TO: All Faculty and Staff

FROM: Timothy Young, Director of Security
Sarah Westfall, Dean of Students

RE: Your Responsibilities under Federal Legislation: The Clery Act and Title IX

DATE: September 30, 2013

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 next paragraph)
- Publish and distribute an annual Campus Security Report by October 15 of each year. (Available on the College’s website at www.kzoo.edu/studev/security/crimestats/html)
- 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.

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

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<tr>
<th>Crime Category</th>
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<tbody>
<tr>
<td>Murder</td>
<td>Manslaughter</td>
<td>Murder/non-negligent</td>
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<tr>
<td>Forcible and Non-forcible Sex Offenses</td>
<td>Aggravated Assault</td>
<td>Larceny-theft</td>
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<tr>
<td>Motor Vehicle Theft</td>
<td>Burglary</td>
<td>Intimidation</td>
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<tr>
<td>Destruction/damage/vandalism of property</td>
<td>Arson</td>
<td>Robbery</td>
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<tr>
<td>Simple assault</td>
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It should be noted that under Clery, if any victim - including a sexual assault survivor - comes forward, but wants to keep the report confidential, her/his report must be made directly to a licensed counselor/psychologist, clergy, or medical provider. All others are required to report an incident to Security (7321) as a statistic. Some measure of confidentiality can be maintained because no personally identifiable information need be disclosed. 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 Security.

However, under Title IX, if the student is identified, this information is forwarded to the Dean of Students. The Dean of Students is the designated official at the institution who has the authority to resolve such incidents. Notice of an occurrence of sexual assault, including the student’s name, impacts and compromises what may be the student’s desire for confidentiality. Under Title IV, the institution is required to conduct a thorough investigation and take appropriate follow-up action under its policies.

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 Security (7321)  tyoung@kzoo.edu
Sarah Westfall, Dean of Students (7209)  westfall@kzoo.edu

(Definitions for Crime Classifications, page two)
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.

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 dwelling house, 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.)