OCR Clarifies Position on Mandated Reporting by Victim Advocates

I write with what I hope will be welcome, good news on campuses. For some time, campus advocates have raised concerns regarding the disempowering tone of the April 4, 2011 DCL, with respect to victims. I have countered that OCR is much more victim-driven and victim-centered in practice than the DCL conveys, and that perhaps we were reading a tone into the DCL that was not intended. Recently, Rachel Gettler from the OCR’s Program Legal Group (which wrote the DCL) has presented at two events, an ASCA webinar and the Virginia Campus Safety and Violence Prevention Forum, where she stated and reiterated that OCR does not consider campus victim advocates and peer advocates to be mandated reporters under Title IX. While regional offices of OCR have sent mixed messages on this topic, I think we are on safe ground to act upon the Program Legal Group's statement with respect to our own campus policies and expectations.

Tip of the Week authored by Brett A. Sokolow, Esq., Executive Director, ATIXA & President and CEO, The NCHERM Group, LLC.