

Confidential Employees & OCRTIX

Knowing the Nuances for Mandatory Reporting Obligations

As a Confidential Employee, you have a “Confidential Employee hat” you wear when operating in your specific role. When you’re not operating in your confidential roles, you are a mandatory reporter.



Examples of things not to report as a Confidential Employee:

- Anything you learn while operating in your medical/clinical role, except as required by law/through licensing.
- Information discussed in case consultation.
- Information discussed in conversation with your supervisor as it relates to clients or your clinical work.
- You’re leading an informal group, not providing therapy.

Examples of things to report as a Confidential Employee:

- You witness something related to harassment, discrimination, or sexual misconduct on campus when you’re headed into the building.
- A peer confides something to you related to their own experience with harassment, discrimination, or sexual misconduct.
- You’re tabling or providing education on your unit and someone tells you about an experience.

If an interaction would be covered by HIPAA, you are confidential. If it wouldn’t be, you’re a mandatory reporter.

People deserve all their options and resources. Even when operating as a confidential employee, you can always provide someone a referral to our office. Examples of referrals could be:

- A client/patient tells you a sexual partner knowingly exposed them to an STI.
- A client/patient references an experience of childhood sexual assault.
- A student references KU not prioritizing accessibility on campus and their struggles to navigate campus.
- A student mentions how it’s challenging to be a women in a certain field here at KU.
- A student believes they are being treated differently due to their race.
- On-campus protests are making a student uncomfortable based on their identities.

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Think about what options you can support with

- Ask questions about safety - “Are you feeling safe now?”, “Do you feel safe in your living situation?”, “Do you feel safe on campus?”, etc.
- Offer to assist in filing a police report with the individual if appropriate. Individuals can file informational police reports with an officer if they would like a record to be created with law enforcement, even if they don’t want to press charges.
- Ask if the individual would like to be connected to a specific resource, such as medical care, SANE exam, a campus/local/or national community centered resource, legal resources, housing, etc.
- Offer to check in with the individual following your conversation. Planning a follow up conversation can be helpful for individuals to have trust following a situation.

Who we are & what we do

- **We respond to reports** pertaining to discrimination & harassment (based on 16 different identities), sexual misconduct, and related retaliation.
- We do not take action on an incident without attempting to **consult with** the person reported to have experienced harm first.
- We operate through a **trauma informed lens** throughout our process, focusing on support for those involved.
- **Support measures are unique to each person.** They may include educational conversations, changing academic schedules, being assigned a new supervisor, no contact orders, housing flexibility, etc. Support measures are not guaranteed, but can be explored.



Hat or not, seek to support the individual to the best of your ability.



Remind them they deserve all the support, resources, and options available.

Report to OCRTIX

Office of Civil Rights & Title IX

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