What is a “Responsible Employee” and Why am I Considered One?

Responsible Employee- OCR defines a responsible employee as one who:
1. Has the authority to take action to redress sexual violence; or
2. Who has been given the duty of reporting incidents of sexual violence; or
3. A student could reasonably believe had the authority to assist in addressing an allegation of sexual assault.

- As faculty member or as an University Staff member in the Office of Financial Aid, Office of Student Affairs, member of the Athletics Department, technological services office, registrar, Office of Human Resources, etc. you are considered to be a “Responsible Employee” based on the fact that your job functions could require student interaction.
- Since you are considered a responsible employee, under Title IX you are required to report incidents of alleged sexual violence to the Title IX Coordinator.

Important University Definitions to Know

- **Sexual Assault**- occurs when a party engages or attempts to engage in a particular sexual act with another person against their will or when the person is unable to give consent.
- **Consent**- is the mutual assent by words or actions to participate in a particular activity that must be made voluntarily and competently by all parties.
  - In order to be made voluntarily it must be free from threat, force, intimidation, extortion, and undue influence.
  - In order for consent to be made competently all individuals must have the capacity to consent. If one of the parties is incapacitated due to, among other things, drug or alcohol use then that person lacks the necessary capacity, and thus the competency, to consent.

So What Should I Report and to Whom Should I Report it?

- If a student reports an incident of sexual violence, you should report it to the Title IX Coordinator as soon as possible.
- You should provide the Title IX Coordinator with any relevant details that you have (i.e. name of student(s) involved, location of incident, if physical violence was allegedly used, etc.)
- Once this information has been communicated to the Title IX Coordinator you have fulfilled your responsibility as a “Responsible Employee”
- The Title IX Coordinator will then involve the appropriate University officials and take steps to address the report.
- Again, the University only expects you to report what you have been told; you do not need to, and should not, mediate, investigate, or otherwise attempt to resolve the issue.

What Happens if I Don’t Report?

- Your non-reporting will put FGCU in violation of Title IX (which could ultimately cost FGCU its federal funding from the US-DOE).
- You could be subjecting a student to an unsafe learning environment.
- You could subject FGCU to major legal liability.
- You could face possible employment sanctions.
  - Note: If a University employee does not report information of a possible sexual assault or any other type of sexual misconduct and the person is under age 18, the University WILL face a fine of ONE MILLION DOLLARS PER OCCURRENCE OF NON-REPORTING.
  - You could also be PERSONALLY subjected to legal action for failure to report such conduct against a minor.