



Eastern FloridaSM STATE COLLEGE

Title IX Office

Designation of “Responsible Employees” Under Title IX

1. What is Title IX?

Title IX is a Federal law that applies to most educational institutions, including EFSC:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. 20 U.S.C §1681.

When the College becomes aware of possible discrimination on the basis of sex, the College must investigate, and if sex discrimination is found to exist, the College must take appropriate action to end it, prevent its recurrence, and remedy its effects.

2. What is Sex Discrimination?

Discrimination on the basis of sex can occur in many ways. At EFSC, we call this type of behavior “Sexual Misconduct”, which includes (but is not limited to) the following:

- Sexual Harassment
- Gender-Based Harassment
- Sexual Violence
 - Sexual Assault/Sexual Battery/Rape
 - Sexual Coercion
 - Force
 - Inducing Incapacitation for Sexual Purposes
- Dating Violence
- Domestic Violence
- Stalking
- Sexual Exploitation
- Retaliation
- Aiding or Facilitating Sexual Misconduct

3. What is a Responsible Employee?

While every employee strives to perform their duties in a *responsible* manner, the term Responsible Employee is a special designation under Title IX applicable to certain employees.

The U.S. Department of Education defines Responsible Employee as any employee:

- Who has the authority to take action to redress sexual or gender-based harassment or violence of students; or
- Who has been given the duty of reporting such incidents to other College officials; or
- Whom a student could reasonably believe has this authority or duty.

Every Responsible Employee who knows or reasonably should know of possible sexual or gender-based harassment or violence of students is obligated to promptly report what they know to certain College officials. This is necessary so appropriate actions can be taken to respond to the affected student(s).

Responsible Employees are often the first to witness or hear from a student about conduct that may constitute sexual or gender-based harassment or violence. When a Responsible Employee has such information, the College is deemed to possess that knowledge and is obligated to take actions intended to stop the behavior, prevent its recurrence, and remedy its effects. By reporting the information in a timely manner, the Responsible Employee enables the College to fulfill its legal obligation to assess the information and determine what action is necessary and appropriate.

4. Am I a Responsible Employee?

Most likely yes. At EFSC, just about everyone is a Responsible Employee.

Because the definition is so broad, you should consider yourself a Responsible Employee unless you qualify as a confidential resource (e.g. mental health counselors employed by the College to provide counseling services) or fall under one of the following categories:

- Student employees, assistants, volunteers, and interns.
- Students serving in SGA or club leadership positions.
- Volunteers, guests, and invitees of EFSC and/or its affiliated entities.
- Most employees, representatives, and agents of third-party vendors, contractors, governmental agencies, other educational institutions (e.g. Brevard County Schools, UCF, etc.), sponsors, and other organizations and entities who do business or are affiliated with EFSC and/or its related entities (*exceptions: Lyneer Staffing Solutions personnel, Green Dot Strategy coordinators*).

5. What are my obligations as a Responsible Employee?

It is your responsibility to understand the College's reporting procedure, and your role if someone approaches you to report an incident of alleged Sexual Misconduct.

- If there is an ongoing threat, or if the person requires immediate medical attention, call 911. Then call Campus Security.
- If you believe the situation is potentially criminal, ask the person if they want to involve the police. It is their right to decide whether to contact, or to not contact, the police. If the person asks you about the pros and cons of involving the police, do not give advice, but rather explain their right, and further explain that the College encourages police involvement whenever alleged Sexual Misconduct is of a serious nature.
- If the incident recently occurred, make sure the person understands the importance of preserving evidence. This may mean saving text messages, voicemails, and the like. If the incident was a sexual assault, suggest they not bathe, brush teeth, wash, change clothes, etc. until they have received proper medical attention.
- **BEFORE THE PERSON REVEALS ANY DETAILS OF THE INCIDENT TO YOU, MAKE SURE THE PERSON UNDERSTANDS THAT YOU ARE REQUIRED TO REPORT ANY INFORMATION YOU RECEIVE TO OTHER COLLEGE OFFICIALS.** Let the person know whatever is disclosed will be kept private, but must be shared with other College officials. If the person wants to keep the matter strictly confidential, politely suggest that he or she speak with someone other than yourself, such as a Sexual Assault Counselor or Domestic Violence Advocate.

Remember...

CONFIDENTIAL means it cannot be shared with anyone.

PRIVATE means it may be shared with others who need to know.

- Provide the person with a hard or electronic copy of the [Sexual Misconduct Resource Guide](#).
- If the person wishes to keep speaking with you, please refer to the College's [Sexual Misconduct Reporting Form for College Employees](#). Read the instructions on the front page carefully and complete it as thoroughly as possible asking the person to provide as much detail as they feel comfortable.

- When completed, immediately submit a copy of the form to the person(s) identified in the instructions. You may also submit the form to any Campus Security Office. Follow up with a telephone call to confirm receipt.

6. Are there any exceptions to my obligations as a Responsible Employee?

Yes. A Responsible Employee need not report disclosures of information involving alleged Sexual Misconduct made by individuals during public awareness events, such as [Green Dot bystander intervention training sessions](#), “Take Back the Night”, candlelight vigils, or other public forums in which individuals disclose incidents of alleged Sexual Misconduct.

7. Who should I contact with questions about Title IX?

Please refer any questions to the College’s Title IX Compliance Coordinator:

Mark Renkens
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Melbourne Campus, Building 10, Room 215
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For more information about Responsible Employees and Title IX at EFSC, please visit:

<http://www.easternflorida.edu/our-campuses/campus-security/titleix-sexual-misconduct/>