



TO: All Faculty and Staff
FROM: Tim Young, Director of Campus Safety
Sarah Westfall, Dean of Students
RE: Assigned Responsibilities under Federal Legislation: The Clery Act and Title IX
DATE: October 5, 2018

Under federal legislation - the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act - a.k.a. ‘The Clery Act’, and Title IX - members of the campus community have “respond and report responsibilities” for crimes that occur on campus. We are monitored for our compliance with these pieces of legislation by the U.S. Department of Education. The College’s federal financial support, including financial aid, loans, grants, and research funding, depends on our careful compliance with requirements to:

- Report campus crimes (see below)
- Publish and distribute an annual Campus Security Report by October 15 of each year.
(Available on the College’s website at www.kzoo.edu/studentlife/?p=security)
- Inform current and prospective students and employees about the Campus Security Report.
- Provide timely notice to the campus on crimes considered threats to safety.
- Maintain a log of all reported crimes.
- Make notification of where public information about registered sex offenders on campus can be accessed.
Make available the EADA Report (Equity in Athletics Disclosure Act) <http://hornets.kzoo.edu/information/EADA/index>.

Under Title IX, all employees, with the exception of campus Counseling Center psychologists and the Chaplain, are required to report incidents of sexual misconduct of which they become aware. Employees are required to report all of the information they know (student names, incident, date, and so on) to the Dean of Students, the Title IX Coordinator, the Director of Campus Safety, the Provost, or the Director of Human Resources. Under Title IX, the institution is required to conduct a thorough investigation and take appropriate follow-up action under its policies.

Members of the College community must report the following incidents and any type of hate crime to Campus Safety (7321) for inclusion in the College’s crime statistics reports:

| | | |
|--|--------------------|----------------------|
| Murder | Manslaughter | Murder/non-negligent |
| Forcible and Non-forcible Sex Offenses | Aggravated Assault | Larceny-theft |
| Motor Vehicle Theft | Burglary | Intimidation |
| Destruction/damage/vandalism of property | Arson | Robbery |
| Simple assault | Domestic Violence | Dating Violence |
| Stalking | | |

Under Clery, all employees are required to report an incident in the preceding categories to Campus Safety. With the exception of sex offenses, information may be provided to Campus Safety without an individual’s identification, as a statistic. Some measure of confidentiality can be maintained, if desired, because no personally identifiable information need be disclosed for such reports. So, while all incidents must be reported, one should seek a victim’s permission to disclose his or her name before including that information when reporting to Campus Safety. To be clear, all incidents of sexual misconduct must be reported with identifying information.

Your assistance in complying with the expectations of these federal laws is much appreciated. We understand that this memo includes a great deal of information. If you have questions, please contact either of us promptly.

Tim Young, Director of Campus Safety (7321)
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Definitions for Crime Statistic Classifications

From the Uniform Crime Reporting System

Sex Offenses-Forcible

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

a) Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

b) Forcible Rape

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

c) Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

d) Sexual Assault With an Object

The use of an object or instrument to unlawfully penetrate, however slight, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses-Nonforcible

Unlawful, nonforcible sexual intercourse.

a) Incest

Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

b) Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

VAWA Reportable on campus offenses

a) Domestic Violence – A felony or misdemeanor of violence committed;

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
5. By 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 jurisdiction in which the crime of violence occurred.

b) 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.

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 2. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 3. Dating violence does not include acts covered under the definition of domestic violence.
 4. Any incident meeting this definition is considered a crime for the purposes of Cleary Act reporting.
- c) **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
1. Fear for the person's safety or the safety of others; or
 2. Suffer substantial emotional distress.

Crime Statistic Classification Definition

- a) **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- b) **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- c) **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- d) **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering to commit a larceny; housebreaking; safecracking; and a; attempts to commit any of the aforementioned.
- e) **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwellinghouse, public housing, motor vehicle or aircraft, personal property of another, etc.
- f) **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned-including joy riding.)