



Nicholls State University

OFFICE OF TITLE IX & CIVIL RIGHTS COMPLIANCE

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## **Confidentiality, Privacy, Responsible Employees, and Clery Act Reporting**

Issues of privacy and confidentiality play important roles in matters involving reported Prohibited Conduct, and those issues may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are discussed below and in more detail in the Policy.

**Confidentiality** refers to the protections provided to information disclosed in legally-protected or privileged relationships under Louisiana state law, including licensed professional mental health counselors, licensed medical professionals, and ordained clergy. These Confidential Resources can engage in confidential communications under Louisiana law when the information is disclosed within the scope of the provision of professional services. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless required by ethical or legal obligations which compel the professional to reveal such information.

Nicholls State University will not access, consider, disclose, or otherwise use a party's privileged records or require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Confidential resources submit non-personally-identifying information about Clery-reportable crimes to the Nicholls University Police Department for purposes of anonymous statistical reporting under the Clery Act. Confidential Resources will report non-personally-identifiable information about incidents of sexual harassment, sexual assault, dating violence, and stalking to the Office of Title IX and Civil Rights Compliance for purposes of statistical reporting. Confidential Resources are identified in the Resources and Support Services section of the webpage.

**Privacy** refers to the discretion that will be exercised by the University in the course of any investigation or other processes under applicable policy. Information related to a report of prohibited conduct will be shared with a limited circle of University employees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. University employees receive training in how to safeguard private information. Information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will take into consideration the privacy of the parties to the extent reasonably possible.

**Responsible Employees.** Except for Confidential Resources, all University Employees are designated Responsible Employees and thereby mandatory reporters of potential Sexual and Interpersonal Misconduct Policy violations. Responsible Employees include all staff (hourly and salary), faculty, instructors, teaching assistants, graduate assistants and student workers who have supervisory responsibility or responsibility for the welfare of other students and learn of potential violations of this policy in the scope of their employment. Student workers who are Responsible Employees include but are not limited to Residential Living employees, Athletics Team Managers and/or Volunteers, Peer Educators, and Camp Leaders. Responsible Employees must report immediately any information about suspected sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, domestic/dating violence, or retaliation regardless of when (both prior to or during their time at Nicholls) or where (both on and off campus) the alleged misconduct occurred. Responsible employees must report retaliation when they are aware of acts consistent with the policy definition of retaliation, and they have reason to believe it is occurring because of a party's participation in a resolution process, or in order to prevent someone from making a report to the Office of Title IX and Civil Rights Compliance or participating in a resolution process. Reports must include any known details such as identities of the parties and the date, time, and location of the incident. Confidential Resources who do not have to report potential Sexual and Interpersonal Misconduct Policy violations include those working in the Counseling Center, Health Center, and the University Chaplain.

**CleryAct Reporting.** Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally-identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the University withholds the names and other personally-identifying information of complainants when issuing timely warnings to the University community