil Rights, Department of Education

These documents are meant to be illustrative and not intended to apply to every campus.