

Faculty Researchers Mandated Reporters
Office for Civil Rights
U.S. Department of Education
March 31st, 2015

Question: Are faculty researchers who are otherwise mandated reporters allowed to maintain confidence when the disclosures are made in the context of Human Subjects Research (under the supervision of an IRB) on subjects like trauma?

Answer: Under Title IX, a responsible school employee generally must report incidents of sexual violence to the school's Title IX coordinator or other appropriate school designee. This is because a school is obligated to address sexual violence about which a responsible employee knew or should have known. OCR's April 2014 [Q&A on Title IX and sexual violence](#) made clear that there are some limited exceptions for this reporting obligation. These exceptions include a disclosure of sexual assault made during "Take Back the Night" or other public awareness events where students are unlikely to expect that the disclosure would trigger such reporting obligations. Since the disclosure you describe in your email occurs in the context of a research project, it is similarly unlikely that a student would expect that such a disclosure would trigger any reporting obligations under Title IX and therefore a faculty researcher would not be required to report the information to the Title IX coordinator or other appropriate school designee.

If a faculty researcher thinks that interviews conducted in the context of a research project may illicit a personal account of a sexual assault, prior to the interview, the faculty researcher should make clear to students that disclosures made during interviews, without more, are not considered notice to the school for the purposes of triggering an individual investigation. If students share such accounts during interviews, the faculty researcher should also provide information on Title IX and how to file a Title IX complaint with the school, as well as options for reporting an incident of sexual violence to campus or local law enforcement and any available on and off-campus resources for survivors of sexual violence. These steps will help ensure that students understand their Title IX rights related to sexual violence.

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