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:  August 16, 2018

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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 incident of sexual misconduct. Sexual misconduct includes sexual or gender-based harassment, non-consensual sexual contact, non-consensual sexual intercourse, dating violence, domestic violence, sexual exploitation, or stalking by or against an Emory student. Emory researchers also must report to the Emory Police Department 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 misconduct. 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 misconduct, including sexual and gender-based harassment, non-consensual sexual contact, non-consensual sexual intercourse, domestic violence, dating violence, sexual exploitation, and stalking.

The Title IX reporting exception for research is only for reporting of student-on-student incidents of sexual misconduct, and will not relieve researchers from other reporting responsibilities, including the duty to report suspected child abuse/neglect, and any incidents of sexual misconduct potentially perpetrated by an Emory employee against an Emory student. (Note: Sexual misconduct 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.

**Policy Details**

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

The Title IX reporting exception for research is only for reporting of student-on-student incidents of sexual misconduct, and will not relieve researchers from other reporting responsibilities, including the duty to report suspected child abuse/neglect, and any incidents of sexual misconduct potentially perpetrated by an Emory employee against an Emory student. (Note: Sexual misconduct 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.

**Definitions**

**Dating violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward a person with whom one is or has been in a social relationship of a romantic or sexually intimate nature that does not constitute domestic violence. Whether there is or was such a relationship will be determined based on, among other factors, the parties' statements, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the parties involved in the relationship. Dating violence includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Dating violence can be a single act or a pattern of behavior in relationships. Dating violence is sometimes called intimate partner violence.

**Domestic violence.** The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or
economic abuse directed toward (1) a current or former spouse or intimate partner; (2) a person with whom one shares a child; or (3) anyone who is protected from the Respondent’s acts under the domestic or family violence laws of Georgia. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Domestic violence can be a single act or a pattern of behavior in relationships. Domestic violence is also sometimes called intimate partner violence.

**Gender-Based Harassment.** Includes harassment based upon gender, sexual orientation, gender identity or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic, co-curricular, or campus life activities;
b. Submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual;
c. The conduct is so severe and/or pervasive that it unreasonably interferes with a person’s University employment, academic performance, or participation in University programs or activities; or
d. The conduct is so severe and/or pervasive that it creates an intimidating, hostile, demeaning, or offensive campus or living environment.

**Non-Consensual Sexual Contact.** Any intentional sexual touching, without a person’s affirmative consent. Intentional sexual touching includes deliberate contact, under or over clothing, with the breasts, buttocks, groin, or genitals, or conscious and willful touching another with any of these body parts; making another person touch any of these body parts under or over clothing; and the emission of ejaculate on the clothing or body of another person.

**Non-Consensual Sexual Intercourse.** Any form of vaginal, anal, or oral penetration by a penis, object, tongue, or finger without a person’s affirmative consent; or oral copulation (mouth-to-genital contact or genital-to-mouth contact) without a person’s affirmative consent, no matter how slight the penetration or contact.

**Sexual Harassment.** Unwelcome sexual advances, requests for sexual contact or favors, conduct based on gender stereotypes, or other verbal, non-verbal, physical, or visual conduct of a sexual nature constitutes sexual harassment when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic, co-curricular, or campus life activities;
b. Submission to or rejection of such conduct by an individual is used as the basis for academic or student life decisions affecting that individual;
c. The conduct is so severe and/or pervasive that it unreasonably interferes with a person’s University employment, academic performance, or participation in University programs or activities; or
d. The conduct is so severe and/or pervasive that it creates an intimidating, hostile, demeaning, or offensive campus or living environment.

**Stalking.** Engaging in a course of conduct directed at a specific person (or persons) that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer significant mental suffering or anguish. Course of conduct means two or more acts, including acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or
communicates to or about a person, or interferes with a person’s property. Stalking does not require an overt threat.

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>Policy Posting</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>
</tbody>
</table>

Revision History

- Version Published on: Nov 17, 2016 (revisions of definitions)
- Version Published on: Nov 17, 2016 (Original Publication-committee led by Lanny Liebeskind)

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