Policy 8.16
Title IX Reporting Exception for Research

Responsible Official:  SVP and Dean for Campus Life
Administering Division/Department: Campus Life
Effective Date: November 17, 2016
Last Revision: November 17, 2016

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Overview

Federal law requires that Emory researchers report to an Emory Title IX Coordinator whenever a research subject discloses a Title IX sexual violence incident. Such incidents include sexual harassment, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual misconduct, domestic violence, stalking, and dating violence by or against an Emory student. Emory researchers also must report to Emory Police if a research subject makes a disclosure about suspected child abuse/neglect.

The purpose of this policy is to provide for a limited exception to mandatory Title IX reporting when disclosures are made in the context of a research project involving human subjects that is under the oversight of the Emory Institutional Review Board (IRB), and is focused on certain topics, such as sexual violence. Researchers are exempted from Title IX reporting obligations only for disclosures made during the research project for which a Title IX reporting exception has been approved by the Emory IRB.

Applicability

The Title IX reporting exception is only for research projects focusing on sexual violence, including sexual harassment, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual misconduct, domestic violence, relationship abuse, stalking, and dating violence.

The Title IX reporting exception for research is only for reporting of student-on-student sexual violence incidents, and will not relieve researchers from other reporting responsibilities, including the duty to report suspected child abuse/neglect, and any sexual violence incidents potentially perpetrated by an Emory employee against an Emory student. (Note: Sexual violence against students under the age of 18 is required by Georgia law and Emory’s Child Abuse Reporting Policy to be reported to the police.)

The reporting exception for research applies only to disclosures made during the research project. Disclosures made to research personnel outside of the research protocols (e.g., to faculty during office hours or while providing academic advising) are NOT excepted from reporting requirements.

In order to apply to the Emory IRB for approval of a Title IX reporting exception, an applicant must be either an Emory faculty or staff member, or an Emory graduate student.
Applying for an exception

1. In order for the Emory IRB to consider a request for approval of a Title IX reporting exception, an Emory researcher must provide as part of the application materials a completed Application for a Title IX Reporting Exception for Research form that is signed by the applicant, and for graduate student applicants, the faculty advisor.

2. If an applicant is a graduate student, the faculty advisor who formally submits the IRB application for the project must also sign the Application for a Title IX Reporting Exception for Research form.

3. The researcher must submit in the application materials a proposed consent form containing the Emory IRB’s consent form template language specific to the Title IX reporting exception.

4. The researcher must include in study protocol a statement that all study participants will be given information about sexual violence reporting channels and support services.

5. The Emory IRB will review any protocol for which an exception is requested under its established review procedures (e.g., expedited vs full-board review).

6. Upon receipt of an application that includes a request for approval of a Title IX reporting exception, the IRB will forward a copy of the application to the Emory Title IX Coordinator for review. The Title IX Coordinator’s review, conducted in consultation with the Office of the General Counsel, as needed, will be concurrent with IRB review.

7. The IRB will not issue a final decision regarding the proposed study, including the request for a Title IX reporting exception, until it has received the results of the Title IX Coordinator’s review.

8. The IRB will approve the exception request if, based on the information provided by the researcher, it determines the Title IX reporting requirement would adversely affect the scientific validity of the research by deterring the target study population from participating or otherwise restricting the researcher’s ability to collect credible data about the proposed research topic.

9. If a Title IX reporting exception is approved by the Emory IRB, the IRB will note the exception in the approval letter to the researcher.

Definitions

**Dating violence.** Violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Domestic violence.** A felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Georgia; or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of Georgia.

**Intimate Partner Violence (IPV).** Physical, sexual, or psychological harm by a current or former partner or spouse. This type of violence can occur among heterosexual or same-sex couples, whether cohabitating or not, and does not require sexual intimacy. IPV can vary in frequency and severity, can occur on a continuum, and can include acts of physical violence, sexual violence, threats of physical or sexual violence, or psychological or emotional violence. Psychological or emotional violence is a broad term that results in trauma to a victim caused by acts, threats of acts, or coercive tactics, and can include acts of humiliation, intimidation, isolation, stalking, and harassment.

**Non-Consensual Sexual Contact.** Any intentional sexual touching by a person upon a person, that is without consent and/or by force. Sexual Contact includes, but is not limited to, intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice, with any object.

**Non-Consensual Sexual Intercourse.** Any sexual intercourse by a person upon a person, that is without consent and/or by force. Intercourse includes, but is not limited to, vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
Sexual Harassment. Unwelcome conduct, based on sex or on gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a person’s university employment, academic performance or participation in university programs or activities or creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. Sexual harassment may include, for example, an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention or advances; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence or sexual assault; intimate partner violence; stalking; inappropriate comments; and gender-based bullying.

Sexual Misconduct. Sexual misconduct encompasses sexual harassment, non-consensual sexual contact (or attempts to commit same); non-consensual sexual intercourse (or attempts to commit same), and sexual exploitation. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by persons of any gender or sex, and it can occur between people of the same or different sex.

Stalking. Behavior where a person follows, places under surveillance, or contacts another person without the consent of that person for the purpose of harassing and intimidating him or her. The term “contact” means to make or attempt to make any communication, including, but not limited to, communication in person, by telephone, by mail, by broadcast, by computer or computer network, or by any other electronic device. “Harassing and intimidating” refers to a course of conduct or communications directed at a person that causes the person to suffer emotional distress that would cause a reasonable person to fear for personal safety or the safety of others, and which serves no legitimate purpose. It does not require that an overt threat of death or bodily injury be made.

Related Links

- Current Version of This Policy: http://policies.emory.edu/8.16

Contact Information

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX</td>
<td>Lynell Cadray</td>
<td>404-727-2611</td>
<td><a href="mailto:lynell.cadray@emory.edu">lynell.cadray@emory.edu</a></td>
</tr>
<tr>
<td>Policy Posting</td>
<td>Kathy Moss</td>
<td>404-727-4364</td>
<td><a href="mailto:kmoss@emory.edu">kmoss@emory.edu</a></td>
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Revision History

No previous versions of this policy were found.

Emory University policies are subject to change at any time. If you are reading this policy in paper or PDF format, you are strongly encouraged to visit policies.emory.edu to ensure that you are relying on the current version.