I. Purpose of this Policy

The purpose of this policy is to set forth the requirements for and conditions of a Title IX reporting exception for human subjects research projects whose participants include Brandeis University students.

II. Scope of this Policy

This policy applies to human subjects research projects conducted under the auspices of Brandeis University.

III. Key Definitions

Responsible Employee is a person who has the responsibility of reporting to the Title IX Coordinator incidents of sexual misconduct impacting the Brandeis community or its members. Note this does not include employees who are confidential university resources (e.g., health care providers, counseling center employees, chaplaincy, and sexual assault and prevention services).

Sexual Misconduct is a form of sex- and gender-based discrimination and includes attempted or completed rape or sexual assault, sexual harassment, stalking, voyeurism, exhibitionism, verbal or physical sexuality-based threats or abuse, and intimate partner violence.

Title IX of the Education Amendments of 1972 is a comprehensive federal law that prohibits sex discrimination – including sexual misconduct – at educational institutions receiving federal financial assistance.

IV. Statement of Policy

It is the policy of Brandeis University that, under limited circumstances, an exception may be made to mandatory Title IX reporting for human subjects research projects that focus on sexual misconduct and in which there is an expectation that disclosures of sexual misconduct may be made to researchers who are responsible employees under Title IX.

V. Procedures
A Title IX reporting exception for research may be made with the following requirements and conditions:

1. The exception applies only to disclosures of student-on-student sexual misconduct and does not extend to disclosures of faculty/staff-on-student sexual misconduct.

2. The exception does not apply if the researcher reasonably believes a student may be in danger of harm.

3. The exception applies only to research participants 18 years of age or older.

4. The exception applies only to disclosures of sexual misconduct made in the context of the research project and does not extend to disclosures made to researchers outside of this context.

5. The exception applies only to research personnel listed in the IRB application.

6. The consenting process – including the consent documents – must make clear to participants that a Title IX reporting exception has been granted and that the researchers are not mandated, in the context of the research, to report disclosures of student-on-student sexual misconduct provided a student is not considered to be in immediate danger.

7. The consenting process – including the consent documents – must inform participants of the reporting and support options available to students who have experienced sexual misconduct.

8. All consent process language and documents must be approved by the IRB.

9. All research personnel must have attended Brandeis University's Preventing Sexual Harassment and Title IX workshop or received other appropriate training in the handling of allegations of sexual misconduct and Title IX.

10. All training in the handling of allegations of sexual misconduct and Title IX must be approved by the Brandeis University Title IX Coordinator prior to submission of the application to the IRB.

11. All training in the handling of allegations of sexual misconduct and Title IX must be completed prior to the initiation – including recruitment – of the research.

12. A Title IX Reporting Exception for Research Application must be completed and accompany the IRB Initial Application.

13. The IRB application that includes the request will be reviewed at a convened meeting of the IRB and will not be eligible for exempt status or expedited review.

14. The IRB application that includes the request will be reviewed by the Brandeis University Title IX Coordinator, General Counsel, and Vice Provost for Research; the IRB will make its final determination in consultation with these parties.