

**Athletic Trainers Responsible Employees**  
**Office for Civil Rights**  
**U.S. Department of Education**  
**March 13<sup>th</sup>, 2015**

**Question:** Are licensed athletic trainers (working under the supervision of a doctor) considered responsible employees who must report incidents of sexual violence to school officials?

**Answer:** Each case is fact-specific and each determination is based on the particular set of facts presented. Although we do not give legal advisory opinions, we do provide information on how the civil rights laws that OCR enforces apply generally.

As you are aware, OCR enforces Title IX of the Education Amendments of 1972 (Title IX), which requires schools receiving federal funding to take necessary steps to prevent sexual violence, and to respond quickly and effectively when it occurs. Under Title IX, whether an individual is obligated to report incidents of alleged sexual violence generally depends on whether the individual is a responsible employee of the school (i.e., an 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).

OCR wants students to feel free to seek assistance from counselors and advocates and recognizes the importance of protecting the counselor-client relationship, which often requires confidentiality in order to ensure that students will seek the help they need. OCR's April 2014 [Questions and Answers on Title IX and Sexual Violence](#) at E-3 therefore clarified that OCR does not require employees with a professional license requiring confidentiality to report, without the student's consent, incidents of sexual violence to the school in a way that identifies the student even though these employees may have responsibilities that would otherwise make them responsible employees for Title IX purposes. Where a student discloses an incident of sexual violence to an athletic trainer who holds a license requiring confidentiality, OCR would not require that trainer to report the incident to school officials in a way that identifies the student without the student's consent. But such employees should be instructed to inform students of their right to file a Title IX complaint with the school and a separate complaint with campus or local law enforcement and also indicate that they are available to assist students in filing such complaints.

OCR is committed to providing the public with information about the civil rights laws OCR enforces. In responding to correspondence, OCR provides general, publicly available information about a wide variety of civil rights issues in the education context. OCR does not, however, provide legal or other advice or issue advisory opinions to customers concerning specific factual scenarios. Correspondence issued by OCR in response to an inquiry from the public does not constitute a formal statement of OCR policy and should not be construed as creating or articulating new policy. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

