

**From the Report of the University of Oregon President's Review Panel, December 9, 2014
(Recommendation 1.B. on pages 31-33.)**

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b. Designate mandatory reporters and clearly communicate who they are to all members of the campus community

The University must examine and revise its policies and practices relating to mandatory reporting. The issue of who should be designated as mandatory reporters (see glossary), as well as the question of who is required to have that role under Title IX (see glossary), is complex and difficult. There are those who believe that designating as broad a group as possible as mandatory reporters is critical to a University's ability to respond effectively sexual misconduct and that, therefore, a very inclusive mandatory reporting requirement is necessary in order to provide support resources to those who need them, to ensure adequate accountability to those who violate the Code in this manner, and to protect the University students and the campus community. Some believe that Title IX mandates this approach.

There is also a very different belief held by most experts in this area^{vi}, as well as by the overwhelming majority of students with whom we spoke, that a broad, and certainly a universal, mandatory reporting requirement serves as a serious disincentive to reporting incidents of sexual misconduct and that the University policy has gone too far. Students tell us that as long as they believe that the University uses this broad mandatory reporting requirement, they will be reluctant to make reports to anyone whom they believe will pass the information on.

After reviewing the applicable legal requirements and the extensive written materials on this issue, the Review Panel concludes that the broad view that the University has taken in its policy of universal mandatory reporting is not compelled by applicable law nor is it a best practice. National best practice standards for mandatory reporting policies have shifted to recognize that universal mandatory reporting policies do not achieve their intended goals of providing dependable and sufficient support for survivors but, in fact, inhibit reporting and often isolate survivors without support by leaving them with no confidential (see glossary) offices with which they can explore options and develop informed decisions for themselves. Title IX does not require universal mandatory reporting. Rather, it specifies that University community members have clear information regarding which individuals are and are not offices of notice (see glossary).

Accordingly, it appears that the University has considerable discretion in designating who is and is not a mandatory reporter under Title IX. We recommend that the University adopt rules and policies, consistent with applicable laws that provide for a more limited designation of mandatory reporters. Further, we encourage the University to designate tiered levels of confidentiality, where legally permissible, that allow some designated individuals to report an incident without identifying the complainant.