REPORTING SEXUAL MISCONDUCT

The University urges persons who have experienced sexual misconduct (i.e., sexual harassment, sexual assault, domestic violence, dating violence or stalking), or knows of someone who has experienced sexual misconduct, to report the incident to the University per these procedures in keeping with the University’s Title IX Policy. In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911. Calling 911 will put you in touch with local police.

A. Responsible Employees

In addition to the Title IX Coordinator, the University considers certain people to be “Responsible Employees” which means they are University employees who are required to report alleged sexual misconduct to the Title IX Coordinator. You are encouraged to speak to a Responsible Employee to make reports of sexual misconduct. The following persons are “Responsible Employees” under this policy: the University’s Title IX Coordinator, Human Resources staff, the President of the University, Members of the President’s Executive Staff, Faculty, Library Staff, Director of Residence Life and all Resident Assistants who serve in University-owned residence halls.

Any member of the University community can file a report with the Title IX Coordinator, or Responsible Employees. If a survivor shares an incident of sexual misconduct with a Responsible Employee, he or she needs to know that it is the Responsible Employee’s responsibility to notify the Title IX Coordinator of the incident immediately.

B. Reporting Timeframe

Any person may file a complaint of sexual misconduct at any time. Early reporting is encouraged to preserve evidence and provide the survivor with information regarding rights, options and resources available under this policy and federal/state laws.

The Title IX Coordinator will provide survivors of sexual misconduct with information about available support services and resources, and also assist survivors in notifying law enforcement, including the local police, if a survivor elects to do so. Survivors are not required to report to area law enforcement in order to receive assistance from or pursue options within the University. Reporting sexual misconduct to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate if the survivor decides to proceed with criminal charges.

C. Reporting Options

This section addresses options for reporting sexual misconduct. The University may investigate sexual misconduct even without a formal complaint whenever it knows or has reasonable cause to believe that sexual misconduct in violation of this policy has occurred.
1. **Official Report:** Persons are strongly encouraged to make an official report of any incident of sexual misconduct to the Title IX Coordinator regardless of whether the incident occurred on or off campus. Official reports can be made directly to the Title IX Coordinator via a written statement or an appointment. Official reporting initiates a course of immediate action. In cases where a complainant states he or she does not want to pursue a formal complaint, the ability of the University to investigate may be limited. Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Coordinator may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the accused remains on campus. When determining whether to go forward with an investigation, the Title IX Coordinator may consider the seriousness of the allegation, the age of the complainant, whether there have been other complaints or reports against the accused, and the rights of the accused to receive information about the complainant and the allegations if a hearing and possible sanctions may result from the investigation.

If a person decides to make a formal report, a detailed (written, typed, emailed, or handwritten) statement of the alleged incident(s) should be submitted to the Title IX Coordinator. This formal statement should be signed and dated. The statement should be as specific as possible, including dates, times, locations, a description of the alleged misconduct and the name(s) of the accused person(s), and further provide a list of any person(s) who may have information that would be helpful to the investigation and review. The Title IX Coordinator will promptly investigate all formal reports.

2. **Confidential Disclosure:** Despite the University’s strong interest in having persons report complaints of sexual misconduct, the University realizes that not everyone is prepared to make an official report to the University. You can seek help from certain resources that are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety or the safety of others. If a person desires that details of the incident be kept confidential, they should speak with off-campus counselors, advocates, mental health providers or rape crisis resources who can maintain confidentiality. Such professionals generally are not required to report personally identifiable information given in confidence unless given permission. If the person chooses not to pursue a judicial process option (e.g., criminal charges), no further action will be taken unless the professional who receives the concern believes there is an imminent threat to the survivor or others. Persons who disclose incidents of sexual misconduct to their counselors, advocates or other providers should discuss whether to have that counselor, advocate or provider report the misconduct to the University and request interim measures required by Title IX, or request discretionary support measures from the University without reporting the nature of the conduct.

3. **Requests via a Counselor, Advocate or other Provider:** A survivor may have his/her counselor, advocate or other provider request interim measures from the University on the survivor’s behalf. The request may trigger the University’s obligation to investigate. To the extent a counselor, advocate or other provider makes a disclosure but, consistent with the survivor’s wishes, asks the University not to investigate or otherwise notify the accused of the report, the Title IX Coordinator will consider whether he/she can honor the request while still
providing a safe and nondiscriminatory environment for all students, faculty and staff, and to take interim measures to protect the survivor as needed.

D. **Confidentiality**

Reports and personal information will be kept as confidential as possible to the extent the law allows and to the extent confidentiality is consistent with the University’s need to protect the safety of the University community. Complete confidentiality cannot be promised as the University will need to thoroughly investigate the case, and may need to share some information with relevant administrators of the University in order to further protect and prevent incidents. Reports to law enforcement may be shared with the University’s Title IX Coordinator. The University may be required by law to publish non-identifying information in campus crime statistics.

All school employees (with the exception of those bound by law not to disclose such as counselors or chaplains operating under privilege) must share information that they learn of regarding a report of sexual misconduct with the Title IX Coordinator so they can investigate the matter and determine whether steps are needed to ensure the safety of the University community.

It is the survivor’s choice as to whether he/she participates in an investigation; however, the University may proceed with an investigation without the survivor’s participation if there is reasonable concern for the safety of other members of the University community.

E. **Amnesty**

Amnesty is a limited opportunity given to survivors and witnesses who in good faith come forward and report allegations of sexual misconduct. It will be used to incentivize the report of incidents or facilitate the investigation process. The University of Pikeville Amnesty Policy refers and is limited to amnesty from violations of the Substance Abuse Policy.

In order to encourage students to seek immediate and appropriate attention, the fact that the person reporting was using alcohol or other prohibited substances at the time of the incident will be considered a minor violation and the University will focus on the investigation of the sexual allegations. The survivor or bystander who reports will not be held accountable for the minor violation and will be free of disciplinary actions for this specific situation. However, the amnesty policy will not tolerate or excuse repeated violations of the University’s Substance Abuse Policy. Being granted amnesty once does not mean in any way the person violating policy will be protected in the future.

Survivors and Witnesses should not be discouraged of reporting because of the violation of the University’s Substance Abuse Policy.